# TABLE OF CONTENTS

**February 17, 2006  Volume 30, Issue 7**

**PROPOSED RULES**

**CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF**
Pay Plan  
80 Ill. Adm. Code 310 .................................2037

**ENVIRONMENTAL PROTECTION AGENCY**
Procedures for Issuing Loans from the Water Pollution Control Revolving Fund  

**SECRETARY OF STATE, OFFICE OF THE**
Public Library Construction Grants  
23 Ill. Adm. Code 3060 ..................................2093

**STATE POLICE MERIT BOARD**
Procedures of the Department of State Police Merit Board  
80 Ill. Adm. Code 150 ......................................2109

**STUDENT ASSISTANCE COMMISSION, ILLINOIS**
General Provisions  
23 Ill. Adm. Code 2700 .................................2119
Illinois National Guard (ING) Grant Program  
23 Ill. Adm. Code 2730 .................................2142
Grant Program for Dependents of Correctional Officers  
23 Ill. Adm. Code 2731 .................................2151
Grant Program for Dependents of Police or Fire Officers  
23 Ill. Adm. Code 2732 .................................2158
Illinois Veteran Grant (IVG) Program  
23 Ill. Adm. Code 2733 .................................2165
Monetary Award Program (MAP)  
23 Ill. Adm. Code 2735 .................................2174
SILAS Purnell Illinois Incentive for Access (IIA) Program  
23 Ill. Adm. Code 2736 .................................2181
Robert C. Byrd Honors Scholarship Program  
23 Ill. Adm. Code 2755 .................................2186
Merit Recognition Scholarship (MRS) Program  
23 Ill. Adm. Code 2761 .................................2194
Minority Teachers of Illinois (MTI) Scholarship Program  
23 Ill. Adm. Code 2763 .................................2198
Illinois Future Teacher Corps (IFTC) Program  
23 Ill. Adm. Code 2764 .................................2207
Illinois Special Education Teacher Tuition Waiver (SETTW) Program  
23 Ill. Adm. Code 2765 .................................2217
Teach Illinois Scholarship Program  
23 Ill. Adm. Code 2768 ..................................2225
Child Welfare Student Loan Forgiveness Program  
23 Ill. Adm. Code 2769 .................................2234
Student to Student (STS) Program of Matching Grants
23 Ill. Adm. Code 2770 ................................................................. 2243

STATE TREASURER, ILLINOIS
Conditions of Employment
80 Ill. Adm. Code 630 ................................................................. 2248

ADOPTED RULES
AGRICULTURE, DEPARTMENT OF
Fairs Operating Under the Agricultural Fair Act
8 Ill. Adm. Code 260 ................................................................. 2253

AUDITOR GENERAL, OFFICE OF THE
Code of Regulations
74 Ill. Adm. Code 420 ................................................................. 2260
Code of Rules
74 Ill. Adm. Code 440 ................................................................. 2280

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF
Pay Plan
80 Ill. Adm. Code 310 ................................................................. 2289

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF
Services Delivered by the Department of Children and Family Services
89 Ill. Adm. Code 302 ................................................................. 2323

EMPLOYMENT SECURITY, DEPARTMENT OF
Disqualifying Income and Reduced Benefits
56 Ill. Adm. Code 2920 ................................................................. 2357

POLLUTION CONTROL BOARD
Effluent Standards
35 Ill. Adm. Code 304 ................................................................. 2365

PUBLIC HEALTH, ILLINOIS DEPARTMENT OF
HIV/AIDS Confidentiality and Testing Code
77 Ill. Adm. Code 697 ................................................................. 2373

PEREMPTORY RULES
AGRICULTURE, DEPARTMENT OF
Meat and Poultry Inspection Act
8 Ill. Adm. Code 125 ................................................................. 2400

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS
AGRICULTURE, DEPARTMENT OF
Definitions
8 Ill. Adm. Code 20 ................................................................. 2414
Animal Welfare Act
8 Ill. Adm. Code 25 ................................................................. 2415
Livestock Auction Markets
8 Ill. Adm. Code 40 ................................................................. 2416
Hatcheries, Poultry Flocks, and Produce Thereof
8 Ill. Adm. Code 55 ................................................................. 2417
Bovine Brucellosis
8 Ill. Adm. Code 75 ................................................................. 2418
Illinois Bovidae and Cervidae Tuberculosis Eradication Act
8 Ill. Adm. Code 80 .................................................................2419
Diseased Animals
8 Ill. Adm. Code 85 .................................................................2420
Animal Disease Laboratories Act
8 Ill. Adm. Code 110 ...............................................................2421

NOTICE OF REQUEST FOR EXPEDITED CORRECTION
CORRECTIONS, DEPARTMENT OF
Transitional Housing Licensure for Sex Offenders on Parole, Probation,
or Supervision
20 Ill. Adm. Code 800 ...............................................................2422

NOTICE OF PUBLICATION ERROR
JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS WORKERS’ COMPENSATION COMMISSION
Miscellaneous
50 Ill. Adm. Code 7110 ...........................................................2431

SECOND NOTICES RECEIVED
JOINT COMMITTEE ON ADMINISTRATIVE RULES
Second Notices Received..........................................................2432

NOTICES REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS
REGISTER
REVENUE, DEPARTMENT OF
Game-Related Materials Notice.............................................2434

EXECUTIVE ORDERS AND PROCLAMATIONS
PROCLAMATIONS
Lunar New Year Celebration Day
2006-22.................................................................................2436
African-American Veterans Recognition Day
2006-23.................................................................................2436
Colorectal Cancer Awareness Month
2006-24.................................................................................2437
Burn Awareness Week
2006-25.................................................................................2438
Student Council Week
2006-26.................................................................................2439
Unimin Corporate Conservation Awareness Day
2006-27.................................................................................2440
Myra and John Reilly Day
2006-28.................................................................................2441
Congenital Heart Defect Awareness Week & A Day For Hearts:
Congenital Heart Defect Awareness Day
2006-29.................................................................................2442
Career And Technical Education Week
2006-30.................................................................................2443
National LULAC Week
2006-31..................................................................................................................2444
Coretta Scott King Day
2006-32..................................................................................................................2445
Desert Storm Remembrance Day
2006-33..................................................................................................................2446
Peace Corps Week
2006-34..................................................................................................................2447
Ronald McDonald House Day
2006-35..................................................................................................................2448
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Pay Plan

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

3) Section Numbers: Proposed Action:
   310.280 Amendment
   310.490 Amendment
   310.Appendix A Table D Amendment
   310.Appendix A Table E Amendment
   310.Appendix A Table F Amendment
   310.Appendix A Table W Amendment
   310.Appendix A Table AA Amendment

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

5) A Complete Description of the Subjects and Issues Involved: Section 310.280
   Designated Rate is amended to reflect the request by the Department of Public Health to increase the designated rate for the Senior Public Service Administrator position, Position Number 40070-20-80-000-00-81, to $139,364 effective December 2, 2005.

   Section 310.490 Other Pay Provisions (h) is amended to include where the leaves are defined in the Personnel Rules.

   Section 310.Appendix A Table D HR-001 (Teamsters Local #726) is amended to include the FY2006 rates based on the Agreement between the Departments of Central Management Services, Transportation, Human Services and Employment Security, and the State and Municipal Teamsters, Chauffeurs and Helper Union, Local 726, affiliated with the International Brotherhood of Teamsters (Cook County). This agreement is effective July 1, 2004 through June 30, 2008 and was signed August 12, 2004.

   Section 310.Appendix A Table E RC-020 (Teamsters Local #330) is amended to include the FY2006 rates based on the Agreement between the Departments of Corrections, Human Services, State Police, Veterans Affairs and Transportation, and the Local 330 General Chauffeurs, Sales Drivers and Helpers (Fox Valley). This agreement is effective July 1, 2004 through June 30, 2008 and was signed September 8, 2004.

   Section 310.Appendix A Table F RC-019 (Teamsters Local #25) is amended to include the FY2006 rates based on the Agreement between the Departments of Central Management Services, Corrections, Human Services, State Police, Veterans Affairs,
NOTICE OF PROPOSED AMENDMENTS

Natural Resources and Transportation, and the Illinois Conference of Teamsters (Downstate). This agreement is effective July 1, 2004 through June 30, 2008 and was signed August 17, 2004.

Section 310.Appendix A Table W RC-062 (Technical Employees, AFSCME) is amended to correct the pay grade listed for the Insurance Performance Examiner II (title code 21672) to RC-062-17.

Section 310.Appendix A Table AA NR-916 (Department of Natural Resources, Teamsters) is amended to include the salary ranges effective January 1, 2006.

6) Will this proposed rulemaking replace any emergency amendments currently in effect? No

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

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

<table>
<thead>
<tr>
<th>Section Numbers</th>
<th>Proposed Action</th>
<th>Ill. Reg. Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>310.50</td>
<td>Amendment</td>
<td>29 Ill. Reg. 14420, 9/30/05</td>
</tr>
<tr>
<td>310.100</td>
<td>Amendment</td>
<td>29 Ill. Reg. 14420, 9/30/05</td>
</tr>
<tr>
<td>310.290</td>
<td>Amendment</td>
<td>29 Ill. Reg. 14420, 9/30/05</td>
</tr>
<tr>
<td>310.410</td>
<td>Amendment</td>
<td>29 Ill. Reg. 14420, 9/30/05</td>
</tr>
<tr>
<td>310.490</td>
<td>Amendment</td>
<td>29 Ill. Reg. 14420, 9/30/05</td>
</tr>
<tr>
<td>310.Appendix A Table AA</td>
<td>Amendment</td>
<td>29 Ill. Reg. 14420, 9/30/05</td>
</tr>
<tr>
<td>310.Appendix D</td>
<td>Amendment</td>
<td>29 Ill. Reg. 14420, 9/30/05</td>
</tr>
<tr>
<td>310.50</td>
<td>Amendment</td>
<td>30 Ill. Reg. 231, 1/13/06</td>
</tr>
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<td>Amendment</td>
<td>30 Ill. Reg. 231, 1/13/06</td>
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<tr>
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<td>Amendment</td>
<td>30 Ill. Reg. 231, 1/13/06</td>
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<td>Amendment</td>
<td>30 Ill. Reg. 231, 1/13/06</td>
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<td>310.240</td>
<td>Amendment</td>
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</tr>
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<td>310.260</td>
<td>Amendment</td>
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<td>Amendment</td>
<td>30 Ill. Reg. 231, 1/13/06</td>
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<td>Amendment</td>
<td>30 Ill. Reg. 231, 1/13/06</td>
</tr>
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<td>310.460</td>
<td>Amendment</td>
<td>30 Ill. Reg. 231, 1/13/06</td>
</tr>
<tr>
<td>310.470</td>
<td>Amendment</td>
<td>30 Ill. Reg. 231, 1/13/06</td>
</tr>
<tr>
<td>310.480</td>
<td>Amendment</td>
<td>30 Ill. Reg. 231, 1/13/06</td>
</tr>
</tbody>
</table>
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

310.490 Amendment 30 Ill. Reg. 231, 1/13/06
310.500 Amendment 30 Ill. Reg. 231, 1/13/06
310.Appendix A Table L Amendment 30 Ill. Reg. 231, 1/13/06
310.Appendix A Table T Amendment 30 Ill. Reg. 231, 1/13/06
310.Appendix A Table U Amendment 30 Ill. Reg. 231, 1/13/06
310.Appendix B Amendment 30 Ill. Reg. 231, 1/13/06
310.Appendix C Amendment 30 Ill. Reg. 231, 1/13/06
310.Appendix D Amendment 30 Ill. Reg. 231, 1/13/06
310.Appendix G Amendment 30 Ill. Reg. 231, 1/13/06

10) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.

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

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

217/782-7964
Fax: 217/524-4570

12) Initial Regulatory Flexibility Analysis:

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

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

C) Types of Professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2006
14) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]? No

The full text of the Proposed Amendments begins on the next page:
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section
310.20 Policy and Responsibilities
310.30 Jurisdiction
310.40 Pay Schedules
310.50 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 for Fiscal Year 2006
310.120 Interpretation and Application of Pay Plan
310.130 Effective Date
310.140 Reinstatement 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 Hourly Rate
310.250 Member, Patient and Inmate Rate
310.260 Trainee Rate
310.270 Legislated and Contracted Rate
310.280 Designated Rate
310.290 Out-of-State or Foreign Service Rate
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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
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 Guidechart for Fiscal Year 2006
310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

310.APPENDIX A Negotiated Rates of Pay

310.TABLE A HR-190 (Department of Central Management Services – State of Illinois Building – SEIU) (Repealed)
310.TABLE B HR-200 (Department of Labor – Chicago, Illinois – SEIU) (Repealed)
310.TABLE C RC-069 (Firefighters, AFSCME) (Repealed)
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)
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>TABLE</th>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>RC-009</td>
<td>Institutional Employees, AFSCME</td>
</tr>
<tr>
<td>J</td>
<td>RC-014</td>
<td>Clerical Employees, AFSCME</td>
</tr>
<tr>
<td>K</td>
<td>RC-023</td>
<td>Registered Nurses, INA</td>
</tr>
<tr>
<td>L</td>
<td>RC-008</td>
<td>Boilermakers</td>
</tr>
<tr>
<td>M</td>
<td>RC-110</td>
<td>Conservation Police Lodge</td>
</tr>
<tr>
<td>N</td>
<td>RC-010</td>
<td>Professional Legal Unit, AFSCME</td>
</tr>
<tr>
<td>O</td>
<td>RC-028</td>
<td>Paraprofessional Human Services Employees, AFSCME</td>
</tr>
<tr>
<td>P</td>
<td>RC-029</td>
<td>Paraprofessional Investigatory and Law Enforcement Employees, IFPE</td>
</tr>
<tr>
<td>Q</td>
<td>RC-033</td>
<td>Meat Inspectors, IFPE</td>
</tr>
<tr>
<td>R</td>
<td>RC-042</td>
<td>Residual Maintenance Workers, AFSCME</td>
</tr>
<tr>
<td>S</td>
<td>HR-012</td>
<td>Fair Employment Practices Employees, SEIU (Repealed)</td>
</tr>
<tr>
<td>T</td>
<td>HR-010</td>
<td>Teachers of Deaf, IFT</td>
</tr>
<tr>
<td>U</td>
<td>HR-010</td>
<td>Teachers of Deaf, Extracurricular Paid Activities</td>
</tr>
<tr>
<td>V</td>
<td>CU-500</td>
<td>Corrections Meet and Confer Employees</td>
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<tr>
<td>W</td>
<td>RC-062</td>
<td>Technical Employees, AFSCME</td>
</tr>
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<td>RC-063</td>
<td>Professional Employees, AFSCME</td>
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<td>RC-063</td>
<td>Physicians, AFSCME</td>
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<tr>
<td>AA</td>
<td>NR-916</td>
<td>Department of Natural Resources, Teamsters (Repealed)</td>
</tr>
<tr>
<td>AB</td>
<td>VR-007</td>
<td>Plant Maintenance Engineers, Operating Engineers (Repealed)</td>
</tr>
</tbody>
</table>

APPENDIX B: Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2006
APPENDIX C: Medical Administrator Rates for Fiscal Year 2006
APPENDIX D: Merit Compensation System Salary Schedule for Fiscal Year 2006
APPENDIX E: Teaching Salary Schedule (Repealed)
APPENDIX F: Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G: Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2006

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

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984;
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS


SUBPART B: SCHEDULE OF RATES

Section 310.280 Designated Rate

The rate of pay for a specific position or class of positions excluded from the other requirements of this Pay Plan shall be only as designated by the Governor.

Department of Commerce & Economic Opportunity

Private Secretary II
(Pos. No. 34202-42-00-000-01-02) Annual Salary 60,000

Department of Healthcare and Family Services

Senior Public Service Administrator
(Pos. No. 40070-33-20-000-00-61) Annual Salary 123,060

Department of Human Services

Administrative Assistant I
(Pos. No. 00501-10-68-010-80-21) Annual Salary 55,200

Medical Administrator V
(Pos. No. 26406-10-76-000-00-01) Annual Salary 186,000

Department of Public Health

Senior Public Service Administrator
(Pos. No. 40070-20-80-000-00-81) Annual Salary 139,364

(Source: Amended at 30 Ill. Reg. ______, effective ____________)
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

SUBPART C: MERIT COMPENSATION SYSTEM

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 Salary – Normally upon entry to State service, an employee's base salary will be at the minimum salary of the salary range.

1) Qualifications Above Minimum Requirements –

   A) If a candidate possesses directly related training and experience in excess of the minimum requirements of the class specification, the employing agency may grant an entrance salary up to the midpoint of the first half of the salary range; however, this shall not provide more than a 10% increase over the candidate's current salary. Qualifications above the minimum requirements shall be documented to support an entrance salary higher than the minimum.

   B) An entrance salary above the middle of the first half of the salary range must have prior approval of the Director of Central Management Services. This approval will be based on consideration of the candidate's training and experience exceeding the requirements of the class, prior salary history, particular staffing requirements of an agency, and labor market influence on recruitment needs.

2) 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.

3) Upon geographical transfer from or to an area for which additional
c) 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 6 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 7 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.

d) Equivalent Earned Time –

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 40 actual work hours in a work week.

2) Accrual –

A) Employees who are eligible for equivalent earned time shall request that time before working in excess of 40 actual work hours in a work week. 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 120 hours in any fiscal year.

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.
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

3) 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. This time may not be carried over from one fiscal year to another fiscal year. At no time is equivalent earned time to be converted into cash payment or transferred from one agency to another agency.

e) 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.

f) 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 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.

g) 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.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

(exempt (80 Ill. Adm. Code 303.155) Temporary, Emergency, Provisional, Exempt or Trainee position, or Education Leave (80 Ill. Adm. Code 302.215), or Leave to serve in domestic peace or job corps (80 Ill. Adm. Code 302.230)) 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. An employee returning to his/her former salary range from any other leave of over fourteen days will be placed at the salary which the employee received prior to the leave and the creditable service date will be extended by the duration of the leave.

i) Employees in classes that are made subject to the Merit Compensation System after July 1, 1979 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.

j) Extra Duty Pay – An employee may be paid an amount in addition to the base salary for services in addition to the regular work schedule on a special assignment. Additional compensation will be at a rate and manner as 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.

k) 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
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

l) Reinstatement – The salary upon reinstatement of an employee will be as determined by the employing agency and approved by the Director of Central Management Services. This salary should not provide more than a 10% increase over the candidate's current salary, or exceed the salary rate held in the position where previously certified. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range.

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

n) 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.

(Source: Amended at 30 Ill. Reg. ______, effective ___________)
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 310. APPENDIX A  Negotiated Rates of Pay

Section 310. TABLE D  HR-001 (Teamsters Local #726)

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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IN HIRE RATES

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### DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

**NOTICE OF PROPOSED AMENDMENTS**

**July 1, 2005**

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**Highway Maintainer (Bridge Crew)**

**New Hire**

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**Highway Maintainer (Drill Rig)**
### DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

#### NOTICE OF PROPOSED AMENDMENTS

**Highway Maintainer (Emergency Patrol)**

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A) Department of Transportation—Division of Highways—Emergency Patrol—Northeast Region (Cook)
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Effective July 1, 2004

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Effective January 1, 2005 for employees with an anniversary date between July 1 and December 31

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Effective on employee's anniversary date between January 1 and June 30, 2005
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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B) Department of Transportation—Division of Highways—Northeast Region (Cook)

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Effective on employee's anniversary date between July 1 and December 31, 2004.

Effective July 1, 2004
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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Effective January 1, 2005 for employees with an anniversary date between July 1 and December 31.

Effective January 1, 2005 for employees with an anniversary date between January 1 and June 30.

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### DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

**NOTICE OF PROPOSED AMENDMENTS**

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Effective on employee's anniversary date between January 1 and June 30, 2005

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## NOTICE OF PROPOSED AMENDMENTS

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### E) Departments of Central Management Services

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(Source: Amended at 30 Ill. Reg. ______, effective ____________)
## NOTICE OF PROPOSED AMENDMENTS

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

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

### FULL SCALE RATES

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<th>Title</th>
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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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IN HIRE RATES

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Highway Maintainer (Bridge Crew)

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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**A)** Departments of Children and Family Services, Employment Security, and Human Services (Counties of DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will)

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**B)** Department of Transportation—Division of Highways (Counties of DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will)
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES  
NOTICE OF PROPOSED AMENDMENTS

Effective on employee's anniversary date between July 1 and December 31, 2004

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## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

### NOTICE OF PROPOSED AMENDMENTS

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**Effective January 1, 2005 for employees with an anniversary date between July 1 and December 31**

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**DEPARTMENT OF CENTRAL MANAGEMENT SERVICES**

**NOTICE OF PROPOSED AMENDMENTS**

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Effective on employee's anniversary date between January 1 and June 30, 2005.
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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C) Department of Central Management Services—Division of Vehicles (Counties of DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will)

|                                 | July 1, 2004 | January 1, 2005 |
|                                 | Mo.          | Hr.             | Mo.          | Hr.             |
|                                 | 2004         | 2005            | 2004         | 2005            |
| Janitor I                       | 3862.00      | 22.20           | 3939.00      | 22.64           |
| Janitor II                      | 3893.00      | 22.37           | 3971.00      | 22.82           |
| Maintenance Equipment Operator  | 4155.00      | 23.88           | 4238.00      | 24.36           |
| (all divisions)                 | 4099.00      | 23.56           | 4181.00      | 24.03           |
| Security Guard I                | 3889.00      | 22.35           | 3967.00      | 22.80           |
| Security Guard II               | 3937.00      | 22.63           | 4016.00      | 23.08           |

D) Department of Corrections (Counties of DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will) (Alternative Pension Formula)
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Maintenance Equipment Operator  4254.00  24.45  4339.00  24.94

(Source: Amended at 30 Ill. Reg. ______, effective ___________)
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 310. APPENDIX A Negotiated Rates of Pay

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

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### NOTICE OF PROPOSED AMENDMENTS

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### IN HIRE RATES

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### Highway Maintainer and Highway Maintainer (Tractor Mower)

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### Department of Central Management Services

#### Notice of Proposed Amendments

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<th>January 1, 2006</th>
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### DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

#### NOTICE OF PROPOSED AMENDMENTS

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**Highway Maintainer (Emergency Patrol)**

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A) Department of Transportation — Division of Highways — Downstate (All Counties Other Than Cook, DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will)

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**DEPARTMENT OF CENTRAL MANAGEMENT SERVICES**

**NOTICE OF PROPOSED AMENDMENTS**

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*(Dates of employment and rate changes listed)*
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

(Bridge Crew)

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<th>Overtime Rate</th>
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Effective January 1, 2005 for employees with an anniversary date between July 1 and December 31

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### DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

#### NOTICE OF PROPOSED AMENDMENTS

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Effective on employee's anniversary date between January 1 and June 30, 2005.

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**NOTICE OF PROPOSED AMENDMENTS**

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<td>Silk Screen Operator</td>
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**B) Department of Central Management Services — Division of Vehicles — Downstate (All Counties Other Than Cook, DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will)**

| New Hire 7/1/02-6/30/03 | 3820.00 | 21.95 |
| New Hire 7/1/03-6/30/04 | 3591.00 | 20.64 |
| New Hire 7/1/04-6/30/05 | 3379.00 | 19.42 |
| New Hire 7/1/01-6/30/02 | 4100.22 | 23.56 |
| New Hire 7/1/02-6/30/03 | 3884.03 | 22.32 |
| New Hire 7/1/03-6/30/04 | 3652.23 | 20.99 |
| New Hire 7/1/04-6/30/05 | 3436.45 | 19.75 |
| New Hire 7/1/99-6/30/00 | 4340.78 | 24.95 |
| New Hire 7/1/00-6/30/01 | 4340.78 | 24.95 |
| New Hire 7/1/01-6/30/02 | 4126.00 | 23.71 |
| New Hire 7/1/02-6/30/03 | 3910.00 | 22.47 |
| New Hire 7/1/03-6/30/04 | 3677.00 | 21.13 |
| New Hire 7/1/04-6/30/05 | 3461.00 | 19.89 |
### DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

#### NOTICE OF PROPOSED AMENDMENTS

<table>
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<tr>
<th>Position</th>
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<th>January 1, 2005</th>
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<tr>
<td>Janitor I</td>
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<td>Janitor II</td>
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<td>Maintenance Equipment Operator</td>
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<td>4238.00</td>
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<td>(all divisions)</td>
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<td>Security Guard II</td>
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### C) Department of Human Services—Lincoln Developmental Center

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### D) Departments of Children and Family Services, Employment Security, Human Services, Public Aid, State Police, Veterans' Affairs—Downstate (All Counties Other Than Cook, DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will)

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<tr>
<th>Position</th>
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<th>January 1, 2005</th>
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<td>Maintenance Equipment Operator</td>
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### E) Department of Corrections (All Counties Other Than Cook, DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will)

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### F) Department of Transportation—Division of Highways—Emergency Patrol—District #8

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Effective on employee's anniversary date between July 1 and December 31, 2004.
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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Effective January 1, 2005 for employees with an anniversary date between July 1 and December 31.

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Effective January 1, 2005 for employees with an anniversary date between January 1 and June 30.

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<td>26.03</td>
<td>4530.00</td>
<td>26.03</td>
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Effective on employee's anniversary date between January 1 and June 30, 2005.
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

G) Department of Natural Resources

<table>
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<th>January 1, 2005</th>
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<td>Hr.</td>
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(Source: Amended at 30 Ill. Reg. ______, effective _____________)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 310. APPENDIX A  Negotiated Rates of Pay

Section 310. TABLE W  RC-062 (Technical Employees, AFSCME)

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**DEPARTMENT OF CENTRAL MANAGEMENT SERVICES**

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Information Technology/Communication
 Systems Specialist II

Instrument Designer
 Insurance Analyst III
 Insurance Analyst IV
 Insurance Company Claims Examiner II
 Insurance Company Field Staff Examiner
 Insurance Company Financial Examiner Trainee

Insurance Performance Examiner I
 Insurance Performance Examiner II
 Insurance Performance Examiner III
 Intermittent Unemployment Insurance Representative

Internal Auditor I
 Labor Conciliator
 Laboratory Equipment Specialist
 Laboratory Quality Specialist I
 Laboratory Quality Specialist II
 Laboratory Research Specialist I
 Laboratory Research Specialist II
 Land Acquisition Agent I
 Land Acquisition Agent II
 Land Acquisition Agent III
 Land Reclamation Specialist I
 Land Reclamation Specialist II
 Liability Claims Adjuster I
 Library Associate
 Life Sciences Career Trainee
 Liquor Control Special Agent II
 Local Historical Services Representative
 Local Housing Advisor I
 Local Housing Advisor II
 Local Housing Advisor III
 Local Revenue and Fiscal Advisor I
 Local Revenue and Fiscal Advisor II
 Local Revenue and Fiscal Advisor III
 Lottery Sales Representative
 Management Operations Analyst I
 Management Operations Analyst II

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

### NOTICE OF PROPOSED AMENDMENTS

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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Revenue Auditor II (IL) 38372 RC-062 19
Revenue Auditor II (states other than IL, CA or NJ) 38372 RC-062 22
Revenue Auditor II (CA or NJ) 38372 RC-062 24
Revenue Auditor III (IL) 38373 RC-062 22
Revenue Auditor III (states other than IL, CA or NJ) 38373 RC-062 24
Revenue Auditor III (CA or NJ) 38373 RC-062 26
Revenue Auditor Trainee 38375 RC-062 12
Revenue Collection Officer I 38401 RC-062 15
Revenue Collection Officer II 38402 RC-062 17
Revenue Collection Officer III 38403 RC-062 19
Revenue Collection Officer Trainee 38405 RC-062 12
Revenue Computer Audit Specialist (IL) 38425 RC-062 23
Revenue Computer Audit Specialist (states other than IL, CA or NJ) 38425 RC-062 25
Revenue Computer Audit Specialist (CA or NJ) 38425 RC-062 27
Revenue Senior Special Agent 38557 RC-062 23
Revenue Special Agent 38558 RC-062 19
Revenue Special Agent Trainee 38565 RC-062 14
Revenue Tax Specialist I 38571 RC-062 12
Revenue Tax Specialist II 38572 RC-062 14
Revenue Tax Specialist III 38573 RC-062 17
Revenue Tax Specialist Trainee 38575 RC-062 10
Site Assistant Superintendent I 41071 RC-062 15
Site Assistant Superintendent II 41072 RC-062 17
Site Interpretive Coordinator 41093 RC-062 13
Site Services Specialist I 41117 RC-062 15
Site Services Specialist II 41118 RC-062 17
Social Service Consultant I 41301 RC-062 18
Social Service Consultant II 41302 RC-062 19
Social Service Program Planner I 41311 RC-062 15
Social Service Program Planner II 41312 RC-062 17
Social Service Program Planner III 41313 RC-062 20
Social Service Program Planner IV 41314 RC-062 22
Social Services Career Trainee 41320 RC-062 12
Social Worker I 41411 RC-062 16
Staff Development Specialist I 41771 RC-062 18
NOTICE OF PROPOSED AMENDMENTS

Staff Development Technician I 41781 RC-062 12
State Police Field Specialist I 42001 RC-062 18
State Police Field Specialist II 42002 RC-062 20
Statistical Research Specialist I 42741 RC-062 12
Statistical Research Specialist II 42742 RC-062 14
Statistical Research Specialist III 42743 RC-062 17
Storage Tank Safety Specialist 43005 RC-062 18
Telecommunications Specialist 45295 RC-062 15
Telecommunications Systems Analyst 45308 RC-062 17
Telecommunications Systems Technician I 45312 RC-062 10
Telecommunications Systems Technician II 45313 RC-062 13
Unemployment Insurance Adjudicator I 47001 RC-062 11
Unemployment Insurance Adjudicator II 47002 RC-062 13
Unemployment Insurance Adjudicator III 47003 RC-062 15
Unemployment Insurance Revenue Analyst I 47081 RC-062 15
Unemployment Insurance Revenue Analyst II 47082 RC-062 17
Unemployment Insurance Revenue Specialist 47087 RC-062 13
Unemployment Insurance Special Agent 47096 RC-062 18
Veterans Educational Specialist I 47681 RC-062 15
Veterans Educational Specialist II 47682 RC-062 17
Veterans Educational Specialist III 47683 RC-062 21
Veterans Employment Representative I 47701 RC-062 14
Veterans Employment Representative II 47702 RC-062 16
Volunteer Services Coordinator I 48481 RC-062 13
Volunteer Services Coordinator II 48482 RC-062 16
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Wage Claims Specialist 48770 RC-062 09
Weatherization Specialist I 49101 RC-062 14
Weatherization Specialist II 49102 RC-062 17
Weatherization Specialist III 49103 RC-062 20
Weatherization Specialist Trainee 49105 RC-062 12

Effective July 1, 2005
Bargaining Unit: RC-062

Pay Plan
Grade STEPS
ILLINOIS REGISTER

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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(Source: Amended at 30 Ill. Reg. ______, effective ____________)
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 310.APPENDIX A  Negotiated Rates of Pay

Section 310.TABLE AA  NR-916 (Department of Natural Resources, Teamsters)

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Effective January 1, 2005
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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(Source: Amended at 30 Ill. Reg. _______, effective ____________)
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Procedures for Issuing Loans From the Water Pollution Control Revolving Fund

2) **Code Citation:** 35 Ill. Adm. Code 365

3) **Section Numbers:**

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ENVIROMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

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365.830    Amended
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365.930    Amended
365.940    Amended
365.950    Amended
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365.1020   Amended
365.1030   Amended
365.1110   Amended
365.1120   Amended
APPENDIX A EXHIBIT C        Amended
APPENDIX A EXHIBIT D        Added


5) A Complete Description of the Subjects and Issues Involved: This rulemaking will amend the Agency’s current Water Pollution Control Loan Program Rules by updating and making them consistent with current Federal requirements and the Agency’s rules for the Public Water Supply Loan Program.

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

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

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

9) Does this rulemaking contain incorporations by reference? Yes

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

11) Statement of Statewide Policy Objectives: This rulemaking prescribes procedures and requirements for issuing loans from the Water Pollution Control Loan Program.
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Illinois Environmental Protection Agency will accept written public comments on this proposal for a minimum of 45 days after the date of publication in the Illinois Register. Comments should reference the Procedures For Issuing Loans from the Water Pollution Control Loan Program and be addressed to:

Stefanie N. Diers
Assistant Counsel
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19726
Springfield, Illinois 62794-9276
217/782-5544

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking is expected not to impact small businesses and not for profit corporations. These amendments will affect small municipalities to the extent that if they applied for the Water Pollution Control Loan Program, they will utilize these rules. The Illinois EPA anticipates that these amendments will generally benefit small municipalities by clarifying and streamlining the loan application process.

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 2005

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

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 365
PROCEDURES FOR ISSUING LOANS FROM THE WATER POLLUTION CONTROL REVOLVING FUND

SUBPART A: INTRODUCTION

Section
365.110 Purpose
365.120 Administration
365.130 Definitions
365.140 Incorporations by Reference

SUBPART B: FEDERAL REQUIREMENTS FOR THE WATER POLLUTION CONTROL REVOLVING FUND

Section
365.210 Involvement of USEPA in the Operation of the Fund (Repealed)
365.220 Uses of the Water Pollution Control Loan Program Fund
365.230 Agency Responsibilities under Title VI of the CWA
365.240 Requirements for Loan Recipients under Title VI of the CWA

SUBPART C: LIABILITIES AND REMEDIES FOR FAILURE TO COMPLY WITH LOAN PROCEDURES

Section
365.310 Noncompliance with Loan Procedures
365.320 Stop-Work Order
365.330 Termination
365.340 Waiver of Procedures

SUBPART D: PROCEDURES FOR ISSUANCE OF LOANS

Section
365.410 Project Priority Determination
365.420 Pre-Applications for Financial Assistance and Identification of Projects to be Funded
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

365.430 Financial Assistance Application and Approval
365.440 Fixed Loan Rates
365.450 Restrictions on Refinancing
365.460 Limitation on Design Cost

SUBPART E: PLANNING REQUIREMENTS FOR LOAN PROJECTS

Section
365.510 Sewer System Evaluation and Rehabilitation (Repealed)
365.520 Loan Applicant's Responsibilities During Facilities Planning
365.530 State Environmental Review
365.540 Limitations on Awards for Individual Systems
365.550 Value Engineering Requirements (Repealed)
365.560 Areawide Waste Treatment Management Planning

SUBPART F: REQUIREMENTS APPLICABLE TO SUBAGREEMENTS

Section
365.610 Loan Requirements for all Subagreements
365.620 Construction Contracts of Loan Recipient
365.630 Contracts for Personal and Professional Services
365.640 Compliance with Procurement Requirements for Construction Contracts
365.650 Disputes
365.660 Indemnity
365.670 Covenant Against Contingent Fees

SUBPART G: REQUIREMENTS APPLICABLE TO CONSTRUCTION INITIATION, CHANGES, COMPLETION AND OPERATION OF PROJECT

Section
365.710 Construction Initiation
365.720 Project Changes
365.730 Construction Engineering
365.740 Operation and Maintenance of the Project
365.750 Final Inspection
365.760 Project Performance Certification (Repealed)
365.770 Project Performance Certification (Renumbered)

SUBPART H: REQUIREMENTS APPLICABLE TO ACCESS, AUDITING, AND RECORDS
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

Section
365.810 Access
365.820 Audit and Records
365.830 Single Audit Act

SUBPART I: FINANCIAL AND MANAGERIAL CAPABILITY REQUIREMENTS FOR SEWER USE ORDNANCE, USER CHARGES, FINANCIAL CAPABILITY, DEDICATED SOURCE OF REVENUE AND FLOODPLAIN INSURANCE

Section
365.910 Sewer Use Ordinance
365.920 User Charges
365.930 Financial Capability
365.940 Dedicated Source of Revenue
365.950 Floodplain Insurance

SUBPART J: REQUIREMENTS APPLICABLE TO LOAN DISBURSEMENTS DISBURSEMENT OF LOANS TO RECIPIENTS

Section
365.1010 Determination of Allowable Costs
365.1020 Use of Loan Funds and Payment of Unallowable Costs
365.1030 Disbursement of Loan Funds

SUBPART K: PROCEDURES FOR LOAN REPAYMENT AND DELINQUENT REPAYMENT

Section
365.1110 Loan Repayment to the Agency
365.1120 Delinquent Loan Repayments

365.APPENDIX A Executive Orders
365.EXHIBIT A Executive Order 11625
365.EXHIBIT B Executive Order 12138
365.EXHIBIT C Executive Order 12549
365.EXHIBIT D Executive Order 11246

AUTHORITY: Implementing and authorized by Sections 19.1 through 19.9 of the Environmental Protection Act [415 ILCS 5/19.1 through 19.9].
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS


SUBPART A: INTRODUCTION

Section 365.110 Purpose

a) The Water Quality Act of 1987 (the 1987 Amendments) which amended the federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) sets forth a schedule and mechanism for the transition from the federal level to the State and local level for responsibility of funding wastewater treatment facilities. Title VI of the 1987 Amendments creates a new authority that authorizes the United States Environmental Protection Agency (USEPA) to make grants to states to capitalize State water pollution control revolving funds. Title VI also establishes specific requirements for states for the development and operation of the State loan programs, some of which must be assumed by the local government unit as the recipient of a loan.

b) This Part 365 sets forth procedures to be used by the Illinois Environmental Protection Agency to operate the Water Pollution Control Loan Program (WPCLP) including the issuance of loans for the construction of wastewater treatment works as authorized by P.A. 85-1135, effective September 1, 1988 and amended by P.A. 90-121, effective July 17, 1997.

(Source: Amended at 30 Ill. Reg. _______, effective ____________)

Section 365.120 Administration

a) The WPCLP, an interest-bearing special fund Water Pollution Control Revolving Fund will be administered by the Illinois Environmental Protection Agency as an instrumentality of the State of Illinois in accordance with the Operating and Capitalization Grant Agreements agreement between the Illinois Environmental Protection Agency and the USEPA United States Environmental Protection Agency in accordance with State and federal laws.

b) Copies of forms that are required and sample language that can be used to satisfy the requirements of a WPCLP loan application can be obtained from the Illinois Environmental Protection Agency, Infrastructure Financial Assistance Section.
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

1021 North Grand Avenue East, Post Office Box 19276, Springfield, Illinois 62794-9276.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

Section 365.130 Definitions

a) Unless specified otherwise, all terms shall have the meanings set forth in the Environmental Protection Act [Act] [415 ILCS 5] and the regulations adopted under that Act hereunder (35 Ill. Adm. Code: Subtitle C) and the Clean Water Act (CWA), as amended (33 U.S.C. 1251 et seq.).

b) For the purposes of this Part 365, the following definitions apply:

Addenda – Documents issued by the loan applicant after advertisement for bids, which modify or interpret the contract documents, drawings, and specifications, by additions, deletions, clarifications or corrections.

Agency – Illinois Environmental Protection Agency.

Alternative Technology—Proven wastewater treatment processes and techniques which provide for the reclaiming and reuse of water, productively recycle wastewater constituents or otherwise eliminate the discharge of pollutants, or recover energy. Specifically, alternative technology includes land application of effluent and sludge; aquifer recharge; aquaculture; direct reuse (non-potable); horticulture; revegetation of disturbed land; containment ponds; sludge composting and drying prior to land application; self-sustaining incineration; methane recovery; individual and on-site systems; and small diameter pressure and vacuum sewers and small diameter gravity sewers carrying partially or fully treated wastewater.

Best Practicable Waste Treatment Technology (BPWTT)—The cost effective technology that is able to treat wastewater, combined sewer overflows and nonexcessive, infiltration and inflow in publicly owned or individual wastewater treatment works.

Binding Commitment – A legal obligation between the Agency and a local government unit to provide financial assistance from the WPCLP Fund to that local government unit, specifying the terms and schedules under
ENVIROMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

which assistance is provided. The loan agreement will be considered a binding commitment.

Building Cost – The cost of erection of construction contract line items. Building costs do not include preliminary planning, engineering, architectural, legal, fiscal, administrative or contingency costs.

Capitalization Grant – The actual federal funds received by the Agency for deposit into the WPCLP Fund as a result of the capitalization grant agreement with the USEPA.

Capitalization Grant Agreement – The agreement entered into each federal fiscal year between the Agency and the USEPA for the purpose of providing a grant to capitalize the WPCLP Fund and enable the Agency to provide assistance for construction of wastewater treatment works.

Change Order – A written order by the loan recipient to the contractor authorizing an addition, deletion or revision in the work within the general scope of the contract documents, or authorizing an adjustment in the contract price or contract time.

Compliance Project – A project which consists of construction, expansion, or upgrading of a wastewater treatment works necessary to meet State and federal requirements as specified in 35 Ill. Adm. Code: Subtitle C, and the CWA respectively.

Construction – Any one or more of the following which is undertaken for a public purpose: preliminary planning to determine the feasibility of the wastewater treatment works, engineering, architectural, legal, fiscal or economic investigations, or studies, surveys, designs, plans, working drawings, specifications, procedures or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement or extension of wastewater treatment works, or the inspection or supervision of any of the foregoing items.

Contract Documents – The contract, including but not limited to advertisement for bids, information for bidders, bid, bid bond, agreement, payment bond, performance bond, notice of award, notice to proceed, change order, drawings, specifications, and addenda.
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

Cost-Effectiveness Analysis – An analysis of the feasible conventional, innovative and alternative wastewater treatment works, processes and techniques capable of meeting the applicable effluent, water quality and public health requirements over the design life of the facility while recognizing environmental and other non-monetary considerations.

CWA – The Clean Water Act, as amended (33 U.S.C. 1251 et seq.).

Dedicated Source of Revenue – The type of security and the basis of legal authorization which are dedicated by legislative enactment or other appropriate authority along with the applicable revenue source pledged for repayment and recorded indescribed into an account for the purpose of loan repayment to the WPCLP fund, which is sufficient to repay the principal and interest on the loan.

Design – All administrative, legal, and engineering tasks, subsequent to facilities plan approval but prior to advertisement for bid proposal, associated with receiving approval of a loan application. This shall include the following: surveys, designs, plans, working drawings, specifications, soil investigations and any other tests or process determinations required to establish design criteria, and development of user charge systems and sewer use ordinances.

Director – Director of the Illinois Environmental Protection Agency.

Excessive Infiltration/Inflow – The amount of infiltration/inflow that is cost-effective to remove by sewer rehabilitation measures as opposed to transporting and treating those flows over a given period of time, usually 20 years.

Fixed Loan Rate – One-half the market interest rate but not less than 2.50%. Market Interest Rate rounded to the nearest one hundredth of one percent. In the case of compliance projects, the rate is 2.50 percent.

Fund – The Water Pollution Control Revolving Fund as authorized by [415 ILCS 5/19.3], consisting of the Water Pollution Control Loan Program, the Public Water Supply Loan Program, and the Loan Support Program P.A. 85-1135, effective September 1, 1988.
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

Infiltration – Water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connection, or manholes.

Inflow – Water other than wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash water, or drainage.

Initiation of Loan Repayment Period – The date in a loan agreement or amendment that established the beginning point of the loan repayment period.

Initiation of Operation – The date specified by the loan agreement on which use of the project began operation for the purposes that it was planned, designed, and constructed.

Innovative—Those wastewater treatment processes and techniques that are developed methods which have not been fully proven under the circumstances of their contemplated use and which represent a significant advancement over the state of the art in terms of meeting the national goals of cost reduction, increased energy conservation or recovery, greater recycling and conservation of water resources, reclamation or reuse of effluents and resources, improved efficiency and/or reliability, the beneficial use of sludges or effluent constituents, better management of toxic materials or increased environmental benefits.

Intended Use Plan – A plan which includes a description of the short and long term goals and objectives of the Fund, project categories, discharge requirements, terms of financial assistance and the communities to be served.

Interest Rate – Not less than one-fourth of the market interest rate rounded to the nearest one-hundredth of one percent.

Loan Agreement – The contractual agreement between the Agency and the local government unit that contains the terms and conditions.
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

governing the loan issued from the WPCLP Fund.

Loan Applicant – The local government unit that has applied for a loan from the WPCLP Fund for construction of a wastewater treatment works.

Loan Commitment Letter – The letter that is sent by the Agency to the loan applicant which reserves loan funds and identifies the requirements that must be satisfied prior to the execution of the loan agreement.

Loan Procedures – The procedures for issuing loans from the WPCLP as set out in this Part 365. The Procedures For Issuing Loans From The Fund (this Part).

Loan Recipient – The local government unit that has been provided a loan for construction of a wastewater treatment works from the WPCLP and that will own and be responsible for the operation and maintenance of the wastewater facilities Fund.

Loan Support Rate – Not more than one-fourth of the market interest rate rounded to the nearest .01% one hundredth of one percent.

Local Government Unit – A county, municipality, township, municipal or county sewerage or utility authority, sanitary district, public water district, improvement authority or any other political subdivision whose primary purpose is to construct, operate and maintain wastewater treatment facilities or public water supply facilities or both [415 ILCS 5/19.2(g)]. Local Government UNIT – A county, municipality, township, municipal or county sewerage or utility authority, sanitary district, improvement authority or any other political subdivision whose primary purpose is to construct, operate and maintain wastewater treatment works.

Market Interest Rate – The mean interest rate of the 20 General Obligation Bond Buyer Index, as published weekly by the Bond Buyer newspaper, from July 1 to June 30 of the preceding State fiscal year rounded to the nearest .01% one hundredth of a percent. In the case of a compliance project with a 2.50 percent fixed loan rate, the Market Interest Rate is 5.00 percent.
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

Operating Agreement – The agreement between the Agency and the USEPA that establishes the policies, procedures and activities for the application and receipt of federal capitalization grant funds for capitalization of the WPCLP Fund.

Principal – All disbursements, including interest and loan support accrued on the disbursements, that will have not been financed at the time the repayment schedule period begins.

Project – The activities or tasks the Agency identifies in the loan agreement for which the loan recipient may expend loan funds.

Project Priority List – An ordered listing of projects developed in accordance with the priority system, as described in 35 Ill. Adm. Code 366 (Procedures and Requirements for Determining Loan Priorities for Municipal Wastewater Treatment Works) that Section 365.401 (Project Priority Determination) which the Agency has determined are eligible to receive financial assistance from the WPCLP Fund.

Responsible Bid – A bid that demonstrates the apparent ability of the bidder to successfully meet all the requirements specified in the contract documents. Information required to demonstrate responsibility may be corrected or submitted after bid opening.

Responsive Bid – A bid that complies with all meaningful or material aspects of the contract documents. The bid must constitute a definite and unqualified offer to meet the material requirements of the contract documents including any terms that affect price, quality, quantity or time of delivery, or are clearly identified in the contract documents to be complied with at the risk of bid rejection for non-responsiveness. Bid defects resulting in a non-responsive bid may not be corrected after the bid opening.

Subagreement – A written agreement between the loan recipient and another party and any tier of agreement thereunder to furnish services, supplies, or equipment necessary to complete the project for which a loan is provided, including construction contracts, contracts for personal and professional services and purchase orders.

Title II – Title II of the federal Clean Water Act (33 U.S.C. 1251 et seq.).
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

Title III—Title III of the federal Clean Water Act (33 U.S.C. 1251 et seq.).

Title IV—Title IV of the federal Clean Water Act (33 U.S.C. 1251 et seq.).

Title VI – Title VI of the federal Clean Water Act (33 U.S.C. 1251 et seq.).

Treatment Works – Any devices and systems owned by a local government unit and used in the storage, treatment, recycling, and reclamation of sewerage or industrial wastes of a liquid nature, including intercepting sewers, outfall sewers, sewage collection systems, pumping power and other equipment, and appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply, such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process for wastewater facilities. [415 ILCS 5/19.2(f)].

Useful Life – The estimated period during which a wastewater treatment works is intended to be operable.

USEPA – The United States Environmental Protection Agency.

User Charge – A charge levied on the users of a treatment works to produce adequate revenues for the operation, maintenance and replacement of the treatment works.

WPCLP – The Water Pollution Control Loan Program as authorized by Section 19.2 of the Environmental Protection Act [415 ILCS 5/19.2].
ENVIRONMENTAL PROTECTION AGENCY
NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

Section 365.140 Incorporations by Reference

a) The following publications are incorporated by reference:


2) Operation of Wastewater Treatment Plants, (1980), 2nd edition (three volumes) (California State University, Sacramento).


b) The following federal statutes are incorporated by reference:

1) Clean Water Act, as amended (33 U.S.C. 1251 et seq.)

2) Relocation and Real Property Acquisition Policies Act of 1970 (P.L. 91-646)


5) Davis-Bacon Act (40 U.S.C. 276a through 276a-5)


b) This Part 365 incorporates no later amendments or editions, future editions or amendments.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

SUBPART B: FEDERAL REQUIREMENTS FOR THE WATER POLLUTION CONTROL LOAN PROGRAM FUND

Section 365.210 Involvement of USEPA in the Operation of the Fund (Repealed)
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

a) Prior to the receipt of a capitalization grant from the USEPA, the Agency will fulfill all applicable requirements of the CWA. These requirements are further defined in Section 365.203 (Agency Responsibilities under Title VI of the CWA).

b) USEPA's involvement in the operation of the Fund will be defined in the operating agreement.

(Source: Repealed at 30 Ill. Reg. ______, effective ____________)

Section 365.220 Uses of the Water Pollution Control Loan Program Fund

The Water Pollution Control Loan Program shall be used and administered by the Agency to provide assistance for the following purposes:

a) To accept and retain funds from grant awards, appropriations, transfers and payments of interest and principal;

b) To make direct loans at or below market interest rates to any eligible local government unit to finance the construction of wastewater treatment works;

c) To make direct loans at or below market interest rates to any eligible local government unit to buy or refinance debt obligations for treatment works incurred after March 7, 1985;

d) To make direct loans at or below market interest rates for the implementation of a management program established under Section 319 of the Federal Water Pollution Control Act, as amended;

e) To guarantee or purchase insurance for local obligations where such action would improve credit market access or reduce interest rates;

f) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State or any political subdivision or instrumentality thereof, if the proceeds of such bonds will be deposited in the Fund;

g) To finance the reasonable costs incurred by the Agency in the administration of the Fund; and
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

h) To transfer funds to the Public Water Supply Loan Program. [415 ILCS 5/19.3(b)]

a) To accept and retain funds from grant awards, appropriations and payments of interest and principal;

b) To make direct loans at or below market interest rates to any eligible local government unit to finance the construction of wastewater treatment works;

c) To make direct loans at or below market interest rates to any eligible local government unit to buy or refinance debt obligations for treatment works incurred after March 7, 1985;

d) To guarantee or purchase insurance for local obligations where such action would improve credit market access or reduce interest rates;

e) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State, if the proceeds of such bonds will be deposited in the Fund; and

f) To finance the reasonable costs incurred by the Agency in the administration of the Fund. (Sections 19.1 through 19.8 of the Act)

(Source: Amended at 30 Ill. Reg. _____, effective ____________)

Section 365.230 Agency Responsibilities under Title VI of the CWA

a) The WPCLP shall Fund must be established in accordance with the requirements of Title VI prior to the receipt of the capitalization grant for deposit into the WPCLPFund.

b) The Agency will prepare an Intended Use Plan and negotiate an Operating Agreement with the USEPA which will be the basis for the Capitalization Grant Agreement. These documents establish the procedures, activities, and assurances for operation of the WPCLPFund including, but not limited to, the following:

1) Grant payments will be accepted in accordance with a payment schedule established jointly by the Agency and the USEPA under 601(b) of the CWA and will be deposited into the Fund as drawdowns to the federal letter of credit are approved;
ENVIRONMENTAL PROTECTION AGENCY
NOTICE OF PROPOSED AMENDMENTS

2) A 20\% State match will be deposited into the WPCLP Fund according to an agreed upon schedule;

3) A listing and description of projects on the Project Priority List to be provided financial assistance, their discharge requirements under Title III and IV of the CWA, and the terms of the financial assistance;

4) Binding commitments for 120 percent of each quarterly federal grant payment must be made by the Agency within one year after the receipt of each payment;

5) Funds as a result of the Capitalization Grants must first be used to assure maintenance of progress toward compliance with the enforceable deadlines, goals and requirements of the CWA;

6) Wastewater treatment works constructed with funds made directly available from the Capitalization Grant must meet the appropriate Title II requirements;

7) Loan award and disbursement procedures to document the loan recipient's compliance with Title VI requirements;

8) The loan repayment period cannot exceed 20 years beyond the earlier of the initiation of operation date or the initiation of the loan repayment period;

9) All repayments of loan principal and interest must be deposited into the WPCLP Fund;

10) Annual reporting to the USEPA on the Agency's progress toward meeting its goals and objectives; and

11) An annual audit of the WPCLP Fund in accordance with the auditing procedures of the General Accounting Office (75 USC 31).

(Source: Amended at 30 Ill. Reg. _____, effective ____________)

Section 365.240 Requirements for Loan Recipients under Title VI of the CWA
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

a) Only local government units will be eligible for loans to construct wastewater treatment works projects.

b) Loan projects must be on the Project Priority List.

c) Loan projects must meet the following requirements in the same manner as wastewater treatment works constructed with grant funds received under Title II of the CWA:

1) Section 201(b) of the CWA (Best Practicable Waste Treatment Technology)

2) Section 201(g)(1) of the CWA (Eligible Project Categories)

3) Section 201(g)(2) of the CWA (Alternative Technology)

4) Section 201(g)(3) of the CWA (Excessive Infiltration/Inflow)

5) Section 201(g)(5) of the CWA (Innovative/Alternative Technology)

6) Section 201(g)(6) of the CWA (Recreational Use and Open Space Opportunities)

7) Section 201(n)(1) of the CWA (Combined Sewer Overflow Projects)

8) Section 201(o) of the CWA (Capital Financing Plans)

9) Section 204(a)(1) and (2) of the CWA (Water Quality Management Plans)

10) Section 204(b)(1) of the CWA (User Charge Systems and Legal Institutional, Managerial and Financial Capabilities)

11) Section 204(d)(2) of the CWA (One Year Project Performance)

12) Section 211 of the CWA (Collection System Restrictions)

13) Section 218 of the CWA (Cost-Effective and Value Engineering Requirements)
Section 365.310 Noncompliance with Loan Procedures

a) In the event of noncompliance with any condition or obligation arising out of the loan imposed pursuant to the loan up until the final audit, the Director may take any necessary action as provided by law or by the loan agreement against the loan recipient including, but not limited to, one or more of the following actions:
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

1) Commence legal action in a court of competent jurisdiction;

2) Declare all amounts under the loan immediately due and payable, enforce any security, and recover all loan funds;

3) Terminate the loan pursuant to Section 365.330 (Termination) of this Subpart;

4) Suspend all or part of the project work pursuant to Section 365.320 (Stop-Work Order) of this Subpart; or

5) Reduce the amount of the loan by the amount of misused funds; or

6) Unilaterally adjust the fixed loan rate of the loan agreement to the current market interest rate.

b) No action shall be taken under this Section without notice to prior consultation with the loan recipient.

c) In determining whether to take action, and which action to take, the Agency shall, at a minimum, consider mitigating or aggravating factors, including but not limited to, the severity and number of the violations; the number of violations by the loan recipient; whether the violation is a continuing one; whether the loan recipient can remedy the violation; and whether the loan recipient remains capable of complying with the approved project work.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

Section 365.320 Stop-Work Order

a) In the event of any violation of this Part 365 or non-compliance with the terms of the loan agreement, the Agency may, for any violation of this Part, by written order, require the loan recipient to stop all or any part of the project work for a period of not more than 30 days after the date of the order, and for any further period to which the parties may agree. Any such order shall include a list of the project activities to which it applies. The order shall apply immediately.

The loan recipient shall comply with its terms and shall minimize the incurrence of costs allocable to the work covered by the order during the period of work stoppage. Within a period of not more than 30 days after the date of the stop-
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

work order, or within the period of any extension to which the parties have agreed, the Agency shall:

1) Cancel the stop-work order upon resolution of the violation or cause leading to that stop-work order; or

2) Terminate the work covered by the stop-work order, as provided in Section 365.330(a) of this Subpart.

b) If a stop-work order issued under this condition is cancelled or the period of the order or any extension thereof expires, the loan recipient shall resume work. An adjustment may be made in the loan period, the project period, the loan amount, or any combination of these, and the loan being amended accordingly, if the loan recipient asserts a written claim for such an adjustment within 30 days after the end of the period of work stoppage.

c) All costs are incurred by the loan recipient after the receipt of a stop-work order, or during any extension of the stop-work order period to which the Agency and the loan recipient have agreed, shall be deemed allowable costs hereunder unless otherwise authorized by the Agency in writing or as otherwise authorized under the loan procedures.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

Section 365.330 Termination

a) Loan Termination by the Agency

The Agency, by written notice and after consultation with the loan recipient, may terminate the loan, in whole or in part. Cause for termination shall include, but not be limited to, failure by the loan recipient to comply with the terms and conditions of the loan to provide adequate funding. Upon such termination, the loan recipient shall refund any unexpended loan funds to the State of Illinois to be deposited in the WCLP Fund, except for such portion as may be required to pay the allowable cost of materials and equipment furnished or services rendered under an enforceable contract prior to the effective date of the termination and further provided that such costs are otherwise allowable under the conditions of the loan.

b) Project Termination by the Loan Recipient

An loan recipient who wishes to terminate a project for which the loan...
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

has been provided, it must submit a written request to the Agency that documents good cause for the proposed termination and submit its request to the Agency. If the Agency agrees that there is good cause for the termination of all or any portion of the project for which the loan has been provided, it shall enter into a termination agreement with the loan recipient or unilaterally terminate the loan. If the Agency finds that the loan recipient has terminated the project without good cause, the loan shall be declared in default, and all loan funds previously paid to the loan recipient, together with interest on the loan thereon, shall be returned to the State of Illinois in accordance with a schedule established by the Agency for deposit into the WPCLP Fund in accordance with a schedule established by the Agency. Good cause to terminate a loan project includes, but is not limited to:

1) Changes in economic circumstances within the loan recipient's service area; and

2) Information that the approved treatment technology will not perform as originally anticipated.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

Section 365.340 Waiver of Procedures

a) Except as provided or otherwise required by law, the Director may waive any of the loan procedures, either in whole or in part, by a written statement made in writing to the loan recipient, either as a special condition of the loan or offer, provided the Director finds that the procedure or requirement to be waived is not considered by the Director to be necessary to insure the integrity of the project, will not reduce a recipient's ability to repay the loan to the Agency or will not, in general, weaken the financial position of the WPCLP Fund. The waiver may be subject to such additional conditions as the Director deems necessary.

b) The following procedures will not be waived:

1) Section 365.410 (Project Priority Determination) of this Part

2) Section 365.440 (Fixed Loan Rate) of this Part (Interest Rates)
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

3) Section 365.510 (Sewer System Evaluation and Rehabilitation)

34) Section 365.520 (Loan Applicant's Responsibilities During Facilities Planning) of this Part

45) Section 365.530 (State Environmental Review) of this Part

56) Section 365.540 (Limitations on Awards for Individual Systems) of this Part

7) Section 365.550 (Value Engineering Requirements)

68) Section 365.560 (Areawide Waste Treatment Management Planning) of this Part

79) Section 365.620(d)(3) (Wage Provisions) of this Part

810) Section 365.620(d)(4) (MBE/WBE Requirements) of this Part

9) Section 365.620(d)(5) (Debarment or Suspension Certification) of this Part

1044) Section 365.630(a)(1) (MBE/WBE Requirements) of this Part

1142) Section 365.630(a)(4) (Debarment or Suspension Certification) of this Part

1243) Section 365.750 (Operation and Maintenance of the Project) of this Part

14) Section 365.770 (Project Performance Certification)

1345) Section 365.910 (Sewer Use Ordinance) of this Part

1446) Section 365.920 (User Charges) of this Part

1547) Section 365.940 (Dedicated Source of Revenue) of this Part

c) Notwithstanding subsection (b)(14), Section 365.920(b)(1) of this Part can be waived for loans issued between October 1, 1994 and the effective date of these amendments to the rules.
Section 365.410 Project Priority Determination

a) Financial assistance from the WPCLP will may be provided from the Fund, only to local government units that have projects on the Project Priority List developed by the Agency pursuant to 35 Ill. Adm. Code 366.

b) The Project Priority List sets forth the priority for receipt of loans for each loan applicant. Priorities will be established in accordance with Agency rules 35 Ill. Adm. Code 366 (Procedures and Requirements for Determining Loan Priorities for Municipal Wastewater Treatment Works) after the receipt by the Agency of completion and submittal of a loan pre-application by the loan applicant pursuant to Section 365.420 (Pre-Applications for Financial Assistance and Identification of Projects to be Funded) of this Subpart.

c) Projects on the Project Priority List will be included on the list of projects in the Intended Use Plan in priority order, provided the project has an approved facilities plan and is scheduled to initiate construction by March 31 of the subsequent federal fiscal year.

d) Decrease of Funds

1) The available funds for a project may be decreased by the Agency to reflect the amount of funds needed to meet cash flow demands for that project during the current funding cycle provided:

   A) The project has been classified as service continuation or service expansion in accordance with 35 Ill. Adm. Code 366;

   B) The primary purpose of the project is for wastewater treatment facilities;

   C) The construction schedule exceeds one year; and
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

D) The project is on the current fiscal year's Intended Use Plan for at least 50% of the project cost.

2) Any project that receives an adjustment to meet cash flow demands will have first opportunity for full funding in subsequent fiscal years at the same interest rate.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

Section 365.420 Pre-Applications for Financial Assistance and Identification of Projects to be Funded

a) Every loan applicant shall submit to the Agency a signed and dated pre-application that includes at a minimum the following items. The pre-application will be submitted by the loan applicant to the Agency in order to determine the relative priority of the project on the Project Priority List and shall include:

1) Legal name of applicant;
2) Address;
3) Authorized representative – name and title;
4) Project classification (35 Ill. Adm. Code 366);
5) Project description;
6) Discharge location point;
7) Cost estimate; and
8) Project schedule.
9) A description of the proposed project;
10) An estimated project cost;
11) A proposed schedule for construction;
12) Project classification (35 Ill. Adm. Code 366);
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

5) Discharge location point; and

6) Population tributary to the project.

b) Loan applicants seeking financial assistance, during any federal fiscal year commencing October 1, must file a new pre-application annually by or before the preceding March 31 to qualify for possible inclusion in the Intended Use Plan.

c) A project with approved facility planning may be added to the Project Priority List at any time by the submission of a pre-application.

d) The Agency shall publish a list of the projects which are proposed for funding during the next federal fiscal year commencing October 1. These projects will be included in the Intended Use Plan.

e) After January 1 of each year, the Agency may bypass projects on the Intended Use Plan that cannot meet the schedule to initiate construction by March 31 of that year. The Agency will evaluate projects in priority order and may offer loan commitments to other projects on the Project Priority List in accordance with Section 365.430 (Financial Assistance Application and Approval) of this Subpart. If the latter does not meet the schedule contained in the pre-application, the Agency may substitute other projects listed on the Project Priority List for funding in lieu of the projects in the Intended Use Plan identified in (d) above.

(Source: Amended at 30 Ill. Reg. _______, effective ____________ )

Section 365.430 Financial Assistance Application and Approval

a) In order to issue a loan commitment letter that reserves loan funds to a loan applicant for a maximum period of 90 days, the Agency must have received the following documents:

1) A completed loan application form for financial assistance providing, at a minimum, the following items:

   A) Legal name of applicant;

   B) Address;
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

C) Authorized representative – name and title;

D) Cost estimate;

E) Amount requested for loan; and

F) Verification and signature;

2) An approved facilities plan in accordance with Section 365.520 (Loan Applicant's Responsibilities During Facilities Planning) of this Part;

3) A Loan Program Certifications form that includes, at a minimum, the following: Agreement from the loan applicant to pay from other resources any project related costs not included in the loan;

A) The loan applicant must agree to pay all project costs not covered by the loan;

B) The loan applicant must certify that it has analyzed the costs and the financial impacts of the proposed project and that it has the legal, institutional, managerial and financial capability to insure adequate building, operation, maintenance and replacement of the treatment works project;

C) The loan applicant must certify that no unlawful or corrupt practice has taken place in the planning or design of the proposed project;

D) The loan applicant must certify that it has complied with all applicable State and federal statutory and regulatory requirements in regard to the proposed project;

E) The loan applicant must certify that it is not barred from being awarded a contract or subcontract under the Illinois Procurement Code [30 ILCS 500]; and

F) The loan applicant must provide its correct Federal Taxpayer Identification Number and certify that it is doing business as a governmental entity;

4) Demonstration that the loan applicant has the legal, institutional,
managerial and financial capability to insure adequate building, operation, maintenance and replacement of the project in accordance with Section 365.930;

45) An executed inter-governmental agreement necessary for project implementation, where necessary;

6) Certification that no unlawful or corrupt practice has taken place in the planning or design of the project;

52) A "Certification Regarding Debarment, Suspension and Other Responsibility Matters" (EPA Form 5700-49) showing compliance with federal Executive Order 12549 (Appendix A, Exhibit C); Certification of compliance with federal Executive Order 12549 (reference Appendix A) regarding debarment, suspension and other responsibility matters;

68) A resolution or ordinance or legal document authorizing a representative of the loan applicant to sign loan application documents;

9) Evidence of compliance with the Relocation and Real Property Acquisition Policies Act of 1970 (P.L. 91-646);

710) A certification that the necessary project site, rights-of-way, easements and permits for construction of the project have been obtained and certification of compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4601);

844) A resolution of intent to comply with the National Flood Insurance Act of 1968 (42 USC 4001-4127) in accordance with Section 365.950 (Floodplain Insurance) of this Part;

942) An approved sewer use ordinance and user charge system in accordance with the provisions of Sections 365.910 (Sewer Use Ordinance) and 365.920 (User Charges) of this Part;

1013) Documentation to support the loan applicant's ability to repay the loan enactment of an authorized loan security and approved dedicated source of revenue in accordance with Sections 365.930 (Financial Capability) and the provisions of Section 365.940 (Dedicated Source of Revenue) of this Part;
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

14) Statement regarding contracts awarded under Sections 10-1 and 10-2 of the Illinois Purchasing Act [30 ILCS 505/10-1 and 10-2] and the loan applicant's federal taxpayer identification number (74 Ill. Adm. Code 290.1203);

15) The construction drawings and specifications, suitable for bidding purposes;

16) A construction permit application and permit or "authorization to construct" from the Agency, pursuant to the provisions of 35 Ill. Adm. Code 309.154 and 309.202, whichever may be applicable;

17) Identification of project performance standards;

18) A project completion schedule;

19) An executed contract for design and construction related work in accordance with Section 365.630 (Contracts for Personal and Professional Services) of this Part;

20) An approved value engineering study if the estimated costs exceed $10 million, in accordance with Section 365.550;

21) An EPA Form 4700-4, Compliance Report; Compliance report (Title VI, Civil Rights Act of 1964 as amended (P.L. 88-352) and Section 13 of the CWA);

22) An enacted ordinance authorizing the bonds, notes or other evidence of indebtedness to be delivered to the Agency; and

23) A delivery of a legal opinion from the loan applicant's legal counsel with respect to the validity and enforceability of the loan applicant's obligations and the absence of conflicts with other agreements, bonds or ordinances;

24) Tax Exemption Certificate and Agreement; and
20) Any other executed legal agreements necessary for project implementation.

b) In addition to the items identified in subsection (a), the Agency must have received the following items before it will issue the actual Loan Agreement above, the following items are required prior to the issuance of a loan:

1) A certified copy of the published bid advertisement(s) if the loan applicant is not self-certified in accordance with Section 365.640(e) of this Part;

2) Any addenda issued by the loan applicant, if applicable;

3) Certification of publication;

34) The bidder's 5% bid bond or cashier's check for not less than 5% of the total bid;

45) The low bidder's certificate of nonsegregated facilities showing compliance with 18 USC 1001;

56) A summary of the evidence that the contractor and engineer have met MBE/WBE requirements of federal Executive Orders 11625 and 12138 (Appendix A, Exhibits A and B);

62) The submittal of bid tabulations;

78) A letter from the engineering firm to the applicant containing the consultant's analysis of the bids and engineer's recommendations for the award of the bids;

89) A copy of the successful bid proposals;

94) The notice of the applicant's intent to award; and

10) A "Certification Regarding Debarment, Suspension and Other Responsibility Matters" (EPA Form 5700-49) showing compliance with federal Executive Order 12549 (Appendix A, Exhibit C) is required from the prime contractor and the engineer; and
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

11) Certification from the prime contractor or engineer that the services of anyone who has been debarred or suspended under Federal Executive Order 12549 has not or will not be used for construction work (form attached). This certification is also required for all subcontracts over $25,000.


(Source: Amended at 30 Ill. Reg. ______, effective ____________)

Section 365.440 Fixed Loan Rates

The fixed loan rate is comprised of an interest rate and a loan support rate. The fixed loan rate charged for a wastewater treatment works loan shall be a simple annual rate at one-half the market interest rate, but not less than 2.50%, as follows:

a) One-half of the market interest rate but not less than 2.50 percent, except as provided in subsection (b) below.

b) 2.50 percent for compliance projects provided that:

1) The loan applicant submits to the Agency by October 28, 1989, documentation to justify that the proposed project qualifies under the definition of Compliance Project as contained in Section 365.130(b) of this Part; and

A) The Agency concurs with the justification submitted and agrees that the project qualifies under the definition of Compliance Projects. The Agency will notify the loan applicant in writing of its decision; and

B) The loan applicant provides necessary information and loan applications pursuant to Sections 365.402, 365.403(a) and 365.403(b) in a manner consistent with the Agency's management of the annual Intended Use Plan and Project Priority List; and

C) The compliance project is included in an enforceable schedule (judicial order, Illinois Pollution Control Board Order or permit...
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

compliance schedule pursuant to 35 Ill. Adm. Code: Subtitle C) before the issuance of the loan agreement and the loan is offered prior to June 30, 1999; or

2) The compliance project was included in an enforceable order (Judicial Order Approved Municipal Compliance Plan, Illinois Pollution Control Board order or NPDES permit pursuant to 35 Ill. Adm. Code: Subtitle C issued on or before October 28, 1989; and

A) The loan applicant provides necessary information and loan applications pursuant to Sections 365.420, 365.430(a) and 365.430(b) in a manner consistent with the Agency's management of the annual Intended Use Plan and Project Priority List; and

B) The loan is offered prior to June 30, 1999.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

Section 365.450 Restrictions on Refinancing

a) Design costs, as set forth in Section 365.460 (Limitation on Design Cost) of this Subpart, and bidding costs related to eligible construction contracts incurred prior to the award of the loan agreement are eligible for refinancing.

b) Costs under a construction contract executed prior to the award of the loan agreement shall be eligible for refinancing only when the following conditions apply:

1) The project meets the definition of a compliance project in accordance with Section 365.130 (Definitions) of this Part;

2) The compliance project costs were incurred and construction was initiated after March 7, 1985; and

3) The loan applicant has received written approval from the Agency prior to the award of the construction contract.

a) No project cost incurred prior to the execution of the loan agreement shall be eligible for loan assistance except:
NOTICE OF PROPOSED AMENDMENTS

1) Design costs as set forth in Section 365.460 (Limitation on Design Cost) and bid costs related to eligible construction contracts; and

2) Compliance project costs where the local obligations were incurred and where construction was initiated after March 7, 1985.

b) Notwithstanding subsection 365.450(a)(2) of this Section, no costs incurred under a construction contract awarded more than 90 days after the effective date of this Part shall be allowable for loan refinancing unless the Agency has granted written approval prior to the contract award.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

Section 365.460 Limitation on Design Cost

Allowable costs for design of the loan project will be limited to the actual cost incurred for design up to a maximum percentage of the allowable as bid construction cost.

a) For allowable as bid construction costs of $500,000 or less, the design will be funded up to 15%;

b) For allowable as bid construction costs of $500,001 to $2,000,000, the design will be funded up to 12%;

c) For allowable as bid construction costs of $2,000,001 to $5,000,000, the design will be funded up to 10%;

d) For allowable as bid construction costs of $5,000,001 to $10,000,000, the design will be funded up to 8%; and

e) For allowable as bid construction costs of more than $10,000,000, the design will be funded up to 7%.

a) For less than $500,000 the design will be funded up to 15 percent of the as bid construction cost.

b) From $500,001 to $2,000,000, the design will be funded up to 12 percent of the as bid construction cost.

e) From $2,000,001 to $5,000,000, the design will be funded up to 10 percent of the
as bid construction cost.

d) From $5,000,001 to $10,000,000, the design will be funded up to 8 percent of the as bid construction cost.

e) For greater than $10,000,000 the design will be funded up to 7 percent of the as bid construction cost.

(Source: Amended at 30 Ill. Reg. _______, effective ____________)

SUBPART E: PLANNING REQUIREMENTS FOR LOAN PROJECTS

Section 365.510 Sewer System Evaluation and Rehabilitation (Repealed)

a) Loan applicants for construction or expansion of wastewater treatment works must demonstrate to the satisfaction of the Agency that each sewer collection system discharging into the wastewater treatment works project for which the loan offer is made is not or will not be subject to excessive infiltration/inflow.

b) The final determination whether excessive infiltration/inflow exists will consider:

1) the impacts of infiltration/inflow on the performance of the proposed wastewater treatment works;

2) the life cycle cost-effectiveness of infiltration/inflow reduction versus transport and treatment (including the cost of substantial wastewater treatment works construction delay);

3) effectiveness of rehabilitation technology;

4) public health emergencies; and

5) other relevant economic or environmental factors.

c) The determination whether or not excessive infiltration/inflow exists will be accomplished by an infiltration/inflow analysis prepared as an element of the facilities plan. Where infiltration/inflow is found to be excessive and reduction through sewer system rehabilitation is necessary, a sewer system evaluation survey shall also be conducted as part of the facilities planning to identify and justify the cost-effective scope of rehabilitation work.
ENVIRONMENTAL PROTECTION AGENCY
NOTICE OF PROPOSED AMENDMENTS

d) The selected construction project resulting from facilities planning shall provide a program for elimination of excessive infiltration/inflow or treatment of non-
excessive infiltration/inflow as set forth in subsections (b) and (c) to the levels
required under State regulations.

(Source: Repealed at 30 Ill. Reg. ______, effective ____________)

Section 365.520 Loan Applicant's Responsibilities During Facilities Planning

a) The loan applicant shall:

1) Undertake and complete facilities planning, which shall consist of plans and studies that are directly related to the construction of wastewater treatment works, to maintain compliance with applicable State and federal requirements as specified in 35 Ill. Adm. Code: Subtitle C and the CWA.

2) Demonstrate to the Agency through such plans and studies the need for the facilities for which loan assistance is being requested; and;

3) Demonstrate by a systematic evaluation of feasible alternatives, it shall also demonstrate that the proposed facilities represent the cost-effective means of meeting all applicable effluent limitations and water quality standards and goals, recognizing environmental and social conditions as set forth in subsection (c)(2) below.

b) If the information required to be furnished as part of a facilities plan has been developed separately, it shall be furnished and incorporated by reference in the facilities plan. Planning previously or collaterally accomplished under local, State or federal programs may be utilized to the extent applicable (not duplicated).

c) The facilities plan shall be submitted to the Agency for approval for review and approval by the loan applicant. Where applicable, the applicant shall also submit drafts of any inter-governmental agreements and demonstrations of legal authority necessary to plan implementation.

d) The facilities plan may include more than one construction project and provide the basis for several subsequent construction projects. A facilities plan which has served as the basis for providing a loan for a construction project shall be
reviewed prior to providing any loan for a subsequent project involving
collection to determine if changes have occurred which require amendments to
the facilities plan. If substantial changes have occurred which warrant revision or
amendment as specified in Section 365.530 of this Subpart, the plan shall be
revised or amended and resubmitted for review and approval in accordance with
the provisions of Section 365.530(a) and (b) of this Subpart.

e) Facilities planning shall include the following elements in sufficient detail to, at
minimum, comply with all applicable construction permit supporting data
requirements of 35 Ill. Adm. Code 370.210: as a minimum, be in accordance with
the following requirements. Such facilities plan shall include:

1) A description of the wastewater treatment works for which construction
drawings and specifications are to be prepared. This description, as a
minimum, shall include preliminary engineering data, cost estimates for
design and construction of the wastewater treatment works and a schedule
for completion of design and construction. The preliminary engineering
data may include, to the extent appropriate, such information as a
schematic flow diagram, unit processes, design data regarding detention
times, flow rates, sizing of units, etc.

2) A complete description of the selected complete waste treatment
system(s) of which the proposed wastewater treatment works is a
part, identification of any existing violations of federal or State wastewater
regulations and identification of the needs to be addressed by the proposed
project.

2) A discussion of the technical, financial, managerial, and environmental
considerations that form the basis for the applicant's selection of the cost-
effective project from the range of alternatives available and considered,
including elimination of infiltration and inflow where applicable. When
appropriate to the project scope, the following issues shall be addressed:

A) The relationship of the nature, size and capacity of each alternative
to the needs to be served, including reserve capacity;

B) Identification of current and proposed effluent discharge
limitations and water quality standards for the proposed
wastewater treatment works as required by Title IV of the CWA
and 35 Ill. Adm. Code: Subtitle C;
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

C) A discussion of the operational requirements of each alternative and provisions for the ultimate disposal of sludge materials from the wastewater treatment process;

D) An assessment of the capability of each alternative to maintain compliance with applicable laws and regulations;

E) An inventory of the relative environmental impacts of each alternative and a discussion of the measures that would be required during design and construction to mitigate or minimize negative environmental impacts;

F) Adequate basis of design information for each alternative to confirm the reasonability of cost estimates;

G) A comparison of costs for each alternative, including both capital and operational costs over a 20-year planning period.

3) A detailed description of the alternative selected for loan assistance, including preliminary engineering data, complete cost estimates for design and building, one or more 8.5 by 11 inch site maps locating areas of construction or indirect impacts, and a projected schedule for completion. The engineering data shall include, to the extent appropriate, flow diagrams, unit process descriptions, detention times, flow rates, unit capacities, etc., sufficient to demonstrate that the project proposed will be designed in accordance with 35 Ill. Adm. Code 370.

4) Evidence of consultation with relevant federal, State, interstate, regional or local agencies, with documentation of project approval where required.

5) An implementation plan for the proposed recommendations, including necessary financial arrangements for the operation and maintenance of the wastewater treatment system and repayment of the proposed loan amount, as well as the impact of these costs on the system users.

3) Infiltration/Inflow documentation in accordance with Section 365.510 (Sewer System Evaluation and Rehabilitation). The loan applicant must document in facilities planning that the sewer system discharging into the wastewater treatment works is not subject to excessive infiltration/inflow.
or provide a sewer system evaluation survey along with the cost-effective scope of proposed rehabilitation work, for any project involving construction of additional wastewater treatment works capacity.

4) A cost-effectiveness analysis of appropriate alternatives for the wastewater treatment works to assure that the project proposed constitutes BPWTT. The selection of the wastewater treatment works on which construction drawings and specifications are to be based shall reflect the cost-effectiveness analysis. This analysis shall include when appropriate:

A) The relationship of the nature, size and capacity of the wastewater treatment works to the needs to be served, including reserve capacity;

B) An evaluation of alternatives including those technologies and techniques for beneficial recycling and reuse of wastewaters where appropriate;

C) An evaluation of the capability of each alternative to meet applicable effluent limitations. The wastewater treatment works design must be based upon meeting effluent limitations and maintaining compliance with State or federal requirements as specified in 35 Ill. Adm. Code: Subtitle C and the CWA;

D) An evaluation of the alternative means by which ultimate disposal can be effected for treated wastewater and for sludge materials resulting from the treatment process;

E) An evaluation of water reclamation, water recycling, recreational opportunities and open space opportunities; and

F) An inventory of environmental impacts of the alternatives within the planning area in accordance with Section 365.530(c) and discussion as to what measures are being or will be taken during planning, design and construction to avoid or mitigate potential negative environmental impacts.

5) An identification of effluent discharge limitations or a copy of the permit for the proposed wastewater treatment works as required by Title IV of the CWA.
ENVIRONMENTAL PROTECTION AGENCY
NOTICE OF PROPOSED AMENDMENTS

6) Required comments or approvals of relevant State, interstate, regional, and local agencies.

7) The loan applicant shall certify that the authorities which will be implementing the plan have the necessary legal, financial, institutional, and managerial capability to insure the construction, operation, and maintenance of the proposed wastewater treatment works.

8) The scope of each wastewater treatment works project defined within the facilities plan as being required for implementation of the plan, and for which State assistance will be requested, shall define:

   A) Any necessary new wastewater treatment works construction; and

   B) Any rehabilitation work determined by the sewer system evaluation to be necessary for the elimination of excessive infiltration/inflow. However, rehabilitation which should be a part of the loan applicant's normal operation and maintenance responsibilities shall not be included within the scope of a wastewater treatment works construction project.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

Section 365.530 State Environmental Review

a) Prior to making a final determination on the acceptability of any facilities plan, the Agency shall undertake to determine if the project is subject to an environmental review. The Agency may categorically exclude An environmental review shall be required in all cases, except that certain entire classes of projects may be categorically excluded from a detailed environmental review and public hearing requirement when, by virtue of their limited scope, they have no potential for negative environmental impacts.

b) The Agency shall not begin its environmental review until it has determined that the facilities plan conforms to the requirements listed in Sections 365.510 (Sewer System Evaluation and Rehabilitation) and 365.520 (Loan Applicant's Responsibilities During Facilities Planning) of this Subpart, and that, based on the information available all reasonable measures have been taken in the planning to avoid and mitigate negative environmental impacts.
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

c) The scope of the Agency's environmental review shall include, but not be limited to, an assessment of the impacts of both the loan funded project and the overall planning on rare and endangered species, historic and cultural resources, prime agricultural land, air and water quality, recreational areas, wetlands, floodplains and other sensitive environmental areas. The review shall also assess the direct and indirect impacts of construction on the community.

d) For all projects requiring an environmental review, the Agency will assess the environmental impacts of the proposed project and prepare a written Preliminary Environmental Impacts Determination (PEID). The interested members of the public will be given an opportunity to comment both on the facilities plan and the Agency's assessment of environmental impacts.

e) The PEID Preliminary Environmental Impacts Determination shall be mailed to the loan applicant and other interested parties, inviting public comment. The PEID Preliminary Environmental Impacts Determination shall be mailed to the loan applicant and other interested parties, inviting public comment. The loan applicant shall hold a public hearing on the plan and the Agency's PEID Preliminary Environmental Impacts Determination for the purpose of obtaining public comment. The public hearing will be held within 60 days after receipt of the Agency's PEID or within an alternate time period that is justified by the loan applicant and approved by the Agency. The loan applicant shall allow an additional 15 days from the date of the public hearing for the submission of written comments from the public.

f) The time and place of the public hearing shall be conspicuously and adequately announced at least 10 days before the hearing. In addition, the Agency's PEID Preliminary Environmental Impacts Determination document shall be displayed at a convenient local site sufficiently prior to the hearing to obtain a level of public participation appropriate to the scope and impacts of the proposed project. In no case will the public notice period be less than 21 days.

g) The loan applicant shall provide written notice of the public hearing to interested local, State and federal agencies, State and regional clearinghouses, citizen groups and local public officials with written notice of the public hearing.

h) The loan applicant shall provide to the Agency an accurate summary of all public comments received, together with any proposed amendments to the plan made in response to these comments.
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

i) Upon receipt of this public hearing summary and after the expiration of the 15 day written comment period, the Agency shall issue: provide in writing any one of the following:

1) An unconditional approval of the plan (original or as amended); or

2) A conditional approval of the plan with special conditions for mitigation of negative environmental impacts; or

3) A disapproval of the plan based on evidence of significant negative environmental impacts for which appropriate mitigative measures have not been identified; or

4) A determination of the need to prepare an Environmental Impact Statement (EIS) under the National Environmental Policy Act (42 USC 4332), which the Agency may at its sole discretion prepare or have prepared by a qualified outside contractor. The Agency may change its disapproval to reconsider approval or conditional approval of the project based on the recommendations of the EIS.

j) For projects categorically excluded from the environmental review process, the Agency shall provide to the applicant a Notice of Intent to Issue a Categorical Exclusion. The applicant shall conspicuously and adequately announce the Notice of Intent to Issue a Categorical Exclusion in the newspaper of local record and publish in the newspaper of local record a public notice of this Intent, provide public access to the planning documents and Agency Notice of Intent, and allow 15 days for public comment. If no valid objection is raised to the Categorical Exclusion, the Agency shall issue an unconditional approval of the facilities plan at the close of the public comment period. Should valid concerns be raised over potential environmental impacts, the Agency shall proceed with the normal environmental review process outlined above or issue a conditional approval where the applicant incorporates mitigative measures that have been identified which would clearly resolve the environmental concerns.

k) Agency approval of a facilities plan shall be valid for purposes of loan funding for a period of five years, after which time the plan must be updated and resubmitted to the Agency for review and approval. The Agency shall prepare a revised environmental review and provide an opportunity for a second round of public comment in accordance with these rules in
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

those cases where changes in circumstance, project scope, or cost impacts warrant.

l) At any time within less than 5 years from the date of facilities plan approval, the Agency may rescind its approval and require amendment of the planning to be amended, if there are based on changes to the scope of proposed construction or significant alterations to planning area conditions or underlying assumptions that might alter previous conclusions regarding environmental impacts or the cost-effectiveness. For projects where the amended planning would result in a proposed project. Prior to granting approval of amended planning, the Agency may require a second round of public comment where substantial changes in environmental or economic impacts, the Agency may require the applicant to provide an opportunity for public comment prior to granting approval of the amended plan result from the amended plan.

m) Additions to the project scope or changes to the location of proposed construction activity shall normally require an amendment to an approved facilities plan. Where the Agency determines that the proposed changes will not alter the previous environmental impacts findings, the Agency will approve planning amendments by letter. In other cases, a second round of environmental review and public comment may be required as appropriate.

n) Agency facilities planning determinations made in accordance with subsection (i) of this Section shall be subject to the provisions of the Illinois Administrative Procedure Act [5 ILCS 100].

(Source: Amended at 30 Ill. Reg. _____, effective _____________)

Section 365.540 Limitations on Awards for Individual Systems

a) Construction involving privately owned residential wastewater treatment works must be part of the cost-effective solution in the approved facilities plan.

b) Loan applicants must have legal authority to access all such privately owned systems at all reasonable times for such purposes as inspections, monitoring, building, operation, maintenance, rehabilitation, and replacement.

(Source: Amended at 30 Ill. Reg. _____, effective _____________)
ENVIROMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

Section 365.550 Value Engineering Requirements (Repealed)

Value engineering consists of an intensive, independent review of plans and specifications utilizing a specialized cost control technique to identify unnecessary high cost items in the proposed project.

a) Value engineering is required for all projects which are estimated to cost over $10 million for the total project building cost.

b) The value engineering effort must be approved prior to the issuance of the loan agreement.

e) After each value engineering review is completed, the loan recipient must obtain a summary report and recommendations.

d) The loan recipient must review the recommendations and either accept, modify or reject them and send a summary of proposed action along with the value engineering report to the Agency for review and approval.

(Source: Repealed at 30 Ill. Reg. ______, effective ____________)

Section 365.560 Areawide Waste Treatment Management Planning

The project shall be consistent with the provisions of Sections 208 and 303(e) of the CWA.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

SUBPART F: REQUIREMENTS APPLICABLE TO SUBAGREEMENTS

Section 365.610 Loan Requirements for all Subagreements

The intent of this Subpart is to provide for maximum open and free competition in the procurement of materials, goods and services for the construction of projects funded from the WPCLP. Any procurement method, except as allowed under this Part 365, that significantly minimizes open and free competition will be prohibited. The following procedures shall apply to all subagreements:

a) Local Preference

Local laws, ordinances, regulations or procedures are designed to or operate to give local or in-state bidders or proposers preference over other bidders
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

or proposers shall not be used in evaluating bids or proposals for subagreements under WPCLP loans.

b) Profits

Only fair and reasonable profits may be earned by contractors in subagreements under WPCLP Agency loans. Profit included in a formally advertised, competitively bid, fixed price construction contract awarded pursuant to Section 365.620 (Construction Contracts of Loan Recipient) of this Subpart is presumed to be reasonable. If the loan recipient shall submit its basis for determination of reasonable profit if a subagreement is not competitively bid, the loan recipient shall submit to the Agency its basis for determination of reasonable profit.

c) Loan Recipient Responsibility

The loan recipient shall be responsible for the administration and successful accomplishment of the project for which WPCLP Agency loan assistance is provided. The loan recipient shall be responsible for the settlement and satisfaction of all contractual and administrative issues arising out of subagreements, including issuance of invitations for bids or requests for proposals, selection of contractors, award of contracts, protests of award, claims, disputes, and other procurement matters. With the prior written consent of the Agency, these functions may be performed for the loan recipient by an individual or firm retained by the loan recipient for that purpose. Such an individual or firm shall be deemed the loan recipient's agent, acts for the loan recipient, and shall be subject to all the provisions of the loan agreement, including this Part 365, that apply to the loan recipient.

d) Privity of Contract

Neither the Agency nor the State of Illinois shall be a party to any subagreement (including contracts or subcontracts), nor to any solicitation or request for proposals under those subagreements thereunder.

e) Subagreements shall:

1) Be directly related to the accomplishment of the loan recipient's approved work program;

2) Be in the form of an executed written agreement (except for small purchases of $25,000 or less);

3) Be for monetary or in-kind consideration; and
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

4) Not be in the nature of a grant or gift.

f) Documentation

1) Procurement records and files for purchases in excess of $25,000 shall include the following:
   
   A) The basis for contractor selection;
   
   B) The justification for lack of competition if competition appropriate to the type of project work to be performed is required but not obtained; and
   
   C) The basis for award cost or price.

2) Procurement documentation as described in subsection 365.610(f)(1) above shall be retained by the loan recipient or contractor(s) of the loan recipient for the period of time required by Section 365.820 (Audit and Records) of this Part.

g) Subagreements No subagreement shall only be awarded to persons or organizations that do not:

1) Have adequate financial resources for performance;

2) Have the necessary experience, organization, technical qualifications, and facilities, or a firm commitment, arrangement, or ability to obtain these requirements;

3) Have the staffing sufficient to comply with the proposed or required completion schedule for the project;

4) Have a satisfactory record of integrity, judgment, and performance;

5) Have an adequate financial management system and audit procedure which is consistent with generally accepted accounting standards in accordance with the American Institute of Certified Public Accountants Professional Standards (666 Fifth Avenue, New York, New York 10019; June 1, 1987);
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

6) Maintain a standard of procurement in accordance with this Part 365;

7) Maintain a property management system which provides adequate procedures for the acquisition, maintenance, safeguarding and disposition of all property; and

8) Conform to the civil rights, equal employment opportunity (Appendix A, Exhibit D) and labor law requirements of this Part 365.

h) Fraud and Other Unlawful or Corrupt Practices

1) The obtaining, providing and administration of loans from the WPCLP State of Illinois, and of subagreements awarded by loan recipients, shall under those loans, must be accomplished free from bribery, graft, kickbacks, and other corrupt practices. The loan recipient shall bear the primary responsibility for prevention and detection of such conduct and for cooperation with appropriate authorities in the prosecution of any such conduct.

2) The loan recipient must effectively pursue available State or local legal and administrative remedies, and take appropriate remedial action with respect to any allegations or evidence of such illegality or corrupt practices which are brought to its attention. The loan recipient shall advise the Agency immediately when any such allegation or evidence comes to its attention, and shall periodically advise the Agency of the status and ultimate disposition of any such matter.

i) Negotiation of Subagreements

All Award of subagreements shall be awarded by any method other than formal advertising unless the loan recipient determines, and is not authorized unless the Agency concurs, with the applicants determination that it is impracticable and infeasible to use formal advertising. Negotiated contracts must be competitively awarded to the maximum practicable extent. Procurements may be negotiated by the loan recipient if approved by the Agency for the following reasons:

1) Public exigency, as evidenced by governmental declaration, will not permit the delay incident to advertising (e.g., an emergency procurement);

2) The aggregate amount of the contract to be competitively negotiated is
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

allowed by State law; involved does not exceed $4,000;

3) The materials or services to be procured are available from only one person or firm;

4) The procurement is for personal or professional services, or for any services to be rendered by an university or other educational institution;

5) No responsive, responsible bids at acceptable price levels have been received after formal advertising; or

6) The procurement is for materials or services where the prices are established by law; for technical items or equipment requiring standardization and interchangeability of parts with existing equipment; for experimental, developmental or research work; for highly perishable materials; for resale; or for technical or specialized supplies requiring substantial initial investment for manufacture.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

Section 365.620 Construction Contracts of Loan Recipient

The following procedures shall apply to construction contracts (subagreements) awarded by loan recipients for the construction phase only. They shall not apply to personal and professional service contracts.

a) The contract documents to be submitted to the Agency shall require a bid bond or cashier's check for not less than 5% of the bid amount, executed contract, performance and payment bonds for the bid amount, certificate of insurance with loan recipient added as additional insured, and the notice to proceed. Contract documents must include bid, performance and payment bonds.

b) Each contract shall be awarded after formal advertising, unless negotiation is permitted in accordance with Section 365.610(i) (Negotiation of Subagreements) of this Subpart above. Formal advertising shall be in accordance with the following:

1) Evidence of advertising
   The loan recipient shall submit to the Agency a certified copy of the bid advertisement that notifies the bidders that the procurement will be subject
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

to regulations contained in the procedures for issuing loans from the WPCLP as set out in this Part 365, the Prevailing Wage Act [820 ILCS 130], the Employment of Illinois Workers on Public Works Act [30 ILCS 570], and Executive Order 11246, as amended (Appendix A, Exhibit D).

24) Adequate bidding documents

Bidding documents (invitations for bid) shall be made available by the loan recipient and shall be furnished upon request in a timely manner. A complete set of bidding documents shall be maintained by the loan recipient and shall be available for inspection and copying by any party. The bidding documents shall include:

A) A complete statement of the work to be performed, including necessary drawings and specifications, and the required completion schedule. (Drawings and specifications may be made available for inspection instead of being furnished.);

B) The terms and conditions of the contract to be awarded;

C) A clear explanation of the method of bidding, the method of evaluation of bid prices, and the basis and method for award of the contract;

D) The statement that any contract awarded in response to the bid is expected to be funded in part by a loan from the WPCLP, and that neither the State of Illinois nor any of its departments, agencies or employees is or will be a party to this bidding or any resulting contract;

E) Responsibility requirements or criteria that will be used in evaluating bidders, provided that an experience requirement or performance bond may not be utilized unless adequately justified under the particular circumstances by the loan recipient;

F) A copy of subsections (b)(2)(G) and (H) below shall be included in the proposal form to be used by bidders and shall constitute a representation and certification to be considered as a part of their bid;
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

G) By submission of the bid, each bidder certifies, and, in the case of a joint bid, each party to the joint bid certifies as to his or her own organization, that in connection with the bid:

i) The prices in the bid have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to the prices with any other bidder or with any competitor;

ii) Unless otherwise required by law, the prices which have been quoted in the bid have not knowingly been disclosed by the bidder, prior to opening, directly or indirectly disclosed to any other bidder or to any competitor prior to opening; and

iii) No attempt has been made or will be made by the bidder to induce any other person or firm to submit or withhold a bid for the purpose of restricting competition. Also, each bidder shall submit a certification regarding compliance with Article 33 E-11 of the Illinois Criminal Code of 1961 [720 ILCS 5/33E-11]; and

H) Each person signing the bid shall certify that:

i) He or she is the person in the bidder's organization responsible for the decision as to the prices being bid and that he or she has not participated, and will not participate, in any action contrary to subsection (b)(2)(4)(G) above; or

ii) He or she is not the person in the bidder's organization responsible for the decision as to the prices being bid, but that he or she has been authorized to act as agent for the persons responsible for such decision in certifying that the persons determining the prices have not participated, and will not participate, in any action contrary to subsection (b)(2)(4)(G) above, and as their agent shall so certify. He or she shall also certify that he or she has not participated, and will not participate, in any action contrary to subsection (b)(2)(4)(G) above.
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

32) Addenda to bidding documents

If the loan applicant wishes to amend any part of the bidding documents (including drawings and specifications) during the period when bids are being prepared, the loan applicant shall send addenda shall be communicated in writing to all firms who have obtained bidding documents in time to be considered prior to the bid opening time. When appropriate, the time period for submission of bids shall be extended. Any addenda issued to the bidding documents shall be submitted to the Agency for approval prior to the bid opening.

43) Award to the low, responsive, responsible bidder

A) After bids are opened, they shall be evaluated by the loan applicant in accordance with the methods and criteria set forth in the bidding documents. Items that shall be submitted to the Agency include a bid tabulation, the loan applicant's or its agent's analysis of bids and recommendation for the award, and the loan applicant's letter of intent to award or the official minutes of board approval.

B) The loan applicant may reserve the right to reject all bids if it has documented sound business reasons. Unless all bids are rejected, award shall be made to the low, responsive, responsible bidder after the bid evaluation has been submitted to the Agency and written notice of Agency approval has been received by the loan applicant, except in the case of a loan recipient that is self-certified in accordance with Section 365.640(e) of this Part. Agency approval of the bid evaluation is not required prior to the award of the construction contract when loan recipients are self-certified.

C) If the award is intended to be made to a firm which did not submit the lowest bid, a written statement shall be prepared prior to any award and retained by the loan applicant explaining why each lower bidder was deemed not responsive or not responsible.

c) Negotiations of Contract Amendments (Change Orders)
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

1) Loan recipient responsibility
   The loan recipient shall be responsible for negotiation of construction contract change orders. This function may be performed by the loan recipient directly or, if authorized, by its consulting engineer. During negotiations the loan recipient shall:

   A) Make sure that the contractor has a clear understanding of the scope and extent of work and other essential requirements;

   B) Assure that the contractor demonstrates that he or she will make available or will obtain the necessary personnel, equipment and materials to accomplish the work within the required time; and

   C) Maintain a summary of all negotiations and the engineer's independent cost estimate shall be maintained with the records.

2) Changes in contract price or time
   The contract price or time may be changed only by a change order. When negotiations are required, they shall be conducted in accordance with subsection (c) of this Section.

3) For each change order the contractor shall submit to the loan recipient for review sufficient cost and pricing data to enable the loan recipient to ascertain the necessity and reasonableness of costs and amounts proposed, and the allowability and eligibility of costs proposed.

4) Agency review
   For each change order, the loan recipient shall submit to the Agency for its review and approval the following required documentation:

   A) A description of the changed work;

   B) The contractor's proposal itemizing the cost and time to complete the changed work;

   C) The loan recipient's or engineer's estimate of the cost and time to complete the changes;

   D) Two copies of the executed change order with justification
ENVIRO\[...\]NMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

including, but not limited to, the need for the proposed work and the technical solution; and

E) The summary of negotiations and resolution between the engineer's independent cost estimate and the contractor's proposal.

d) Each construction contract shall include the following provisions:

1) Audit; access to records:

A) The contractor shall maintain books, records, documents and other evidence directly pertinent to performance on loan work under this agreement consistent with generally accepted accounting standards in accordance with the American Institute of Certified Public Accountants Professional Standards (666 Fifth Avenue, New York, New York, 10019; June 1, 1987). The contractor shall also maintain the financial information and data used by the contractor in the preparation or support of any cost submissions required under subsection (c) above (Negotiation of Contract Amendments, (Change Orders)) and a copy of the cost summary submitted to the owner. The Illinois Auditor General, the owner, the Agency, or any of their duly authorized representatives shall have access to the such books, records, documents, and other evidence for purposes the purpose of inspection, audit, and copying. The contractor shall provide facilities for such access and inspection.

B) If this contract is a formally advertised, competitively awarded, fixed price contract, the contractor agrees to include access to records as specified in subsection (d)(1)(A) above. This requirement is applicable to all negotiated change orders and contract amendments in excess of $25,000 that affect the contract price. In the case of all other prime contracts, the contractor agrees to include access to records as specified above in all his or her contracts and all tier subcontracts or change orders in excess of $25,000 that arethereto directly related to project performance which are in excess of $25,000.

C) Audits conducted pursuant to this provision shall be consistent with generally accepted auditing standards in accordance with the
American Institute of Certified Public Accountants Professional Standards (566 Fifth Avenue, New York, New York 10019; June 1, 1987).

D) The contractor shall agree to the disclosure of all information and reports resulting from access to records pursuant to subsection (d)(1)(A) above. Where the audit concerns the contractor, the auditing agency shall afford the contractor an opportunity for an audit exit conference and an opportunity to comment on the pertinent portions of the draft audit report. The final audit report shall include the written comments, if any, of the audited parties.

E) The records required by subsection (d)(1)(A) above shall be maintained and made available during performance of the work under the loan agreement and for three years after the date of final loan audit for the project. In addition, those records relate to any dispute or litigation or the settlement of claims arising out of performance, costs or items to which an audit exception has been taken, shall be maintained and made available for three years after the date of resolution of dispute, appeal, litigation, claim, or exception.

F) The right of access conferred by this clause will generally be exercised with respect to financial records under:

i) Negotiated prime contractors;

ii) Negotiated change orders or contract amendments in excess of $25,000 affecting the price of any formally advertised, competitively awarded, fixed price contract; and

iii) Subcontracts or purchase orders under any contract other than a formally advertised, competitively awarded, fixed price contract.

G) This right of access will generally not be exercised with respect to a prime contract, subcontract, or purchase order awarded after
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

effective price competition. In any event, the right of access shall be exercised under any type of contract or subcontract:

i) With respect to records pertaining directly to contract performance, excluding any financial records of the contractor; and

ii) If there is any indication that fraud, gross abuse, or corrupt practices may be involved in the award or performance of the contract or subcontract.

2) Covenant against contingent fees.
The contractor shall warrant that no person or selling agency has been employed or retained to solicit or secure the contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. For breach or violation of this warranty, the owner shall have the right to annul the contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

3) Wage provisions.
The contractor shall pay prevailing wages in accordance with the Illinois Prevailing Wage Act [820 ILCS 130] and federal Davis-Bacon wage provisions (40 U.S.C. 276a through 276a-5).

4) MBE/WBE requirements.
The contractor shall provide evidence, including, but not limited to, a copy of the advertisement(s) and the record of negotiation, that the contractor has taken affirmative steps in accordance with federal Executive Orders 11625 and 12138 (reference Appendix A, Exhibits A and B), to assure that small, minority and women's businesses are used when possible as sources of supplies, equipment, construction and services consistent with the provisions of the Agency's Operating Agreement with USEPA.

5) Debarment or suspension provisions.
The contract shall require the successful bidders to submit a "Certification Regarding Debarment, Suspension and Other Responsibility Matters" (EPA Form 5700-49) showing compliance with federal Executive Order
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

12549 (Appendix A, Exhibit C). A provision requiring the successful bidder(s) to submit a certification of compliance with Federal Executive Order 12549 (reference Appendix A) regarding debarment, suspension and other responsibility matters.

6) Nonsegregated facilities provisions
The successful bidder shall be required to submit a certification of nonsegregated facilities as prescribed in 18 USC 1001.

c) Subcontracts under construction contracts
The award or execution of all subcontracts by a prime contractor and the procurement and negotiation procedures used by the prime contractor in awarding or executing such subcontracts shall comply with:

1) All applicable provisions of federal, State and local law;

2) All provisions of this Part 365 regarding fraud and other unlawful or corrupt practices;

3) All provisions of this Part 365 with respect to access to facilities, records and audit of records; and

4) All provisions of subsection (d)(5) that require a "Certification Regarding Debarment, Suspension, and Other Responsibility Matters" (EPA Form 5700-49) showing compliance with federal Executive Order 12549 (Appendix A, Exhibit C). The provision requiring a certification of compliance with federal Executive Order 12549 (reference Appendix A) regarding debarment, suspension, and other responsibility matters.

f) Contractor Bankruptcy
In the event of a contractor bankruptcy, the loan recipient shall notify the Agency and shall keep the Agency advised of any negotiations with the bonding company, including any proposed settlement. The Agency may participate in those negotiations and will advise the loan recipient of the impact of any proposed settlement to the loan agreement. The loan recipient shall be responsible for assuring that every appropriate procedure and incidental legal requirement is observed in advertising for bids and re-awarding a construction contract.

(Source: Amended at 30 Ill. Reg. ______, effective ____________ )
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

Section 365.630 Contracts for Personal and Professional Services

All subagreements of loan receipts for personal and professional services for design or construction that will be paid with loan funds, where the aggregate amount of services involved is expected to exceed $25,000 in the aggregate shall, must include the following subagreement provisions:

a) Subagreements for personal and professional construction services shall include:

1) Evidence that affirmative steps have been taken, such as, but not limited to, a copy of the advertisement(s) and the record of negotiation in accordance with federal Executive Orders 11625 and 12138 (reference Appendix A, Exhibits A and B), that affirmative steps have been taken to assure that small, minority and women's businesses are used when possible as sources of supplies, equipment, construction, and services consistent with the provisions of the Agency's Operating Agreement with USEPA.

2) An "audit and access to records" clause that provides as follows:

A) Subsections (a)(2)(B) through (E) below shall be included in all contracts and all subcontracts directly related to project services that are in excess of $25,000.

B) Books, records, documents and other evidence directly pertinent to performance of WPCLP Agency loan work under this agreement shall be maintained consistent with generally accepted accounting standards in accordance with the American Institute of Certified Public Accountants Professional Standards (666 Fifth Avenue, New York, New York 10019; June 1, 1987). The Agency or any of its duly-authorized representatives shall have access to such books, records, documents and other evidence for the purpose of inspection, audit and copying. Facilities shall be provided for such access and inspection shall be provided.

C) Audits conducted pursuant to this provision shall be in accordance with generally accepted auditing standards.

D) All Disclosure of all information and reports resulting from access
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

to records pursuant to subsection (a)(2)(B) above shall be disclosed provided to the Agency. The auditing agency shall afford the engineer an opportunity for an audit exit conference and an opportunity to comment on the pertinent portions of the draft audit report. The final audit report shall include the written comments, if any, of the audited parties.

E) Records under subsection (a)(2)(B) above shall be maintained and made available during performance of project services under this agreement and for three years after the final loan closing. In addition, those records that relate to any "dispute" pursuant to Section 365.650 (Disputes) of this Subpart appeal under an Agency loan agreement, or litigation, or the settlement of claims arising out of project performance, or costs or items to which an audit exception has been taken; shall be maintained and made available for three years after the date of resolution of the appeal, litigation, claim or exception.

3) A "covenant against contingent fees" clause as follows: "The professional services contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bonafide employees. For breach or violation of this warranty, the loan recipient shall have the right to annul this agreement without liability or in its discretion to deduct from the contract price or consideration or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee."

4) A "Certification Regarding Debarment, Suspension, and Other Responsibility Matters" (EPA Form 5700-49) showing compliance with federal Executive Order 12549 (Appendix A, Exhibit C). A certification of compliance with federal Executive Order 12549 (reference Appendix A) regarding debarment, suspension and other responsibility matters;

5) A description of the scope and extent of the project work;

6) The schedule for performance and completion of the contract work including, where appropriate, dates for completion of significant project tasks.
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

7) A method of compensation.

b) Subagreements for personal and professional design services shall include the subagreement provisions contained in subsections (a)(2) through (a)(4) above. In addition, the subagreements shall be accompanied by a statement regarding the extent of small, minority and women's business utilization during the design service phase.

c) If, at the time of contract execution, any of the above elements required in this Section 365.630 cannot be defined adequately for later tasks, those at the time of contract execution, the subsequent tasks shall not be included in the contract at that time.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

Section 365.640 Compliance with Procurement Requirements for Construction Contracts

a) Loan Applicant Recipient Responsibility.

The loan applicant shall be responsible for selecting the low, responsive, and responsible bidder or other contractor in accordance with applicable requirements of State, federal, and local laws and ordinances, as well as for the specific requirements of the loan agreement directly affecting the procurement. The loan applicant shall also be responsible and for the initial resolution of complaints based upon alleged violations. Any complaint concerning any alleged violation of any law in connection with this loan agreement in the procurement of construction services or materials for a project involving construction work, the complaint will be referred to the loan applicant for resolution. The loan applicant shall promptly determine each such complaint upon its merits, and shall allow permitting the complainant and complaining party as well as any other interested party who may be adversely affected to state in writing or at a conference the basis for their views concerning the proposed procurement. The loan applicant must promptly furnish to the complainant and to other affected parties, by certified mail, a written summary of its determination, substantiated by an engineering or legal opinion, providing a justification for its determination.

b) Time Limitations.

Complaints should be made pursuant to subsection (a) above as early as possible during the procurement process, preferably prior to the bid opening, to avoid
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

disruption of the procurement process. The complaint shall be authorized by subsection (a) above. A complaint must be mailed by (certified mail, return receipt requested), or otherwise delivered, no later than five working days after the complainant becomes aware of an alleged violation the bid opening. If there is no agreement between the parties within seven days following the loan applicant's response, unless all bids are rejected, the matter shall be resolved in accordance with subsection (c) below unless all bids are rejected.

c) Remedies:
All claims, counter-claims, disputes and other matters in question between the applicant and the contractor arising out of, or relating to, a subagreement or breach shall be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within the State.

d) Deferral of Procurement Action:
If the determination of a complaint by the loan applicant is adverse to the complainant, the loan applicant shall defer issuance of its solicitation or award or notice to proceed under the contract (as appropriate) for seven days after mailing or delivery of any adverse determination by the loan applicant. If the determination (whether made by either the loan applicant, the arbitrator or the court) which is favorable to the complainant, the terms of the solicitation shall be revised or the contract shall be awarded, as appropriate, in accordance with such determination.

e) Self Certification of Procurement Systems:

1) A loan applicant may request that its procurement system be reviewed by the Agency to determine whether the system meets the requirements of Sections 365.610, 365.620, 365.630 and 365.640(a)(b)(c) and (d) of this Part.

2) Upon written approval by the Agency that these rules are met, the loan applicant may self certify its procurement system. The loan applicant will then be allowed to award contracts for personal and professional services and construction without formal agency review of consulting engineering agreements and bidding documents. Self certification shall not limit the Agency's right to review the loan applicant's procurement system. However, such review would occur only if waste, fraud or abuse was suspected.
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

3) Prior to loan offer from the Agency, the loan applicant must identify the low responsive, responsible bidder and the "as-bid" cost of the project. All costs incurred prior to a loan offer will be subject to the requirements of Section 365.405 of this Part.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

Section 365.650 Disputes

a) Only the loan recipient may appeal to the Agency in its own name and for its own benefit under this provision, with respect to its subagreements thereunder for its own name and benefit. Neither a contractor nor a subcontractor of a loan recipient may prosecute an appeal under the disputes provision of a loan in its own name or interest.

b) Any dispute arising under this loan that is not disposed of by agreement shall be decided by the Director, or his or her duly authorized representative, who shall render his decision in writing and mail or otherwise furnish it to the loan recipient. The decision of the Director shall be in accordance with this Part 365 and shall be final and conclusive.

c) The disputes clause shall not preclude the Director from considering questions of law in any decision. This "disputes" clause does not preclude consideration of questions of law in connection with decisions provided for in subsection (b) above.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

Section 365.660 Indemnity

The loan recipient shall assume the entire risk, responsibility and liability for any and all loss or damage to property owned by the loan recipient, by the Agency or by third persons, and for any injury to or death of any persons (including employees of the loan recipient) caused by, arising out of, or occurring in connection with the execution of any work, contract or subcontract arising out of the WPCL. The loan recipient shall indemnify, save harmless and defend the State of Illinois and the Agency from all claims for any such loss, damage, injury or death, whether caused by the negligence of the State of Illinois, the Agency, their agents or employees or otherwise, consistent with the provisions of Section 1 of the Construction Contract Indemnification for Negligence Act [740 ILCS 35/1]. The loan recipient shall require that any
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

and all its contractors and subcontractors engaged by the loan recipient shall agree in writing that they will look solely to the loan recipient for performance of the contract or satisfaction of any and all claims arising under the contract thereunder.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

Section 365.670 Covenant Against Contingent Fees

The loan recipient shall warrant that no person or agency has been employed or retained to solicit or secure a WPCL loan upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. For breach or violation of this warranty, the Agency shall have the right to annul the loan in accordance with Section 365.310 (Noncompliance with Loan Procedures) of this Part or to deduct from the loan, provided, or otherwise recover, the full amount of the commission, percentage, brokerage, or contingent fee.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

SUBPART G: REQUIREMENTS APPLICABLE TO CONSTRUCTION INITIATION, CHANGES, COMPLETION AND OPERATION OF PROJECT

Section 365.710 Construction Initiation

Upon approval by the Agency of the loan applicant's financial assistance application in accordance with Section 365.430 (Financial Assistance Application and Approval) of this Part, and subject to the availability of funds, the Agency will issue the loan agreement and authorize the initiation of construction. The Agency must review the information listed in Section 365.430 (Financial Assistance Application and Approval), as submitted by the loan applicant. Upon the Agency's approval and availability of funds, the loan agreement will be issued and the authorization for the initiation of construction will be given.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

Section 365.720 Project Changes

a) Prior approval of the Agency is required for any project changes which may:

1) Increase the amount of loan funds needed to complete the project;

2) Alter the design or scope of the project;
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

3) Alter the type of treatment to be provided;

4) Extend any contractual completion date for the project;

5) Alter the location, size, capacity or quality of any major item of equipment; or

6) Alter the scope of the project by changing the methodologies or personnel to be used as agreed to at the time the loan was issued.

b) The Agency will approve project changes based on, but not limited to, changes that it determines are cost-effective and within the overall scope of the treatment works for which the loan was issued, based on approved facilities planning.

c) The loan recipient shall promptly notify the Agency, in writing, of all project changes. Failure on the part of the loan recipient to give timely notice of proposed project changes or action by the loan recipient that is not consistent with the Agency's determination on such changes may, in accordance with Section 365.310 (Noncompliance with Loan Procedures), result in:

1) Disallowance of loan participation for costs incurred attributable to the change; and

2) Termination of the loan.

(Source: Amended at 30 Ill. Reg. _______, effective ____________)

Section 365.730 Construction Engineering

The loan recipient shall provide construction engineering and project monitoring to assure that the construction substantially conforms with the approved plans and specifications by providing adequate construction engineering and monitoring of the project.

(Source: Amended at 30 Ill. Reg. _______, effective ____________)

Section 365.740 Operation and Maintenance of the Project

In order for the Agency to approve the final inspection for the project, unless the
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

loan recipient **must certify** has certified that it **has provided** the following training and operation and maintenance documents: **have been provided**.

a) Training pertaining to the proper operation and maintenance of the equipment and process units included in **this** project.

b) An operation and maintenance reference library **that which** includes, but is not limited to, the following:

1) Manufacturer's literature, shop drawings and warranties; **as well as** maintenance schedule for the equipment and process units included in the project;

2) The plans of record with valve indices for the equipment and process units included in the project. For mechanical wastewater treatment plants, the valve index shall include a listing of valve positions for each possible alternate flow configuration including by-passing of individual treatment processes and units and recommended configurations for emergency conditions that could reasonably be expected to occur; and

3) A maintenance schedule for the equipment and process units included in the project.

c) Training pertaining to the general operation of treatment plants or collection systems consisting of an operator self-study course such as "Operation of Wastewater Treatment Plant", 1980, 2nd edition (three volumes) or "Operation and Maintenance of Wastewater Collection System", 1983, 1st edition, California State University, Department of Civil Engineering, Sacramento, California.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

Section 365.750 Final Inspection

The loan recipient **shall must** notify the Agency in writing within 30 days **after of the** completion of project construction and **shall** submit the final change order, along with the contractor's final costs, **to the Agency**. The plans of record **shall must** be forwarded to the appropriate Agency regional office. The Agency shall schedule the final inspection within 60 days **after of the** receipt of the notice **of completion**, provided **that** all necessary change orders have been submitted and approved **by the Agency**.
Section 365.760 Project Performance Certification *(Repealed)*

a) The loan recipient shall certify one year after the date of initiation of operation whether or not the wastewater treatment works meets the design specifications and effluent limitations contained in the loan agreement and National Pollutant Discharge Elimination System (NPDES) permit for the wastewater treatment works.

b) If the loan recipient cannot certify that the wastewater treatment works will meet the design specifications and effluent limitations, a corrective action report must be submitted to the Agency within one year after initiation of operation. Failure to submit the report will subject the loan to penalties in accordance with Section 365.310 (Noncompliance with Loan Procedures).

Section 365.810 Access

a) The Agency and its any persons designated representatives by the Agency shall have access, during normal business hours and at any other time during which work is being performed, to the premises where any portion of the work for which the WPCLP loan was provided is being performed. After final loan closing, Subsequent to cessation of loan support, Agency personnel or any authorized Agency representative shall have access to the project records as defined in Section 365.820 (Audit and Records) of this Subpart below and to the project site during normal business hours, to the full extent of the loan recipient's right to access.

b) Every Any contract entered into by the loan recipient for construction work, and every any subagreement, thereunder, shall provide Agency the representatives of the Agency with access to the work. The contractor or subcontractor shall will provide facilities for such access and inspection. The Such contract or subagreement shall must also provide that the Agency or any authorized representative shall have access to any books, documents, papers, and records that of the contractor or subcontractor which are pertinent to the project for the
Section 365.820 Audit and Records

a) The loan recipient shall maintain books, records, documents, reports, and other evidentiary material and accounting procedures and practices consistent with generally accepted government accounting standards in accordance with the American Institute of Certified Public Accountants Professional Standards (666 Fifth Avenue, New York, New York 10019; June 1, 1987).

b) For purposes of this Section 365.820, records shall include, but not be limited to, the following:

1) Documentation of the receipt and disposition by the loan recipient of all financial assistance received for the project, including both State financial assistance and any matching share or cost sharing; and

2) Documentation of the costs charged to the project, including all direct and indirect costs of whatever nature incurred for the performance of the project for which the loan has been provided. The foregoing constitutes "records" for the purposes of this subsection.

cb) The loan recipient's facilities, or any such facilities as may be engaged in the performance of the WPCLP loan project, for which the loan has been provided, and the loan recipient's records shall be subject at the times specified in Section 365.810 (Access) to inspection and audit by the Agency or its any authorized representative, at the times specified in Section 365.810 (Access) of this Subpart.

(Source: Amended at 30 Ill. Reg. ______, effective _____________)
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

**de)** The loan recipient shall preserve and make its records available to the Agency or any authorized representative for the following periods:

1) For all costs associated with design and construction, for a 3-year period after final loan closing;

2) For all other accounting records concerning the loan, for a 3-year period from the date of the transaction; and

3) For any longer period, if any, as is required by law or lawful requirement, or by subsections (ed) and (fe) below.

**ed)** If this loan is terminated completely or partially, the records relating to the work shall be preserved and made available for a period of 3 years after from the date of any resulting final termination settlement.

**fe)** Records relate to appeals under the "Disputes" clause, of this loan, litigation or the settlement of claims arising out of the performance of the WPCLP loan project, for which this loan was provided, or to project costs and expenses of the project as to which exception has been taken by the Agency or any of its authorized representatives, shall be retained until the appeals, litigation, claims, or exceptions have been completed.

**gf)** Failure of any contractor or subcontractor of the loan recipient to make records available to the Agency as required by Section 365.810 (Access) of this Subpart after 10 days written notice from the Agency shall be cause for termination of the loan, pursuant to Section 365.330 (Termination) of this Part, and refund to the State of Illinois for deposit into the WPCLP Fund any unexpended loan funds. In addition, any thereto, refund of any loan funds previously expended by the loan recipient, contractor or subcontractor found in non-compliance with this Section 365.820 shall repay any loan funds previously spent.

(Source: Amended at 30 Ill. Reg. _______, effective ____________)

**Section 365.830 Single Audit Act**

The loan recipient shall comply with the provisions of the Single Audit Act of 1996 (31 U.S.C. 7501 et seq.).
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 30 Ill. Reg. _____, effective ____________)

SUBPART I: FINANCIAL AND MANAGERIAL CAPABILITY REQUIREMENTS FOR SEWER USE ORDINANCE, USER CHARGES, FINANCIAL CAPABILITY, DEDICATED SOURCE OF REVENUE AND FLOODPLAIN INSURANCE

Section 365.910 Sewer Use Ordinance

a) **In order for the loan agreement to be issued, the Agency must have approved the loan applicant's sewer use ordinance prior to the loan agreement with enactment of the ordinance required prior to the first loan disbursement.** The loan applicant shall demonstrate to the satisfaction of the Agency that a sewer use ordinance or other legally binding requirement will be enacted and enforced prior to the first loan disbursement in each jurisdiction served by the treatment works project. The ordinance shall prohibit any connections from inflow sources into the sanitary sewer portions of the sewer system and shall ensure that new sewers and connections to the sewer system are properly designed and constructed.

b) The sewer use ordinance shall require:

1) Pretreatment of any industrial wastes that would otherwise be detrimental to the wastewater treatment works or its proper and efficient operation and maintenance or will otherwise prevent entry of such wastes into the wastewater treatment works; and


c) The sewer use ordinance shall prohibit the introduction of industrial waste into the sewer system until the requirements of Section 365.920 (User Charges) of this Subpart are met.

(Source: Amended at 30 Ill. Reg. _____, effective ____________)

Section 365.920 User Charges

a) **In order for the loan agreement to be issued, the Agency must have approved the loan applicant's proposed system of user charges prior to the execution of the loan agreement.** The user charge system must be enacted and enforceable before prior to the first
b) The **Agency shall approve the** Agency's approval of a user charge system **will be** in accordance with the following criteria:

1) For loans issued prior to the effective date of these amendments to the rules, the user charge system must result in the distribution of the cost of operation, maintenance and replacement of treatment works within the loan recipient's service area to each user (or user class) in proportion to the user's contribution to the total wastewater loading of the wastewater treatment works. Factors such as strength, volume, and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation, maintenance, and replacement costs to each user (or user class).

2) For the first year of operation of new facilities, operation, maintenance and replacement costs shall be based upon past experience for existing wastewater treatment works or some other rational method that can be demonstrated to be applicable.

3) The loan recipient shall review user charges annually and revise the rates periodically to reflect actual wastewater treatment works operation, maintenance, and replacement costs. The Agency may request a report on the status of the user charge system, including projected costs, actual costs, revenue generated and fund balances at any time.

4) The user charge system **shall must** generate sufficient revenue to offset the cost of all wastewater treatment works operation, maintenance and replacement required to be provided by the loan recipient.

5) The user charge system must be incorporated in one or more municipal legislative enactments or other appropriate authorizations. If the project is for a regional treatment works accepting wastewaters from treatment works owned by others, then the subscribers receiving wastewater treatment services from the loan recipient shall have adopted user charge systems. The user charge systems shall also be incorporated in the appropriate municipal legislative enactments, intergovernmental or service agreements or other appropriate authorizations.
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

c) Upon approval of a loan recipient's system of user charges, the implementation and maintenance of the approved system shall become a condition of the loan subject to the provisions of Section 365.310 (Noncompliance with Loan Procedures) of this Part hereof.

d) The loan recipient must maintain records necessary to document compliance. The loan recipient shall maintain such records in accordance with the provisions of the Local Records Act [50 ILCS 205].

de) The Agency or its authorized representative shall have access to all books, documents, papers, and records of the loan recipient which are applicable to the loan recipient's system of user charges for the purpose of making audit, examination, excerpts, and transcriptions to ensure compliance with the provisions of subsection (b) above.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

Section 365.930 Financial Capability

a) The loan applicant shall demonstrate to the Agency that it possesses the necessary legal, financial, managerial and institutional capability to:

1) Construct, operate and maintain the project for the life of the wastewater treatment works; and to

2) Retire the loan in accordance with the schedule to be contained in the loan agreement, including the execution of any necessary intergovernmental agreements, enactment of a system of user charges and any legislative enactments necessary to recover adequate capital costs to repay the loan; and in accordance with the terms of the loan agreement. The loan applicant shall also demonstrate the ability to

3) Meet any covenants and requirements in the loan agreement.

b) To demonstrate financial, managerial and institutional capability, the loan applicant shall, at a minimum, show that it:

1) It is empowered under State law to own, operate and maintain a public wastewater treatment facility, including the facilities to be constructed under the loan;
ENIRONMENTAL PROTECTION AGENCY
NOTICE OF PROPOSED AMENDMENTS

2) It has Has the necessary easements, titles, permits and intergovernmental agreements for loan project implementation, as identified in the facilities plan; and

3) It has Has or will have the necessary qualified personnel to operate and maintain the facility.

c) The financial capability demonstration shall be required and submitted to the Agency for review and approval and shall must contain detailed project costs, existing and proposed operation, maintenance and replacement costs, existing and proposed local capital costs and historical information over the past five years consisting of audited annual financial statements, bond ratings, numbers of users and tax rate levies.

d) The Agency may suggest mitigative measures to improve the loan applicant's financial capability to undertake the project, including acquisition of grant funding, reduction of project costs, additional or different sources of dedicated revenues, efforts to reduce the number of delinquent users, and changes to existing financial practices that may threaten generation of adequate revenues.

e) The Agency may require a loan term of less than the 20 year maximum. In evaluating the appropriateness of alternative loan terms, the Agency shall consider such factors as the scope of the proposed project, the impacts of alternative loan terms on user fees, and the overall cost of the project.

(Source: Amended at 30 Ill. Reg. ______, effective __________)

Section 365.940 Dedicated Source of Revenue

a) A source of revenue shall be dedicated and pledged to make the loan repayments. Prior to loan approval, the Agency shall review the proposed dedicated and pledged revenue source to determine if it will generate revenues adequate to make the loan repayments and will provide a continuing source of revenue adequate to make loan repayments for the term of the loan. If the source of revenue is pledged in a subordinate position to a revenue bond ordinance, the convenants regarding coverage and reserve for the revenue source shall be equivalent to those in the revenue bond.
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

ordinance. At a minimum, the reserve account shall be equal to the annual principal and interest payment funded within 2 years after the loan award, that ordinance.

b) The loan applicant shall make the necessary legislative enactments to dedicate and pledge the source of revenue must be in place before the Agency can make, prior to the first loan disbursement.

c) The loan recipient shall maintain a separate account in its books to record the dedicated revenues for loan repayment. The loan applicant shall establish an account, maintained by a bank or trust, which is restricted to use for loan repayment, in which to deposit the dedicated revenues prior to the time of the first loan disbursement.

d) The loan recipient shall, for the term of the loan, review and adjust the dedicated source of revenue as necessary, to provide adequate funds for the repayment of the loan. The loan recipient shall timely notify the Agency and submit to the Agency for Agency's subsequent approval, all proposed changes to the dedicated source of revenue.

e) Upon request, the loan recipient shall submit to the Agency upon request a statement on the status of the restricted account required by subsection (c) that contains after initiation of the loan repayment period. This statement shall contain the status of the dedicated revenue account, including the projected revenues, actual revenues fund balance, debt service obligations and other requirements of the loan agreement. The Agency's review shall be based on, but not limited to, ensuring that the revised dedicated source of revenue is legally authorized, generates sufficient revenue and is in accordance with this Part 365.

f) In the event that the actual revenues fall short of the amount required to retire the loan, the Agency shall require the loan recipient to re-examine the dedicated revenue source to be re-examined and restructure its, as necessary.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

Section 365.950 Floodplain Insurance

a) If the loan project includes insurable structures that will be located within a
designated floodplain area as defined pursuant to the National Flood Insurance Act of 1968 (42 U.S.C. 4001-4127), the loan recipient must furnish written evidence that it is participating in the National Flood Insurance Program or that the construction areas have received official exclusion from the flood insurance requirements by the Federal Emergency Management Agency.

b) The loan recipient (or the construction contractor, as appropriate) shall acquire any flood insurance made available to it under the National Flood Insurance Act of 1968, as amended, and maintain such insurance for the entire useful life of the insurable structures.

c) The amount of insurance required shall be the lesser of the total project cost, excluding facilities that are uninsurable under the National Flood Insurance Program, or the maximum limit of coverage made available to the loan recipient under the National Flood Insurance Act of 1968, whichever is less.

d) The required insurance premium for the period of construction shall be an allowable project cost under Section 365.1010 (Determination of Allowable Costs) of this Part.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

SUBPART J: REQUIREMENTS APPLICABLE TO LOAN DISBURSEMENTS

DISBURSEMENT OF LOANS TO RECIPIENTS

Section 365.1010 Determination of Allowable Costs

The loan recipient shall be paid, upon request, in accordance with Section 365.1030 (Disbursement of Loan Funds) of this Subpart, for all costs within the scope of the approved project, not to exceed the total amount of the loan, provided and that are determined to be allowable in accordance with the following criteria:

a) Allowable Project Costs
All reasonable and necessary costs directly attributable to the design and construction of an eligible, loan assisted wastewater treatment works project that are not excluded from loan funding by legislation or non-waivable regulations. Categories of necessary costs may include, but are not limited to, the following:

1) The direct purchase of materials, equipment and personal services
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

specifically necessary for the completion of a loan funded project;

2) Professional and consultant services contracts necessary for design, bidding, and construction, and project performance certification of a loan funded project, except as elsewhere limited by this Part 365;

3) Costs under approved construction contracts; and

4) Costs for premiums for required flood insurance during the project construction period.

b) Ineligible Costs

Categories of cost that are certain costs which may be related to construction of a treatment works are categorically ineligible for loan assistance, and are not subject to the allowability test of "reasonable and necessary:" test of allowability include, but are not limited to, the following:

1) Cost for preparing a facilities planning document;

2) Cost for basin or areawide planning, other than facilities planning;

3) Costs outside the scope of the approved facilities plan;

4) Site acquisition, including easement compensation, except in those instances where the land itself shall serve as the medium for treatment (e.g., land for spray irrigation of wastewater); and

5) Collector sewers with wastewater capacity in excess of existing or planned treatment plant capacity; and

56) Construction of any facilities that do not clearly comply with the definition of a "treatment works" as contained in Section 212 of the Clean Water Act.

c) Disputes Concerning Allowable Costs

The loan recipient shall seek to resolve any questions relating to cost allowability or allocation at its earliest opportunity. Final determinations by the Director concerning the allowability of costs shall be conclusive.

(Source: Amended at 30 Ill. Reg. ______, effective ___________)
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

Section 365.1020  Use of Loan Funds and Payment of Unallowable Costs

a) Loan funds. The loan shall be expended solely for approved allowable costs incurred in the design and construction of the project.

b) The loan recipient shall agree to pay the unallowable costs associated with the project, as well as all allowable costs that exceed the amount of the loan, and shall construct the project, or cause it to be constructed to final completion in accordance with the plans and specifications and on the schedule approved by the Agency for the project.

c) The loan recipient shall commit itself to complete the construction of the operable wastewater treatment works.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

Section 365.1030  Disbursement of Loan Funds

a) Disbursements are subject to the appropriation of funds by the General Assembly and the availability of cash deposited into the WPCLP from drawdowns from the USEPA Automated Clearing House, State matching funds, repayments of existing loans, interest earnings on money in the WPCLP, and money deposited into the WPCLP from other sources following:

1) Release of funds by the USEPA;

2) Appropriation of funds by the Illinois General Assembly, and deposit into the Fund; and

3) Receipt of loan repayments.

b) Disbursements shall be made as follows: Disbursement may be requested in accordance with the following:

1) After the receipt of a fully executed loan agreement, by the Agency, disbursement requests must be sent directly to the Agency. Actual land disbursements shall be processed to the loan recipient in accordance with the provisions of the loan agreement.
ENIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

2) Disbursements will be processed based on costs incurred that are due and payable, as evidenced by invoices, no more often than monthly. The Agency may withhold any disbursement for a violation of the loan agreement conditions.

c) Under emergency situations that cause serious cash flow problems, the Agency may process additional disbursements as needed.

d) The loan recipient shall make prompt payment to the contractor.

e) The State share of any refunds, rebates, credits, or other amounts (including any interest thereof) accruing to or received by the loan recipient with respect to the project, to the extent that they are properly allocable to costs for which loan funds have been disbursed must be paid, to the State of Illinois for deposit in the Fund minus any reasonable expenses incurred in securing these funds, to the State of Illinois for deposit in the WPCLP.

f) Before the following is required prior to the establishment of the final principal amount of the loan can be established:

1) The Agency shall conduct a final audit, final inspection, and a project review to insure that all applicable loan conditions have been satisfied; and

2) The loan recipient must submit to the Agency a final waiver from the contractor and a Certification of Payment that all bills have been paid.

g) The loan recipient must also submit a release at this time, discharging the State of Illinois, its officers, agents, and employees from all liabilities, obligations, and claims arising out of the project work or under the loan, subject only to such exceptions which may be specified in the release.

h) Any use of loan funds at variance with this Part shall result in repayment of those loan funds to the State of Illinois for deposit into the WPCLP Fund.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

SUBPART K: PROCEDURES FOR LOAN REPAYMENT AND DELINQUENT REPAYMENT
Section 365.1110 Loan Repayment to the Agency

Loan repayment to the Agency shall be in accordance with the loan repayment provisions contained in the loan agreement.

a) Loan repayments shall commence not later than six (6) months after the initiation of the loan repayment period and shall be due semi-annually unless the Agency determines that the dedicated source of revenue justifies an alternative repayment plan.

b) After the establishment of the loan repayment period date in the loan agreement, the Agency shall establish a principal amount and notify the loan recipient of an interim repayment schedule.

c) After a final cost review of the project, the Agency shall establish the final principal amount and notify the loan recipient of a final repayment schedule.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

Section 365.1120 Delinquent Loan Repayments

a) In the event that a timely payment is not made by a loan recipient according to the loan schedule of repayment, the loan recipient shall notify the Agency in writing within 15 days after the payment due date. The notification shall include a statement of the reasons the payment was not timely tendered, the circumstances under which the late payments will be satisfied, and binding commitments to assure future payments. After receipt of this notification, the Agency shall confirm in writing the acceptability of the plan or take action in accordance with subsection (b) of this Section.

b) In the event that a loan recipient fails to comply with subsection (a) of this Section, the Agency shall promptly issue a notice of delinquency to the loan recipient that shall require a written response within 15 days. The notice of delinquency shall require that the loan recipient revise its rates, fees and charges to meet its obligations or take other specified actions as may be appropriate to remedy the delinquency and to assure future payments.

c) In the event that the loan recipient fails to timely or adequately respond to a notice of delinquency, or fails to meet its obligations made pursuant to
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

subsections (a) and (b) of this Section, the Agency shall pursue the collection of the amounts past due, the outstanding loan balance and the costs thereby incurred, either pursuant to the Illinois State Collection Act of 1986 [30 ILCS 210] or by any other reasonable means as may be provided by law, including the taking of title by foreclosure or otherwise to any project or other property pledged, mortgaged, encumbered, or otherwise available as security or collateral. [415 ILCS 5/19.6]

a) In the event that a repayment is not made by a loan recipient according to the loan schedule of repayment, the loan recipient shall notify the Agency in writing within 15 days after the repayment due date. The notification shall include a statement for the reasons the repayment was not timely tendered, the circumstances under which the late repayment will be satisfied, and binding commitments to assure future repayments. After receipt of this notification, the Agency shall confirm in writing the acceptability of the plan or take action in accordance with subsection (b) below.

b) In the event that a loan recipient fails to comply with subsection (a) above, the Agency shall promptly issue a notice of delinquency to the loan recipient which shall require a written response within 30 days. The notice of delinquency shall require that the loan recipient revise its rates, fees and charges to meet its obligations or take other specified actions as may be appropriate to remedy the delinquency and to assure future repayments.

c) In the event that the loan recipient fails to timely or adequately respond to a notice of delinquency, or fails to meet its obligations made pursuant to subsections (a) and (b) above, the Agency shall pursue the collection of the amounts past due, the outstanding loan balance and the costs thereby incurred, either pursuant to the Illinois State Collection Act of 1986 [30 ILCS 210] or by any other reasonable means as may be provided by law.

(Source: Amended at 30 Ill. Reg. ______, effective _____________)

DEBARMENT AND SUSPENSION

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to curb fraud, waste, and abuse in Federal programs, increase agency accountability, and ensure consistency among agency regulations concerning debarment and suspension of participants in Federal programs, it is hereby ordered that:

Section 1.

a) To the extent permitted by law and subject to the limitations in Section 1(c), Executive departments and agencies shall participate in a system for debarment and suspension from programs and activities involving Federal financial and nonfinancial assistance and benefits. Debarment or suspension of a participant in a program by one agency shall have government-wide effect.

b) Activities covered by this Order include but are not limited to: grants, cooperative agreements, contracts of assistance, loans, and loan guarantees.

c) This Order does not cover procurement programs and activities, direct Federal statutory entitlements or mandatory awards, direct awards to foreign governments or public international organizations, benefits to an individual as a personal entitlement, or Federal employment.

Section 2. To the extent permitted by law, Executive departments and agencies shall:

a) Follow government-wide criteria and government-wide minimum due process procedures when they act to debar or suspend participants in affected programs.

b) Send to the agency designated pursuant to Section 5 identifying information concerning debarred and suspended participants in affected programs, participants who have agreed to exclusion from participation, and participants declared ineligible under applicable law, including Executive Orders. This information shall be included in the list to be maintained pursuant to Section 5.
c) Not allow a party to participate in any affected program if any Executive department or agency has debarred, suspended or otherwise excluded (to the extent specified in the exclusion agreement) that party from participation in an affected program. An agency may grant an exception permitting a debarred, suspended, or excluded party to participate in a particular transaction upon a written determination by the agency head or authorized designee stating the reason(s) for deviating from this Presidential policy. However, I intend that exceptions to this policy should be granted only infrequently.

Section 3. Executive departments and agencies shall issue regulations governing their implementation of this Order that shall be consistent with the guidelines issued under Section 6. Proposed regulations shall be submitted to the Office of Management and Budget for review within four months of the date of the guidelines issued under Section 6. The Director of the Office of Management and Budget may return for reconsideration proposed regulations that the Director believes are inconsistent with the guidelines. Final regulations shall be published within twelve months of the date of the guidelines.

Section 4. There is hereby constituted the Interagency Committee on Debarment and Suspension, which shall monitor implementation of this Order. The Committee shall consist of representatives of agencies designated by the Director of the Office of Management and Budget.

Section 5. The Director of the Office of Management and Budget shall designate a Federal agency to perform the following functions: maintain a current list of all individuals and organizations excluded from program participation under this Order, periodically distribute the list to Federal agencies, and study the feasibility of automating the list; coordinate with the lead agency responsible for government-wide debarment and suspension of contractors; chair the Interagency Committee established by Section 4; and report periodically to the Director on implementation of this Order, with the first report due within two years of the date of the Order.

Section 6. The Director of the Office of Management and Budget is authorized to issue guidelines to Executive departments and agencies that govern which programs and activities are covered by this Order, prescribe government-wide criteria and government-wide minimum due process procedures, and set forth other related details for the effective administration of the guidelines.

Section 7. The Director of the Office of Management and Budget shall report to the President within three years of the date of this Order on Federal agency compliance with the Order, including the number of exceptions made under Section 2(c), and shall make
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

such recommendations as are appropriate further to curb fraud, waste, and abuse.

THE WHITE HOUSE

Ronald Reagan

February 18, 1986

May 18, 1979

(Source: Amended at 30 Ill. Reg. _____, effective _____________)

(Source: Amended at 30 Ill. Reg. _____, effective _____________)

(End of Document)
Under and by virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, it is ordered as follows:

Part I – Nondiscrimination in Government Employment

Part II – Nondiscrimination in Employment by Government Contractors and Subcontractors

Subpart A – Duties of the Secretary of Labor

SEC. 201. The Secretary of Labor shall be responsible for the administration and enforcement of Parts II and III of this Order. The Secretary shall adopt such rules and regulations and issue such orders as are deemed necessary and appropriate to achieve the purposes of Parts II and III of this Order.

Subpart B – Contractors' Agreements

SEC. 202. Except in contracts exempted in accordance with Section 204 of this Order, all Government contracting agencies shall include in every Government contract hereafter entered into the following provisions:

During the performance of this contract, the contractor agrees as follows:

1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
The contractor will, in all solicitations or advancements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor will comply with all provisions of Executive Order No. 11246 of Sept. 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of Sept. 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the contractor may request the United States to enter into such litigation to protect the interests of the United States.
SEC. 203. Each contractor having a contract containing the provisions prescribed in Section 202 shall file, and shall cause each of his subcontractors to file, Compliance Reports with the contracting agency or the Secretary of Labor as may be directed. Compliance Reports shall be filed within such times and shall contain such information as to the practices, policies, programs, and employment policies, programs, and employment statistics of the contractor and each subcontractor, and shall be in such form, as the Secretary of Labor may prescribe.

a) Bidders or prospective contractors or subcontractors may be required to state whether they have participated in any previous contract subject to the provisions of this Order, or any preceding similar Executive order, and in that event to submit, on behalf of themselves and their proposed subcontractors, Compliance Reports prior to or as an initial part of their bid or negotiation of a contract.

b) Whenever the contractor or subcontractor has a collective bargaining agreement or other contract or understanding with a labor union or an agency referring workers or providing or supervising apprenticeship or training for such workers, the Compliance Report shall include such information as to such labor union's or agency's practices and policies affecting compliance as the Secretary of Labor may prescribe: Provided, That to the extent such information is within the exclusive possession of a labor union or an agency referring workers or providing or supervising apprenticeship or other training, and such labor union or agency shall refuse to furnish such information to the contractor, the contractor shall so certify to the Secretary of Labor as part of its Compliance Report and shall set forth what efforts he has made to obtain such information.

c) The Secretary of Labor may direct that any bidder or prospective contractor or subcontractor shall submit, as part of his Compliance Report, a statement in writing, signed by an authorized officer or agent on behalf of any labor union or any agency referring workers or providing or supervising apprenticeship or other training, with which the bidder or prospective contractor deals, with supporting information, to the effect that the signer's practices and policies do not discriminate on the grounds of race, color, religion, sex or national origin, and that the signer either will affirmatively cooperate in the implementation of the policy and provisions of this Order or that it consents and agrees that recruitment, employment, and the terms and conditions of employment under the proposed contract shall be in accordance with the purposes and provisions of the order. In the event that the union, or the agency shall refuse to execute such a statement, the Compliance Report shall so certify and set forth what efforts have been made to secure such a statement and such additional factual material as the Secretary of Labor may require.
SEC. 204. The Secretary of Labor may, when he/she deems that special circumstances in the national interest so require, exempt a contracting agency from the requirement of including any or all of the provisions of Section 202 of this Order in any specific contract, subcontract, or purchase order. The Secretary of Labor may, by rule or regulation, also exempt certain classes of contracts, subcontracts, or purchase orders (1) whenever work is to be or has been performed outside the United States and no recruitment of workers within the limits of the United States is involved; (2) for standard commercial supplies or raw materials; (3) involving less than specified amounts of money or specified numbers of workers; or (4) to the extent that they involve subcontracts below a specified tier. The Secretary of Labor may also provide, by rule, regulation, or order, for the exemption of facilities of a contractor which are in all respects separate and distinct from activities of the contractor related to the performance of the contract: Provided, That such an exemption will not interfere with or impede the effectuation of the purposes of this Order: And provided further, That in the absence of such an exemption, all facilities shall be covered by the provisions of this Order.

Subpart C − Powers and Duties of the Secretary of Labor and the Contracting Agencies

SEC. 205. The Secretary of Labor shall be responsible for securing compliance by all Government contractors and subcontractors with this Order and any implementing rules or regulations. All contracting agencies shall comply with the terms of this Order and any implementing rules, regulations, or orders of the Secretary of Labor. Contracting agencies shall cooperate with the Secretary of Labor and shall furnish such information and assistance as the Secretary may require.

SEC. 206. The Secretary of Labor may investigate the employment practices of any Government contractor or subcontractor to determine whether or not the contractual provisions specified in Section 202 of this Order have been violated. Such investigation shall be conducted in accordance with the procedures established by the Secretary of Labor.

a) The Secretary of Labor may receive and investigate complaints by employees or prospective employees of a Government contractor or subcontractor which allege discrimination contrary to the contractual provisions specified in Section 202 of this Order.

SEC. 207. The Secretary of Labor shall use his/her best efforts, directly and through interested Federal, State, and local agencies, contractors, and all other available instrumentalities to cause any labor union engaged in work under Government contracts or any agency referring workers or providing or supervising apprenticeship or training for or in the course of such work to cooperate in the implementation of the purposes of this Order. The Secretary of Labor shall, in appropriate cases, notify the Equal Employment Opportunity Commission, the Department of Justice, or
other appropriate Federal agencies whenever it has reason to believe that the practices of any such labor organization or agency violate Title VI or Title VII of the Civil Rights Act of 1964 or other provision of Federal law.

SEC. 208. The Secretary of Labor, or any agency, officer, or employee in the executive branch of the Government designated by rule, regulation, or order of the Secretary, may hold such hearings, public or private, as the Secretary may deem advisable for compliance, enforcement, or educational purposes.

a) The Secretary of Labor may hold, or cause to be held, hearings in accordance with Subsection of this Section prior to imposing, ordering, or recommending the imposition of penalties and sanctions under this Order. No order for debarment of any contractor from further Government contracts under Section 209(6) shall be made without affording the contractor an opportunity for a hearing.

Subpart D – Sanctions and Penalties

SEC. 209. In accordance with such rules, regulations, or orders as the Secretary of Labor may issue or adopt, the Secretary may:

1) Publish, or cause to be published, the names of contractors or unions which it has concluded have complied or have failed to comply with the provisions of this Order or of the rules, regulations, and orders of the Secretary of Labor.

2) Recommend to the Department of Justice that, in cases in which there is substantial or material violation or the threat of substantial or material violation of the contractual provisions set forth in Section 202 of this Order, appropriate proceedings be brought to enforce those provisions, including the enjoining, within the limitations of applicable law, of organizations, individuals, or groups who prevent directly or indirectly, or seek to prevent directly or indirectly, compliance with the provisions of this Order.

3) Recommend to the Equal Employment Opportunity Commission or the Department of Justice that appropriate proceedings be instituted under Title VII of the Civil Rights Act of 1964.

4) Recommend to the Department of Justice that criminal proceedings be brought for the furnishing of false information to any contracting agency or to the Secretary of Labor as the case may be.
5) After consulting with the contracting agency, direct the contracting agency to cancel, terminate, suspend, or cause to be cancelled, terminated, or suspended, any contract, or any portion or portions thereof, for failure of the contractor or subcontractor to comply with equal employment opportunity provisions of the contract. Contracts may be cancelled, terminated, or suspended absolutely or continuance of contracts may be conditioned upon a program for future compliance approved by the Secretary of Labor.

6) Provide that any contracting agency shall refrain from entering into further contracts, or extensions or other modifications of existing contracts, with any noncomplying contractor, until such contractor has satisfied the Secretary of Labor that such contractor has established and will carry out personnel and employment policies in compliance with the provisions of this Order.

7) Pursuant to rules and regulations prescribed by the Secretary of Labor, the Secretary shall make reasonable efforts, within a reasonable time limitation, to secure compliance with the contract provisions of this Order by methods of conference, conciliation, mediation, and persuasion before proceedings shall be instituted under subsection (a)(2) of this Section, or before a contract shall be cancelled or terminated in whole or in part under subsection (a)(5) of this Section.

SEC. 210. Whenever the Secretary of Labor makes a determination under Section 209, the Secretary shall promptly notify the appropriate agency. The agency shall take the action directed by the Secretary and shall report the results of the action it has taken to the Secretary of Labor within such time as the Secretary shall specify. If the contracting agency fails to take the action directed within 30 days, the Secretary may take the action directly.

SEC. 211. If the Secretary shall so direct, contracting agencies shall not enter into contracts with any bidder or prospective contractor unless the bidder or prospective contractor has satisfactorily complied with the provisions of this Order or submits a program for compliance acceptable to the Secretary of Labor.

SEC. 212. When a contract has been cancelled or terminated under Section 209(a)(5) or a contractor has been debarred from further Government contracts under Section 209(a)(6) of this Order, because of noncompliance with the contract provisions specified in Section 202 of this Order, the Secretary of Labor shall promptly notify the Comptroller General of the United States.

Subpart E – Certificates of Merit
SEC. 213. The Secretary of Labor may provide for issuance of a United States Government Certificate of Merit to employers or labor unions, or other agencies which are or may hereafter be engaged in work under Government contracts, if the Secretary is satisfied that the personnel and employment practices of the employer, or that the personnel, training, apprenticeship, membership, grievance and representation, upgrading, and other practices and policies of the labor union or other agency conform to the purposes and provisions of this Order.

SEC. 214. Any Certificate of Merit may at any time be suspended or revoked by the Secretary of Labor if the holder thereof, in the judgment of the Secretary, has failed to comply with the provisions of this Order.

SEC. 215. The Secretary of Labor may provide for the exemption of any employer, labor union, or other agency from any reporting requirements imposed under or pursuant to this Order if such employer, labor union, or other agency has been awarded a Certificate of Merit which has not been suspended or revoked.

Part III – Nondiscrimination Provisions in Federally Assisted Construction Contracts

SEC. 301. Each executive department and agency, which administers a program involving Federal financial assistance shall require as a condition for the approval of any grant, contract, loan, insurance, or guarantee thereunder, which may involve a construction contract, that the applicant for Federal assistance undertake and agree to incorporate, or cause to be incorporated, into all construction contracts paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to such grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the provisions prescribed for Government contracts by Section 202 of this Order or such modification thereof, preserving in substance the contractor's obligations thereunder, as may be approved by the Secretary of Labor, together with such additional provisions as the Secretary deems appropriate to establish and protect the interest of the United States in the enforcement of those obligations. Each such applicant shall also undertake and agree (1) to assist and cooperate actively with the Secretary of Labor in obtaining the compliance of contractors and subcontractors with those contract provisions and with the rules, regulations and relevant orders of the Secretary, (2) to obtain and to furnish to the Secretary of Labor such information as the Secretary may require for the supervision of such compliance, (3) to carry out sanctions and penalties for violation of such obligations imposed upon contractors and subcontractors by the Secretary of Labor pursuant to Part II, Subpart D, of this Order, and (4) to refrain from entering into any contract subject to this Order, or extension or other modification of such a contract with a contractor debarred from Government contracts under Part II, Subpart D, of this Order.
SEC. 302. "Construction contract" as used in this Order means any contract for the construction, rehabilitation, alteration, conversion, extension, or repair of buildings, highways, or other improvements to real property.

a) The provisions of Part II of this Order shall apply to such construction contracts, and for purposes of such application the administering department or agency shall be considered the contracting agency referred to therein.

b) The term "applicant" as used in this Order means an applicant for Federal assistance or, as determined by agency regulation, other program participant, with respect to whom an application for any grant, contract, loan, insurance, or guarantee is not finally acted upon prior to the effective date of this Part, and it includes such an applicant after he/she becomes a recipient of such Federal assistance.

SEC. 303. The Secretary of Labor shall be responsible for obtaining the compliance of such applicants with their undertakings under this Order. Each administering department and agency is directed to cooperate with the Secretary of Labor and to furnish the Secretary such information and assistance as the Secretary may require in the performance of the Secretary's functions under this Order.

a) In the event an applicant fails and refuses to comply with the applicant's undertakings pursuant to this Order, the Secretary of Labor may, after consulting with the administering department or agency, take any or all of the following actions: (1) direct any administering department or agency to cancel, terminate, or suspend in whole or in part the agreement, contract or other arrangement with such applicant with respect to which the failure or refusal occurred; (2) direct any administering department or agency to refrain from extending any further assistance to the applicant under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received by the Secretary of Labor from such applicant; and (3) refer the case to the Department of Justice or the Equal Employment Opportunity Commission for appropriate law enforcement or other proceedings.

b) In no case shall action be taken with respect to an applicant pursuant to clause (1) or (2) of subsection (b) without notice and opportunity for hearing.

SEC. 304. Any executive department or agency which imposes by rule, regulation, or order requirements of nondiscrimination in employment, other than requirements imposed pursuant to this Order, may delegate to the Secretary of Labor by agreement such responsibilities with respect to compliance standards, reports, and procedures as would tend to bring the
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

administration of such requirements into conformity with the administration of requirements imposed under this Order: Provided, That actions to effect compliance by recipients of Federal financial assistance with requirements imposed pursuant to Title VI of the Civil Rights Act of 1964 shall be taken in conformity with the procedures and limitations prescribed in Section 602 thereof and the regulations of the administering department or agency issued thereunder.

Part IV – Miscellaneous

SEC. 401. The Secretary of Labor may delegate to any officer, agency, or employee in the Executive branch of the Government, any function or duty of the Secretary under Parts II and III of this Order.


SEC. 402. The Secretary of Labor shall provide administrative support for the execution of the program known as the "Plans for Progress."

SEC. 403. Executive Orders Nos. 10590 (January 19, 1955), 10722 (August 5, 1957), 10925 (March 6, 1961), 11114 (June 22, 1963), and 11162 (July 28, 1964), are hereby superseded and the President's Committee on Equal Employment Opportunity established by Executive Order No. 10925 is hereby abolished. All records and property in the custody of the Committee shall be transferred to the Office of Personnel Management and the Secretary of Labor, as appropriate.

a) Nothing in this Order shall be deemed to relieve any person of any obligation assumed or imposed under or pursuant to any Executive Order superseded by this Order. All rules, regulations, orders, instructions, designations, and other directives issued by the President's Committee on Equal Employment Opportunity and those issued by the heads of various departments or agencies under or pursuant to any of the Executive orders superseded by this Order, shall, to the extent that they are not inconsistent with this Order, remain in full force and effect unless and until revoked or superseded by appropriate authority. References in such directives to provisions of the superseded orders shall be deemed to be references to the comparable provisions of this Order.


SEC. 404. The General Services Administration shall take appropriate action to revise the standard Government contract forms to accord with the provisions of this Order and of the rules and regulations of the Secretary of Labor.

SEC. 405. This Order shall become effective 30 days after the date of this Order.
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 30 Ill. Reg. ______, effective ____________)
NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Public Library Construction Grants

2) **Code Citation:** 23 Ill. Adm. Code 3060

3) **Section Numbers:**

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4) **Statutory Authority:** Implementing Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3] and authorized by Sections 3 and 8 of the Illinois Library System Act [75 ILCS 10/3 and 8].

5) **A Complete Description of the Subjects and Issues Involved:** The installation of security systems to protect public library property, staff and patrons will allowed with public library construction grant funds (Section 23 Ill. Adm. Code 3060.100 (b) and (c) and Section 23 Ill. Adm. Code 3060.400). In the definition of “public libraries with limited” funds has changed to libraries receiving income of less than $12 per capita. Because of the ongoing budget situation, the priority for public library grant funds for FY 2007 will be remodeling for accessibility and mini-grants (Section 23 Ill. Adm. 3060.500(c), (Section 23 Ill. Adm. 3060.600(c). The maximum amounts for other projects shall not exceed $125,000. All change orders shall be subject to the Illinois Public Works. The Illinois State Library shall be notified of and approve any Contract Change Order Act [50 ILCS 525] (Section 23 Ill. Adm. Code 3060.800 (b) (2) (H)).

6) **Will these proposed amendments replace any emergency rules currently in effect?** No

7) **Does this rulemaking contain any automatic repeal date?** No

8) **Do these proposed amendments contain incorporations by reference?** No

9) **Are there any other proposed amendments pending on this Part?** No

10) **Statement of Statewide Policy Objectives:** The objective is to provide grant awards for public libraries so mini-grants, accessibility and other types of projects can commence as soon as possible.
NOTICE OF PROPOSED AMENDMENTS

11) **Time, Place and Manner in which interested persons may comment on this proposed amendments:**

   Joseph Natale  
   Rules Coordinator  
   Illinois State Library  
   Gwendolyn Brooks Building  
   Springfield, IL 62701-1796  

   217-558-4185; jnatale@ilsos.net

12) **Initial Regulatory Flexibility Analysis:**

   A) **Types of small businesses, small municipalities and not for profits corporations affected:** These amendments affect public libraries that receive public library construction grants.

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

   C) **Types of professional skills necessary for compliance:** None

13) **Regulatory Agenda on which these amendments were summarized:** January 2006

The full text of the Proposed Amendments begin on the next page:
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER I: SECRETARY OF STATE

PART 3060
PUBLIC LIBRARY CONSTRUCTION GRANTS

SUBPART A: INTRODUCTION

Section
3060.100  Program Purpose
3060.200  Duty to Administer
3060.400  Definitions

SUBPART B: GRANT APPLICATION

Section
3060.500  Priorities in Library Grant Construction Proposals
3060.600  Grant Funding Limitations
3060.700  The Chicago Public Library Branches
3060.800  Grant Application Procedure
3060.900  Requirements and Conditions of Grant Funds
3060.1000 Remodeling for Accessibility
3060.1050 Shared Use Facilities
3060.1100 Disbursement of Grant Funds of $50,000 or more
3060.1110 Disbursement of Grant Funds of $50,000 or less

SUBPART C: APPEAL PROCEDURE

Section
3060.2000  Appeal Procedure

3060.APPENDIX A  EDA Qualified Areas (Repealed)

AUTHORITY: Implementing Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3] and authorized by Sections 3 and 8 of the Illinois Library System Act [75 ILCS 10/3 and 8].

SOURCE: Emergency rules adopted and codified at 7 Ill. Reg. 2017, effective January 28, 1983, for a maximum of 150 days; emergency expired June 27, 1983; adopted at 8 Ill. Reg. 2510,
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS


SUBPART A: INTRODUCTION

Section 3060.100 Program Purpose

To establish a program of matching State grants to aid in paying for the construction costs of public libraries and facilities for library systems within Illinois. Local money except as provided in subsection (c) will be matched by State grants based on the category of grant as follows:

a) Remodeling for Accessibility. Special projects where 70% – 100% of total project funds are to be used specifically for remodeling an existing building as outlined in Section 3060.1000. The State's share shall be 50% of the project's total cost.

b) Projects involving new construction, additions to and/or remodeling of existing buildings, conversion of buildings not currently used for library services, energy conservation projects, security systems, technology wiring and renovation projects, including projects involving shared use of public facilities. The State's share shall be a maximum of 50% of the project's total cost. For shared use public facilities, the costs allocated to the public library portion of the building are the only costs eligible for reimbursement under this grant program as stipulated in Section 3060.1050 of this Part.

c) Mini-grants. These projects include (but are not limited to) new carpeting, new furnishings, remodeling, energy conservation, security systems and technology
wiring and interior or exterior painting. Libraries receiving mini-grants must address legal requirements for making the building accessible to the handicapped. There is no local match required for mini-grants.

(Source: Amended at 30 Ill. Reg. _____, effective ____________)

Section 3060.400 Definitions

For the purposes of this Part:

"Act" means the Illinois Library System Act [75 ILCS 10].

"Application round" means the period in which applications for grants are available to prospective applicants and completed applications are reviewed and grants awarded as indicated in Section 3060.100 of this Part.

"Appropriation" means the amount of funds actually approved by the General Assembly for a particular fiscal year and allocated to fund the construction grant program under Section 8 of the Illinois Library System Act.

"Audit" means a report of financial compliance of a construction grant project by a certified public accountant.

"Construction" includes, but is not limited to:

The construction of new public library and library systems buildings.

The acquisition, expansion, remodeling and/or alteration of existing buildings.

The purchase of initial equipment for new buildings or existing buildings which are being expanded, remodeled, or altered, under this grant.

Any combination of such activities (including architect's fees and the cost of the site if acquired in the last 2 years).

"Conversion" means converting a building currently not used as a library into a public library facility.

"Equipment" includes machinery, utilities and built-in equipment and any
necessary enclosures or structures to house them, and all other items necessary for
the functioning of a particular facility as a library or as a library system facility.
By way of illustration, "equipment" includes, for example, fixtures, furnishings,
shelving, and carpeting. "Equipment" does not include, for example, books,
periodicals, films, or recordings.

"Intersystem reciprocal borrowing" means reciprocal borrowing transactions
involving a lending library and a patron registered as a borrower at a library in
another system.

"Library" means a tax-supported public library within an Illinois Library System.
"Library" also means a branch library of a main library facility.

"Library building consultant" refers to an individual, chosen by the applicant
library, with a Master's degree in library science from a library school accredited
by the American Library Association with prior experience in at least one library
construction project. An architect licensed to practice in Illinois or a structural or
other type of engineer, depending on the scope of work, licensed to practice in
Illinois, with prior experience in at least one library construction project, may also
be a library building consultant. The architect or engineer may be retained for
other services by the applicant library.

"Library system" means an organization defined at Section 2 of the Library
System Act.

"Local matching funds" means general funds, securities, general revenue bonds,
tax levies, mortgages and locally generated monies. Local matching funds do not
include any pledges as defined in this Part, and any funds from the State of
Illinois, or from the federal government or from collateralized pledges.

"Mini-grants" means projects to enable public libraries with limited funds, as
defined in this Section, to remodel or refurbish the library.

"Pledge" means a non-collateralized offer or guarantee in writing of a specified
dollar amount as part of the local matching funds for a construction project.

"Political unit" refers to the local governing authority.

"Public libraries with limited funds" refers to public libraries which would have
received an income of less than $128140 per capita in the preceding fiscal year by
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

using a formula whereby the library's equalized assessed valuation is multiplied by .13% and divided by the population of the library's service area.

"Security system" means an electronic system designed to protect the library property, facility and contents and individuals on the premises.

"Shared use facility" means a building occupied by a public library with a school or another entity that is open to the public and complements the concept of public library service.

"State fiscal year" means the period from July 1 through June 30.

"Technology wiring" means the installation of wiring to allow for the transmission of electronic data.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

SUBPART B: GRANT APPLICATION

Section 3060.500 Priorities in Library Grant Construction Proposals

a) Library grant funds for library building construction in any one application round will be awarded according to the following priorities:

1) Remodeling for accessibility with conditions as stated in subsection (c) of this Section.

2) A maximum of $1 million and no less than 10% of available funding in a fiscal year will be allocated for mini-grants for public libraries.

3) Projects involving new construction, additions to and/or remodeling of existing buildings, energy conservation projects, conversions, technology wiring and renovation projects, including projects involving shared use of public facilities.

b) The cost of a parking lot can be included in the total project cost funded for remodeling for accessibility projects, but grant funds will not be allocated solely for a parking lot project, unless it is for accessibility for the disabled (ramps, curbs, doors, etc.).
NOTICE OF PROPOSED AMENDMENTS

c) In the event that funds are not sufficient to meet the priorities of this Part, the State Librarian may determine the priorities upon the funding available. Due to insufficient funding for this program, for fiscal year 2007, grant priority shall be given to remodeling for accessibility and mini-grants (as indicated in Section 3060.100(a) and (c) of this Part), except as otherwise provided by Section 3060.600(c) and (e).

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

Section 3060.600 Grant Funding Limitations

Fiscal limitations on library building construction grants under Section 8 of the Illinois Library System Act shall include the following:

a) The public libraries in any one county shall not receive more than 50% of the funding in each application round unless there are insufficient applications from libraries in other counties to expend the entire appropriation. Grants to library systems shall not be included in calculating this 50% limitation.

b) The maximum grant for each library political unit shall be $250,000 per annual funding cycle unless there are insufficient applications from other political units to expend the entire appropriation. This subsection (b) shall not be used to award grants in excess of the maximum grants per project specified in subsection (d).

c) The minimum grant awarded for mini-grants shall be $2,500. The minimum grant awarded for projects other than mini-grants and remodeling for accessibility shall be $25,000. The maximum grant awarded for mini-grants shall not exceed $25,000; the maximum grant awarded for remodeling for accessibility projects shall not exceed $50,000; and the maximum grant awarded for other projects shall not exceed $250,000.

d) Library buildings that received any State or federal construction funding, whether under a library construction grant program or a specific appropriation, during the three prior state fiscal years, including the current State fiscal year are not eligible for any construct grant funding under this Part.

e) For projects of a unique nature or resulting from a disaster, the Secretary of State, on the advice of the Illinois State Library, may raise the ceiling, award less than the minimum grant amount, make a special grant award and/or allow for consecutive years of funding.
NOTICE OF PROPOSED AMENDMENTS

f) Competitive bids for construction projects shall not be let until after the grant contract with the Secretary of State has been signed.

g) Grant contracts awarded under this Part must be signed no later than June 30 of the fiscal year in the year that the grant was issued.

(Source: Amended at 30 Ill. Reg. _______, effective ____________)

Section 3060.800 Grant Application Procedure

The following application procedures shall apply:

a) The Illinois State Library shall issue application forms for library construction grants under this program.

b) Applying libraries and library systems shall submit the completed library construction grant application, together with the following documents or written assurances, to be eligible for library construction grants:

  1) Application phase:

     A) To be eligible for a Live & Learn construction grant, a public library must comply with the assurances contained in this Section as listed in the Construction Grant Application Form, as most recently adopted by the Subcommittee for Public Library Construction, a subcommittee of the Illinois State Library Advisory Committee.

     B) A statement describing the necessity for the proposed project.

     C) A statement of plans to meet existing library standards of service, "Serving Our Public: Standards for Illinois Public Libraries, 1997" (produced by the Illinois Library Association, 33 West Grand Avenue, Chicago IL 60610-4306). The material incorporated by reference includes no later amendments or editions. This subsection (b)(1)(C) shall not apply to library systems.

     D) A description of the project's potential contribution to the improvement of library services within the library's area of service
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

and in any other portions of the State.

E) A library building program. For projects with a total cost of over $150,000, a library building consultant must work with the library in developing the building program. The library board shall select a building consultant in accordance with the Illinois Local Library Act [75 ILCS 5/4-7] and the Illinois Library District Act [75 ILCS 16/30-55.40].

F) Preliminary construction plans with a site plan of the proposed building.

G) An estimated cost per square foot (for all projects).


I) The following conditions apply in new construction, additions and projects involving evacuation of soil:

i) A letter from the Illinois State Water Survey of the Illinois Department of Natural Resources stating that the project site is not located in a Special Flood Hazard Area. If the project site is located in a Special Flood Hazard Area, the applicant shall submit an assurance letter from the Division of Water Resources of the Department of Natural Resources, stating that the project meets the requirements of Executive Order 79-4 regarding flood damages.

ii) A subsurface soil analysis by a soils engineer.

iii) A site assessment by a licensed environmental/hazardous materials consultant to determine the existence of asbestos and/or lead paint. This assurance does not apply to new buildings unless demolition of existing buildings (other than residences) is necessary.

J) The real estate affected by the proposed construction is available to the library or library system, and the legal description of the
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

affected real estate. A deed of ownership or proof of long-term (20 years minimum) occupancy, except for mini-grants. The building will remain in use as a public library or library system facility for not less than 20 years after its construction unless other use is approved by the director of the Illinois State Library.

K) A letter from the Director of the Regional Library System that serves the applicant library acknowledging that the System is aware of the proposed project.

L) A listing of all applicable authorities having jurisdiction over the applying facility.

M) The library will submit with the grant application the Americans with Disabilities Act Self-Evaluation form prepared by the Illinois State Library, except for new construction projects.

N) Other funds designated for construction that are immediately available to the library upon application. Funds may include a mortgage commitment letter from a financial institution licensed by a state or the federal government. Assurances from the applicant that various fundraising activities will be undertaken in the future, where the amount to be raised in pledges remains uncertain, shall not be counted as part of the local matching funds for the purposes of Section 3060.100.

2) Construction phase:

A) The grantee library will expend 90% of Secretary of State library construction grant funds within 12 months after the execution of the grant agreement. The final 10% of grant funds will be reimbursed upon receipt and review by the Illinois State Library of the close-out report, including the final audit, if applicable. Upon failure of the grantee to submit a close-out report, or an audit, if applicable, within 24 months after the execution of the contract, the grant shall be forfeited unless an extension is granted by the director of the Illinois State Library.

B) Construction work will be performed by the lump sum (fixed price) contract method.
C) The library will publicly announce all requirements for architectural, engineering, and land surveying services and procure these services on the basis of demonstrated competence and qualifications and negotiate contracts at fair and reasonable prices in accordance with the Illinois Local Library Act [75 ILCS 5/5-5] and the Illinois Library District Act [75 ILCS 16/40-45].

D) Architectural, engineering and land surveying contracts will be made in accordance with the Local Government Professional Services Selection Act [50 ILCS 510].

E) Adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract by public advertising in the State designated newspaper and newspaper of general circulation in the area, and that the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid in accordance with the Illinois Local Library Act [75 ILCS 5/5-5] and the Illinois Library District Act [75 ILCS 16/40-45].

F) All laborers and mechanics employed by the contractor or subcontractors on all construction projects shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Illinois Department of Labor in accordance with the Prevailing Wage Act [820 ILCS 130].

G) A copy of the building permit shall be supplied to the Illinois State Library prior to the actual construction and the permit shall be posted in a prominent place on the construction site.

H) Any change in the Plans and Specifications requiring a work change order will be submitted to the Illinois State Library. All change orders shall be subject to the Illinois Public Works Contract Change Order Act [50 ILCS 525]. The Illinois State Library shall be notified of and approve any change orders of $10,000 or more and the modification of any public areas of the grantee library from the proposed original plans of the approved grant application; any change order of $10,000 or more will be submitted to the Illinois State Library for approval prior to being effected. The change
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

change orders do not affect the grant award amount.

I) All contractors and subcontractors shall comply with the provisions of the Copeland Anti-Kick Back Act (40 USC 276c) supplemented in U.S. Department of Labor regulations (29 CFR 3 (1985)). The material incorporated by reference includes no later amendments or editions.

J) Contractors and subcontractors shall comply with all applicable provisions of the Illinois Human Rights Act [775 ILCS 5] and all Federal and State laws, rules, and regulations that prohibit discrimination because of race, color, religion, sex, marital status, national origin, ancestry, age, and physical or mental handicap.

K) Construction contracts signed by both the library board (or library system board) and contractors will be prepared on standard American Institute of Architecture (AIA) forms that are submitted to the Illinois State Library prior to the start of construction; also, all subcontractors are to perform work in accordance with the conditions and standards contained in the contracts signed by the board and the Illinois State Library. The Illinois State Library shall have the right to disapprove any such contracts between the library board or library system board and contractors if:

i) The bidding procedure outlined in subsection (c)(14) was not followed.

ii) The conditions and standards specified in the contract between the Illinois State Library and the library board are not incorporated into the contracts between the library board or library system board and the contractors.

L) A revised budget will be prepared after bids have been accepted and will be submitted to the Illinois State Library for approval prior to actual construction. Such approval will be based on the reduction in the contingency line item from 5% in the original budget to 2% of total project cost in the revised budget. Grant monies awarded are based on the amount specified in the original
NOTICE OF PROPOSED AMENDMENTS

budget; grant awards will not be increased because of subsequent increases in revised budgets. Decisions shall not affect the time frame imposed unless approved by the director of the Illinois State Library.

M) A sign will be displayed on the construction site stating that State funds administered by the Secretary of State and State Librarian are being used for the construction; and a plaque will be placed in the completed building stating that State funds administered by the Secretary of State and State Librarian were used for the building's construction.

N) Projects receiving over $200,000 must use .5% of the grant award for the purchase and placement of suitable works of art. The purchase of the artwork will be done in conjunction with the Capital Development Board [20 ILCS 3105/14].

O) Any agent authorized by the Illinois State Library, upon presentation of credentials and in accordance with the constitutional limitation on administrative searches, shall have full access to and the right to examine any records, books, papers, or documents of the grantee involving transactions related to the grant.

P) Construction will commence within 140 days after the effective date of the grant contract according to Section 3060.600(f) of this Part.

Q) The following reports and records will be completed and transmitted to the Illinois State Library: quarterly narrative and financial reports; notification within 15 days after completion of the project; a close-out report that is a final financial and narrative report within 24 months after the execution of the contract, unless an extension is granted by the director of the Illinois State Library; and other reports and documents, such as prevailing wage rates and receipts to verify vouchers, as reasonably may be required by the State Library. The final financial report shall be signed by the president of the library's board of directors.

i) Financial reports shall show: the amount of authorized
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

State and local funds; interest earned on grant funds; expenditures made from grant funds and from interest earned on grant funds; obligated funds, by amount of line item remaining compared to the original budget.

ii) Narrative reports shall state: the progress of the project; accomplishments to date; problems encountered; objectives met and unmet; changes implemented; and the percentage of completion of the project to date.

iii) The close-out report shall evaluate the degree to which the grantee achieved the goals and objectives of the project. The close-out report shall include a project audit report that shall be completed by an independent certified public accountant in accordance with the "Government Auditing Standards: 1994 Revision", published by the Comptroller General of the United States, U.S. General Accounting Office, 441 G. Street, NW, Washington, DC 20548. No later amendments to these standards are incorporated in this Section. The project audit report shall include financial statements and compliance statements (which indicate that grant monies have been obligated in compliance with applicable laws and regulations of the State of Illinois and this Part).

iv) The project architect or engineer shall certify to the Illinois State Library when the project reaches the 30%, 60%, 90% and 100% state of completion.

R) When construction is complete, sufficient funds will be available for effective operation and maintenance of the facilities, in accordance with applicable Federal, State and local requirements.

S) The library will establish a separate account for construction grant funds.

T) Any interest earned on the grant funds will be expended, without limitation or exception, exclusively on the subject construction project.
c) Some of the documentation and written assurances may be waived in the application for mini-grants described in Section 3060.100(c) of this Part, upon approval of the Illinois State Library construction consultant. Documentation and written assurances may be waived if they are not relevant to the specific mini-grant. As an example, a legal description of the affected real estate may not be required for a mini-grant project to install carpeting in the existing library building.

d) All applications will be considered in accordance with Section 3060.200(c) of this Part.

(Source: Amended at 30 Ill. Reg. _______, effective ____________)
NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Procedures of the Department of State Police Merit Board

2) **Code Citation:** 80 Ill. Adm. Code 150

3) **Section Numbers:**
   - 150.210 Amendment
   - 150.430 Amendment

4) **Statutory Authority:** 20 ILCS 2610/9 and 2610/10

5) **A Complete Description of the Subjects and Issues Involved:**
   
   Section 150.210 – This is not a change to the Part, simply a clarification of the education requirement.

   Section 150.430 – This will add another component, an assessment exercise, to the promotional process for Sergeants testing to Master Sergeant.

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

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

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

9) **Are there any other proposed amendments pending on this Part?** No

10) **Statement of Statewide Policy Objectives:** This rulemaking will not affect units of local government.

11) **Time, Place and Manner in which interested persons may comment on this proposed rule making:** Interested persons may submit written comments within forty-five days after this issue of the *Illinois Register* to:

    Mr. James E. Seiber, Executive Director
    Department of State Police Merit Board
    3180 Adloff Lane, Suite 100
    Springfield, Illinois 62703
    217/786-6240

12) **Initial Regulatory Flexibility Analysis:**
DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED AMENDMENTS

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

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

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: These rules were not included on either of the two most recent agendas because: the Board has just recently voted on the change.

The full text of the Proposed Amendments begins on the next page:
DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER IV: DEPARTMENT OF STATE POLICE MERIT BOARD

PART 150
PROCEDURES OF THE DEPARTMENT OF STATE POLICE MERIT BOARD

SUBPART A: DEFINITIONS

Section 150.10 Definitions

SUBPART B: CERTIFICATION FOR APPOINTMENT

Section 150.210 Qualifications
150.220 Selection Procedures
150.230 Recertification
150.240 Probationary Period

SUBPART C: CLASSIFICATION OF RANKS

Section 150.310 Ranks
150.320 Interdivisional Transfers

SUBPART D: CERTIFICATION FOR PROMOTION

Section 150.410 Board Responsibilities
150.420 Eligibility
150.430 Procedures
150.440 Promotion Probationary Period (Repealed)

SUBPART E: DISCIPLINARY ACTION

Section 150.510 Merit Board Jurisdiction
150.520 Discipline Afforded the Deputy Director
150.530 Notification to Suspended Officer
DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED AMENDMENTS

150.540 Petition for Review
150.550 Form and Content of Petition for Review
150.560 Filing Procedures
150.565 Procedure for Processing Petition for Review
150.570 Director's Review
150.575 Discipline Afforded the Director
150.580 Complaint Procedures
150.585 Scheduling the Hearing
150.590 Notification to Officer

SUBPART F: HEARINGS

Section
150.610 Board Docket
150.620 Hearing Officer
150.630 Pre-hearing Conferences
150.640 Motions
150.650 Subpoenas
150.655 Request for Witnesses or Documents
150.660 Evidence Depositions
150.665 Hearing Procedures
150.670 Continuances and Extensions of Time
150.675 Computation of Time
150.680 Decisions of the Board
150.685 Service and Form of Papers

150.APPENDIX A Vision Standards (Repealed)
150.APPENDIX B Physical Fitness Standards

AUTHORITY: Implementing Sections 3 through 14 and authorized by Section 8 of the State Police Act [20 ILCS 2610/3 through 14].

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED AMENDMENTS


SUBPART B: CERTIFICATION FOR APPOINTMENT

Section 150.210 Qualifications

a) The Board shall certify to the Director in writing qualified applicants for appointment as sworn officers to the Department. Qualified applicants shall:

1) Be at least 21 years of age. Persons 20 years of age may be certified if they have successfully completed 2 years (60 semester hours, 90 quarter hours) of law enforcement studies at an accredited college or university.
DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED AMENDMENTS

2) Have completed, one of the education options listed below, with an average grade of C or better, from an accredited college or university, as certified by the registrar of the college or university.

A) Options

i) Option 1: An Associate of Arts Degree or equivalent general education course work (see subsection (a)(2)(B) of this Section) and meet one of the following two job experience requirements: 3 years of continuous, full time service as a police officer with the same police agency or 3 years of active military duty.

ii) Option 2: An Associate of Science Degree or equivalent general education course work (see subsection (a)(2)(B) of this Section) and meet one of the following two job experience requirements: 3 years of continuous, full time service as a police officer with the same police agency or 3 years of active military duty.

iii) Option 3: An Associate of Applied Science Degree, only if the degree is in Law Enforcement, and meet one of the following two job experience requirements: 3 years of continuous, full time service as a police officer with the same police agency or 3 years of active military duty.

iv) Option 4: A Bachelor's Degree.

B) General Education Course Work consists of:

i) 9 semester hours in Communication studies;

ii) 9 semester hours in Social Science studies;

iii) 6 semester hours in Natural Science studies;

iv) 3 semester hours in Math studies;

v) 9 semester hours in Humanity studies;
DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED AMENDMENTS

 vi) 24 semester hours in any other elective.

C) The college or university must be accredited by one of the following associations:

 i) Middle States Association of Colleges and Schools;
 ii) North Central Association of Colleges and Schools;
 iii) New England Association of Schools and Colleges;
 iv) Northwest Association of Schools and Colleges;
 v) Southern Association of Colleges and Schools;
 vi) Western Association of Schools and Colleges.

3) Be a citizen of the United States with no felony convictions.

4) Accept assignment anywhere in the State.

5) Possess a valid driver's license.

6) Successfully complete mental and physical tests and a background investigation as prescribed by the Board. (See Section 150.Appendix A and B of this Part.)

b) The Board may certify more applicants than there are vacant positions at the time of certification. Such certified applicants shall be eligible for appointment for a period of time designated by the Board.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

SUBPART D: CERTIFICATION FOR PROMOTION

Section 150.430 Procedures

a) The Board will provide each officer with official notification announcing the examination and requesting a written response respecting the officer's intention to participate.
b) Candidates for promotion must complete examinations at the time designated by the Board in the official notification. No exceptions will be allowed.

c) Such candidates must have taken the most recent examination offered by the Board to be eligible for certification for promotion. All candidates taking the examination for each rank will be advised of their total promotional score and standing.

d) Promotional Process Components

The total promotional score will consist of combined standardized scores or respective percentage weights of the components designated for each rank:

<table>
<thead>
<tr>
<th>Components</th>
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<tbody>
<tr>
<td>Sergeant and Master Sergeant:</td>
</tr>
<tr>
<td>Job Knowledge Test 50%</td>
</tr>
<tr>
<td>Performance Appraisal 45%</td>
</tr>
<tr>
<td>Seniority in Rank Up to 5 points</td>
</tr>
<tr>
<td>Master Sergeant, Lieutenant and Captain:</td>
</tr>
<tr>
<td>Job Knowledge Test, Performance Appraisal and Assessment 95%</td>
</tr>
<tr>
<td>Exercise, combined</td>
</tr>
<tr>
<td>Seniority in Rank Up to 5 points</td>
</tr>
</tbody>
</table>

e) Candidates for the ranks of Master Sergeant, Lieutenant and Captain will participate in a written examination and an assessment exercise, as well as receive a performance appraisal and a seniority score. The combined score will be standardized to a 100 point scale. The top 65% of all Sergeants, Master Sergeants and Lieutenants participating in the total promotional process will be certified by the Board. All candidates competing for the ranks of Lieutenant and Captain must possess a Bachelor's Degree. Those candidates hired before 1999 will be granted 10 years to complete a Bachelor's Degree. The 10 year period will begin on January 1, 2003 and end on December 31, 2013. Candidates must have graduated with a "C" average or better from an accredited college or university, as
DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED AMENDMENTS

certified by the registrar of the college or university. The college or university must be accredited by one of the following associations:

1) Middle States Association of Colleges and Schools;
2) North Central Association of Colleges and Schools;
3) New England Association of Schools and Colleges;
4) Northwest Association of Schools and Colleges;
5) Southern Association of Colleges and Schools;
6) Western Association of Schools and Colleges.

f) The Board will certify to the Director the top 65% of those Troopers; and Special Agents and Sergeants participating in the total promotional process.

g) There will be a statewide certification list for the rank of Captain. The certification lists for Sergeant and Master Sergeant will be according to Districts and the certification lists for Lieutenant will be according to Regions, as defined jointly by the Illinois State Police and the Illinois State Police Merit Board for promotional purposes.

h) The top 10 candidates on each certification list for all ranks are equally eligible for promotion by the Director; however, in the event of a tied score, all candidates obtaining such score shall be equally eligible for promotional consideration. The Director may promote accordingly any one of the eligible candidates in accordance with Equal Employment Opportunity Commission regulations (29 CFR 1600 et seq. (July 1, 1982)) and Illinois Department of Human Rights guidelines.

1) As promotions are accepted or waived, that candidate with the next highest total promotional score on the list becomes equally eligible for promotion; however, in the event of a tied score, all candidates obtaining such score shall be equally eligible for promotional consideration;

2) Eligible candidates on the certification list may decline an offer of promotion without losing position on the certification list. In the event of declination, that candidate with the next highest total promotional score
DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED AMENDMENTS

becomes equally eligible for promotion; however, in the event of a tied score, all candidates obtaining such score shall be equally eligible for promotional consideration.

i) Upon written notification from the Department to the Board that a candidate on the certification list has been suspended, is on leave of absence, or has applied for disability benefits, the Board will remove the candidate's name from the certification list. The candidate's name will be restored on the list in a position in proper relation to the total promotional scores remaining when the suspension or leave of absence terminates or the disability is removed.

j) The certification list shall remain in force until the new certification list has been established; however, in the event that a certification list becomes exhausted, the Director will file a written request with the Board asking for the certification of additional names on any one list if necessary to fill vacant positions.

k) Candidates for the rank of Major will be nominated to the Board by written request from the Illinois State Police. The Board will review the position requirements, candidate information and any written/oral examinations necessary to determine if the candidate will be certified for promotion.

(Source: Amended at 30 Ill. Reg. _____, effective _____________.)
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** General Provisions

2) **Code Citation:** 23 Ill. Adm. Code 2700

3) **Section Numbers:**

<table>
<thead>
<tr>
<th>Section Numbers</th>
<th>Proposed Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>2700.20</td>
<td>Amendment</td>
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<tr>
<td>2700.30</td>
<td>Amendment</td>
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<tr>
<td>2700.50</td>
<td>Amendment</td>
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<tr>
<td>2700.70</td>
<td>Amendment</td>
</tr>
</tbody>
</table>

4) **Statutory Authority:** Implementing the Higher Education Student Assistance Act [110 ILCS 947] and authorized by Sections 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

5) **A Complete Description of the Subjects and Issues Involved:** ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

Section 2700.50(g)(2), has been amended to clarify when an applicant’s Illinois residency must be verified by the postsecondary institution the applicant is attending.

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

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

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

9) **Are there any other amendments pending on this Part?** No

10) **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)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
NOTICE OF PROPOSED AMENDMENTS

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

Lori A. Reimers  
Director, Government Relations  
Illinois Student Assistance Commission  
500 W. Monroe, 3rd floor  
Springfield, IL 62704-1876

(217) 785-8721  
email: lreimers@isac.org

12) Initial Regulatory Flexibility Analysis:

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

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

C) Types of professional skills necessary for compliance: None

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

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2700
GENERAL PROVISIONS

Section
2700.10 Summary and Purpose
2700.20 Definitions
2700.30 General Institutional Eligibility Requirements
2700.40 General Applicant Eligibility Requirements
2700.50 Determining Applicant Eligibility
2700.55 Use, Security and Confidentiality of Data
2700.60 Audits and Investigations
2700.70 Appeal Procedures
2700.80 Contractual Agreement Requirements

AUTHORITY: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USCA 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].


Section 2700.20 Definitions
"Academic Level" – The classification of a student as a freshman, sophomore, junior, senior, or graduate student.

"Academic Year" – In relation to scholarship and grant programs, a twelve month period of time, normally from August or September of any year through August or September of the ensuing year. In relation to the Federal Family Education Loan Program, academic year is defined at Section 481(d)(2) of the Higher Education Act of 1965, as amended (HEA), and at 34 CFR 668.2.

"Alternative Loan" – Any educational loan made or purchased by ISAC other than a loan made pursuant to Title IV of the Higher Education Act of 1965, as amended (20 USC 1071 et seq.), or any other federal statute providing for federal insurance of education loans to borrowers.

"Applicant" – Any individual who requests ISAC consideration for a scholarship, grant, tuition waiver, or guaranteed or alternative loan.

"Approved High School" – Any public high school located in this State; and any high school, located in this State or elsewhere (whether designated as a high school, secondary school, academy, preparatory school, or otherwise) which in the judgment of the State Superintendent of Education provides a course of instruction at the secondary level and maintains standards of instruction substantially the equivalent of those public high schools located in this State. (Section 10 of the Higher Education Student Assistance Act [110 ILCS 947/10])

"Armed Forces" – The United States Army, Air Force, Navy, Marines and Coast Guard.

"Blanket Certificate of Loan Guaranty" – A process that permits an eligible lender to make loans without receiving prior approval from ISAC for individual loans to eligible borrowers enrolled in eligible programs at eligible institutions, as authorized by Section 428(n) of the HEA.

"Chargeback" – Payment of tuition by the community college district of a student's residence to the community college district of a student's attendance. (See 110 ILCS 805/6-2.)

"Citizen" – One who, under the Constitution and laws of the United States, is a native-born or naturalized citizen of the United States of America.
"College Savings Bond" – A State of Illinois general obligation, zero coupon bond, issued pursuant to the Baccalaureate Savings Act as a long-term education savings instrument.

"Co-maker" – One of the two individuals who are joint borrowers either on a Federal PLUS Loan that was certified prior to January 1, 1995 or on any Federal Consolidation loan and who are equally liable for repayment of the loan. (See 34 CFR 682.200.)

"Commission" – The ten member Illinois Student Assistance Commission created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947/15].

"Compound Accreted Value" – An amount equal to the original amount plus an investment return accrued to the date of determination at a semiannual compounding rate which is necessary to produce the yield at maturity indicated on the Official Statement that was issued when the college savings bonds were sold. The "Compound Accreted Value at Maturity" will be equal to $5000 or an integral multiple thereof.

"Concurrent Registration" – The simultaneous enrollment at two or more institutions.

"Consolidation" – A federal program under which a borrower may receive a single new loan that refines one or more outstanding qualified education loans under new terms and conditions, as authorized by Section 428C of the HEA.

"Contractual Agreement" – The written agreement between an eligible institution and a school or organization that is not eligible for participation in ISAC-administered programs whereby the non-eligible institution provides part of the education program of students enrolled at the eligible institution, as codified in Section 2700.80. A contractual agreement differs from a consortium agreement, which is an agreement among two or more eligible institutions only.

"Correctional Officer" – An employee of the Illinois Department of Corrections (DOC) who is assigned to a security position with the Department, and who has responsibility for inmates of any correctional institution under the jurisdiction of the Department.
NOTICE OF PROPOSED AMENDMENTS

"Correspondence Course" – A home study course provided by an institution under which the institution provides instructional materials, including examinations on the materials, to students who are not physically attending classes at the institution, as defined at 34 CFR 600.2.

"Co-signer" – A person who is secondarily liable for the repayment of an Alternative Loan.

"Cost of Attendance" – For the purposes of ISAC's rules, this term is defined at Section 472 of the Higher Education Act of 1965, as amended (20 USC 108711).

"Cumulative Grade Point Average" – The average grade earned throughout a student's applicable secondary or postsecondary educational program. The calculation shall be consistent with the institution's established policy or practice and shall be the same as that completed for admission, placement or other similar purposes.

"Default Status" – The failure of a borrower to make an installment payment when due or to meet other terms of the promissory note as defined at 34 CFR 682.200.

"Delinquency" – For the purposes of ISAC's rules, this term is defined at 34 CFR 682.411(b).

"Dependent Student" – A scholarship, loan, tuition waiver or grant applicant or recipient who is not classified as an independent student.

"Disbursement" – In relation to scholarship and grant programs, a disbursement occurs on the payment voucher date. In relation to the Federal Family Education Loan Program, disbursement is the process of transferring loan proceeds as defined at 34 CFR 682.200.

"Distance Education" – A learning and teaching mode characterized by the separation of place and/or time between instructor and student, which includes programs and courses offered by correspondence and telecommunications.

"ED" – The acronym for the United States Department of Education.

"Educational Institution" – Unless otherwise qualified, any secondary or
NOTICE OF PROPOSED AMENDMENTS

postsecondary educational organization with enrolls students who participate in ISAC programs.

"Educational Lender" – An institution that meets the lender eligibility criteria outlined in 23 Ill. Adm. Code 2720.25 for FFELP Loans and 2721.40 for alternative loans.

"EFT" – The acronym for electronic funds transfer.

"Eligible Noncitizen" – A noncitizen who is eligible for federal student assistance pursuant to Section 484 of the Higher Education Act of 1965, as amended. (See 20 USCA 1091.)

"Endorser" – A person who is secondarily liable for the repayment of a Federal PLUS Loan obligation.

"Enrolled" – The status of a student who has completed the institution's registration requirements and is attending classes.

"Executive Director" – The chief executive officer of ISAC.

"Expected Family Contribution" – The amount the student and the student's family may be reasonably expected to contribute toward the student's postsecondary education. Expected Family Contribution is defined at Section 474 of the Higher Education Act (HEA) of 1965, as amended. (See 20 USCA 1087nn.)

"FAFSA" – The acronym for the Free Application for Federal Student Aid.

"FAFSA Receipt Date" – The date reported by ED's processor as the date upon which it receives an applicant's initial FAFSA for an academic year. For paper FAFSA's sent through the U.S. Postal Service, this is the date of physical receipt at the processor, not the postmark date.

"Federal Regulations" – Refers to regulations promulgated by ED and codified at 34 CFR 600 et seq.

"FFELP" – The acronym for the Federal Family Education Loan Program, as authorized by Section 421 of the Higher Education Act, as amended, including subsidized and unsubsidized Federal Stafford Loans, Federal PLUS Loans,
NOTICE OF PROPOSED AMENDMENTS

Federal SLS Loans and Federal Consolidation Loans.

"Fire Officer" – For the purposes of ISAC’s rules, this term means a firefighter who is employed by, or in the voluntary service of, this State or any public entity in this State.

"Foreign Missionary" – An individual who is assigned duty outside of the United States by an organization that engages in educational, philanthropic, humanitarian or altruistic works. The missionary organization must be exempt from the payment of federal taxes and must have been engaged in placing foreign missionaries for at least five years. Examples of such missionary organizations include, but are not limited to, the following: Peace Corps, Evangelical Alliance Mission, etc.

"Full-time Student" – In relation to scholarship and grant programs, an individual enrolled for twelve or more credit hours, for either a semester or quarter term. In relation to the Federal Family Educational Loan Program, full-time student is defined at 34 CFR 682.200.

"Gift Assistance" – Student assistance funds in the form of a scholarship, grant or tuition waiver, including, but not limited to, federal, State, institutional and private aid.

"Good Moral Character" – An applicant is of good moral character if the applicant will benefit from postsecondary instruction and is allowed to enroll at an approved postsecondary institution.

"Graduating Class" – The students who will complete the high school's program of instruction and graduate within an academic year.

"Guaranteed Loan" – Loan assistance through the Federal Family Education Loan Program (FFELP) which includes the subsidized and unsubsidized Federal Stafford Loan, the Federal PLUS Loan, the Federal Supplemental Loans for Students (SLS), and the Federal Consolidation Loan programs.

"HEA" – The acronym for the Higher Education Act of 1965, as amended, and codified at 20 USC 1070 et seq.

"Half-time Student" – In relation to scholarship and grant programs, an individual enrolled for six or more credit hours (but fewer than twelve credit hours) for
either a semester or quarter term. In relation to the Federal Family Education Loan Program, half-time student is defined at 34 CFR 682.200.

"Holder" – An organization authorized by ED and ISAC to purchase or retain possession of guaranteed loans. These organizations operate as commercial and educational lenders or secondary markets and may purchase ISAC-guaranteed loans from approved lenders.

"IBHE" – The acronym for the Illinois Board of Higher Education, the administrative agency created by the Board of Higher Education Act [110 ILCS 947/205].

"IDAPP" – The acronym for ISAC’s Illinois Designated Account Purchase Program as authorized by the Education Loan Purchase Program Law [110 ILCS 947/125 through 170].

"Independent Student" – For the purposes of ISAC’s rules, an independent student is defined by Section 480 of the Higher Education Act of 1965, as amended by P.L. 102-325. (See 20 USC 1087vv.)

"Institution" – Unless otherwise qualified, any secondary or postsecondary educational organization which enrolls students who participate in ISAC programs.

"Institution of Higher Learning" – An educational organization whose main campus is physically located in Illinois that: provides at least a two-year program of collegiate study in liberal arts or sciences, or associate degree or both, directly applicable toward the attainment of a baccalaureate degree, or, a program in health education directly applicable toward the attainment of a certificate, diploma, or an associate degree; and is operated:

by the State, or

publicly or privately, not for profit, or

for profit, provided it:
Offers degree programs which have been approved by the IBHE for a minimum of three years under the Academic Degree Act, and

enrolls a majority of its students in these degree programs, and

maintains accredited status with the North Central Association of Colleges and Schools Higher Learning Commission.

For otherwise eligible educational organizations which provide academic programs for incarcerated students, the term "institution of higher learning" shall specifically exclude academic programs for incarcerated students (Section 10 of the Higher Education Student Assistance Act). For eligible institutions with campuses in multiple states, the term "institution of higher learning" shall include only those campuses located in Illinois.

"Institution of Record" – The postsecondary institution at which a student is enrolled and seeking a degree or certificate. This institution assumes primary responsibility for certification of eligibility for ISAC-administered programs and for requesting payment from ISAC.

"ISAC" – The acronym for the Illinois Student Assistance Commission, the administrative agency created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947/15] to administer student assistance programs.

"ISBE" – The acronym for the Illinois State Board of Education, the administrative agency created by the School Code [105 ILCS 5].

"Lender" – An organization authorized by ISAC to make educational loans to students.

"Mandatory Fees" – The charges assessed by an institution to each and every full-time student for each term. Application, graduation, laboratory, breakage, add/drop fees, and program administrative fees for out-of-state or foreign study are specifically excluded. For the purposes of ISAC’s rules, tuition is not a mandatory fee.
ILLINOIS REGISTER

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

"MAP" – The acronym for the Monetary Award Program administered by ISAC, as authorized by 110 ILCS 947/35 and codified at 23 Ill. Adm. Code 2735.

"Master Check" – A single check representing the loan proceeds for more than one borrower.

"Minority Student" – A student who is either Black (a person having origins in any of the black racial groups in Africa); Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race); Asian American (a person with origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, including Pakistan, and the Pacific Islands, including, among others, Hawaii, Melanesia, Micronesia and Polynesia); or Native American (a person who is a member of a federally or state recognized Indian tribe, or whose parents or grandparents have such membership) and to include the native people of Alaska (Section 50(a) of the Higher Education Student Assistance Act).

"Parent" – For the purposes of ISAC's rules, this term is defined at 34 CFR 668.2.

"Pell Grant" – A federal gift assistance program administered by ED in accordance with Section 411 of the Higher Education Act of 1965, as amended. (See 20 USC 1070a et seq.)

"PLUS" – The federal program which provides loans to parents of certain students, as authorized by Section 428B of the Higher Education Act of 1965, as amended (20 USC 1078-2) and Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175].

"Police Officer" – For the purposes of ISAC's rules, this term means a law enforcement officer who is employed by, or in the voluntary service of, this State or any public entity in this State.

"Qualified Applicant" – An individual who meets the eligibility requirements of the gift assistance program for which she/he is applying.

"Regular School Year" – An eight to nine month period of time which includes two semester terms or three quarter terms. The regular school year excludes summer terms. Terms that begin after April 15 and end before September 16 are considered summer terms.
"Remedial Courses" – The course work that prepares a student for study at the postsecondary level and is necessary for the student to pursue the eligible postsecondary program.

" Resident of Illinois" –

A dependent student is a resident of Illinois if the parent of the dependent-applicant, who is required by the instructions to complete the Free Application for Federal Student Aid (FAFSA), physically resides within the State of Illinois and Illinois is his or her true, fixed and permanent home.

An independent student is a resident of Illinois if the applicant physically resides within the State of Illinois (at the time of application), and has so resided for a period of 12 continuous, full months immediately prior to the start of the academic year for which assistance is requested and Illinois is his or her true, fixed and permanent home.

When an applicant does not qualify as a resident of Illinois under the preceding two paragraphs and the applicant is a member of the U.S. Armed Forces or a foreign missionary, or is the dependent or the spouse of an individual who is a member of the U.S. Armed Forces or a foreign missionary, then the applicant's residency shall be determined in accordance with the following four paragraphs.

An applicant who is a member of the U.S. Armed Forces will be a resident of Illinois if the applicant physically resided in Illinois immediately prior to entering the U.S. Armed Forces, returned (or plans to return) to Illinois within six months after and including the date of separation and can demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout such enlistment.

An applicant who is a foreign missionary will be a resident of Illinois if the applicant physically resided in Illinois for six continuous months immediately prior to entering missionary service, returned (or plans to return) to Illinois within six months after the conclusion of missionary service, and can demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout such missionary service.
NOTICE OF PROPOSED AMENDMENTS

The dependent-applicant shall be a resident of Illinois notwithstanding the parents' temporary physical absence from Illinois provided the parents would be a resident of Illinois under the preceding two paragraphs.

The spouse-applicant shall be a resident of Illinois immediately upon physically occupying a dwelling within the State of Illinois provided the applicant can demonstrate that his/her absence from the State was the result of residing with the spouse during enlistment or missionary service outside of Illinois and that the spouse-applicant's domicile continues to be the State of Illinois.

"Rules" – The rules of ISAC codified at 23 Ill. Adm. Code: Subtitle A, Chapter XIX.

"Satisfactory Academic Progress" – An institutional policy which establishes minimum standards of academic performance. For purposes of ISAC-administered programs, the standards must be at least as stringent as those required by ED pursuant to Section 484 of the Higher Education Act of 1965, as amended. (See 20 USC § 1091.)

"Service Academy" – The U.S. Air Force Academy, the U.S. Coast Guard Academy, the U.S. Military Academy or the U.S. Naval Academy (Section 30(a) of the Higher Education Student Assistance Act).

"SLS" – The acronym for the federal Supplemental Loans for Students Program, as authorized by Section 428A of the Higher Education Act, as amended (20 USC § 1078-1). No SLS loans have been made for periods of enrollment beginning on or after July 1, 1994.

"Special Education" – A postsecondary educational program designed to teach persons how to meet the needs of all children designated as physically disabled, with specific learning disabilities, or requiring extraordinary special education services and facilities. (See 105 ILCS 5/14-1.02 and 7.20a.) These programs prepare persons for meeting the needs of children who exhibit disabilities or exceptional characteristics ranging from very mild to very severe. (See 23 Ill. Adm. Code 226, Special Education.) Such a program prepares a student to teach physically disabled children or children with learning disabilities. (See 105 ILCS 5/14-1.02 and 1.03a.)

"Stafford" – The federal subsidized and unsubsidized loan programs as authorized
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

by Sections 427, 428 and 428H of the Higher Education Act, as amended (20 USC 1078).

"Student Beneficiary" – An individual designated as the recipient of a College Savings Bond Bonus Incentive Grant.

"Teacher Education Program" – An undergraduate postsecondary course of study which, upon completion, qualifies a student to be certified as a pre-school, elementary or secondary teacher by a state board of education or its equivalent (including the Illinois State Board of Education). For a student who has completed less than four semesters/six quarters of postsecondary study, this includes a postsecondary course of study which leads to a teacher education program.

"Teacher Shortage Discipline" – An academic discipline in which a shortage of teachers exists in Illinois, as designated by the Illinois State Board of Education.

"Telecommunications Course" – A course offered principally through the use of television, audio, or computer transmission, including open broadcast, closed circuit, cable microwave, satellite, audio conferencing, computer conferencing, and video cassettes or disks, as defined at 34 CFR 600.2.

"Term" – A unit of time for student attendance, including, but not limited to, a quarter or semester.

"Tuition" – The charge for instruction assessed by an institution.

"Verification" – Procedures implemented by postsecondary institutions to verify the eligibility of applicants. The procedures are established by 34 CFR 668 et seq. and by ISAC's rules.

(Source: Amended at 30 Ill. Reg. _____, effective ____________)

Section 2700.30 General Institutional Eligibility Requirements

a) ISAC Program Participation Agreement

1) All institutions shall execute an ISAC Program Participation Agreement in order to participate in ISAC gift assistance programs.
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

2) The ISAC Program Participation Agreement shall identify the ISAC programs under which the institution's students may receive benefits.

3) The ISAC Program Participation Agreement shall include provisions requiring institutions to comply with statutes, federal regulations and State rules.

4) The ISAC Program Participation Agreement may be modified or terminated in accordance with 23 Ill. Adm. Code 2790, Limitation, Suspension or Termination Proceedings.

b) With respect to ISAC student assistance programs, institutions shall develop and maintain procedures to verify the consistency and accuracy of information received from their enrolled recipients.

c) Institutions shall be subject to possible limitation, suspension or termination of eligibility for failure to comply with statutes, regulations, rules or procedures and for failure to maintain the standards required by this Section for initial participation. (See 23 Ill. Adm. Code 2790.)

d) Postsecondary institutions which participate in gift assistance programs shall annually submit to ISAC a copy of their tuition refund policy. Such submissions shall not be considered ISAC approval of such policies.

e) Postsecondary institutions which participate in gift assistance programs shall annually report their tuition and fee charges, as well as initial MAP advance payment requests, to ISAC on or before June 1 preceding each academic year.

1) Failure to report any cost changes by the deadline will cause the prior year's charges to be used as part of the calculation process for gift assistance benefits. Failure to report the assessment of a fee charge by the deadline will result in that fee charge being ineligible for payment under ISAC gift assistance programs.

2) The report shall match specific fee charges with the gift assistance programs which may finance the fee. Such categorizations by the institution shall not be considered ISAC approval.

3) The Illinois National Guard Grant and the Illinois Veteran Grant (IVG) Programs may finance only a portion of certain fee charges. (See 23 Ill.
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Adm. Code 2730.30(a) and 2733.20(f).

A) Example: One fee finances both tuition and textbook expenses. Only the portion of the fee which is attributable to tuition expenses may be financed with program benefits.

B) Institutions with such a fee shall certify what percentage of the fee is eligible to be financed with program benefits. Certification shall be performed by the institution's chief fiscal officer.

f) Institutions shall submit additional reports, data and information to ISAC as may be requested. These inquiries include, but are not limited to, surveys, enrollment confirmations and evaluation instruments.

g) Additional institutional eligibility requirements are contained in subsequent Parts of ISAC's rules.

h) Postsecondary institutions may apply to participate in ISAC-guaranteed loan programs in accordance with 23 Ill. Adm. Code 2720.

i) Postsecondary institutions may apply to participate in ISAC gift assistance programs in accordance with this subsection.

1) The Commission approves participation in ISAC gift assistance programs for an institution rather than for specific academic programs within an institution.

2) Prior to applying for participation in ISAC gift assistance programs, the institutional applicant must have authority to operate a postsecondary institution in Illinois. (See 23 Ill. Adm. Code 1030.)

3) Institutional applicants that are fully accredited by the North Central Association of Colleges and Schools Higher Learning Commission and have degree-granting authority may be approved to participate in ISAC gift assistance programs provided the institution meets and maintains the requirements of subsections (i)(4)(C) and (D).

4) Public or private not for profit institutional applicants that do not meet the requirements of subsection (i)(3) may be approved to participate in ISAC gift assistance programs if the institution has:
NOTICE OF PROPOSED AMENDMENTS

A) obtained candidate status for North Central accreditation.

B) applied for and is seeking degree-granting authority.

C) obtained at least three letters indicating the transferability of academic credit from the applicant institution to other institutions. The letters must be from institutions which are approved to participate in the Monetary Award Program (MAP) and are accredited by the North Central Association of Colleges and Schools Higher Learning Commission.

D) an adequate number of qualified persons to administer their responsibilities under ISAC’s rules. In determining whether an institution employs an adequate number of qualified persons, the Commission considers the number of students aided, the number of programs in which the institution participates, the number of applications evaluated, the amount of funds administered, and the financial aid delivery system used by the institution.

5) Institutional applicants must also supply ISAC with audited financial statements, prepared by an independent third party in accordance with generally accepted accounting principles, to establish financial responsibility. (See, e.g., 34 CFR 668.15.)

6) Once approved to participate in ISAC gift assistance programs by the Commission, an institution shall receive provisional eligibility for a minimum of five academic years. An institution with provisional eligibility must petition the Commission for full eligibility. Full eligibility will be granted if the institution meets the requirements of subsection (i)(3) above and if there are no outstanding audit exceptions.

j) As a condition of eligibility for participation in ISAC student assistance programs, postsecondary institutions shall have a valid Program Participation Agreement with ED (see Section 487 of the Higher Education Act of 1965, as amended (20 USC §1094)) and shall report their Office of Postsecondary Education Identification (OPE-ID) number to ISAC.

k) In order to begin and to continue participation in ISAC-administered student assistance programs, institutions must also demonstrate administrative capability
and financial responsibility, as defined by federal regulations. (See, e.g., 34 CFR 668.15 & 668.16.) An institution's failure to meet and maintain those standards can lead to limitation, suspension or termination proceedings. (See 23 Ill. Adm. Code 2790.)

l) Institutions that have been assigned multiple main OPE-ID numbers will be considered separate entities by ISAC. Different campus codes associated with the same main OPE-ID number will not be considered separate entities.

m) An institution shall notify ISAC of its Federal Employer Identification Number (FEIN) in order to receive payment pursuant to any ISAC-administered program.

n) When an approved institution has a change of ownership resulting in a change of control, a change of location, or a change of name as defined by federal regulations, the institution's Program Participation Agreement with ED may be terminated. After an institution has undergone a change of status affecting its participation in any Title IV federal student financial aid programs, the institution may have its eligibility with ISAC reinstated by the execution of a new Program Participation Agreement with ED (see, e.g., 34 CFR 600.30 et seq.) and by the submission and approval of a new application for participation with ISAC.

(Source: Amended at 30 Ill. Reg. _____, effective ____________)

**Section 2700.50 Determining Applicant Eligibility**

a) The evaluation of applicant eligibility is the responsibility of both the institution and ISAC.

b) No applicant is announced eligible for assistance by ISAC unless the application establishes prima facie eligibility. ISAC consults with other appropriate state and federal agencies in the process of reviewing application data. Such agencies include, but are not limited to, the U.S. Department of Education (ED), U.S. Internal Revenue Service (IRS), U.S. Citizenship and Immigration Services Bureau (USCIS), Illinois Department of [Healthcare and Family Services](#), Illinois Department of Revenue, and Illinois Department of Children and Family Services.

c) When requesting payment for ISAC gift assistance programs, the postsecondary institution must certify that the applicants are eligible for the assistance. If an institution subsequently determines a student is no longer eligible for all or part of
the awarded assistance, the institution must inform ISAC and submit the appropriate refund within 60 days after the receipt of payment or the end of a term, whichever is later.

d) When requesting payment of benefits, institutions shall certify (in accordance with ISAC's rules and/or federal regulations) whether an applicant is eligible based upon enrollment in a particular academic program.

e) If an institution erroneously certifies an applicant to be eligible for ISAC gift assistance programs, ISAC will recover the erroneous payment from the institution. Any student who obtained ISAC-administered funds by submitting inaccurate information to an institution must tender restitution to the institution to be eligible for ISAC assistance at that institution.

f) If an applicant is selected for verification in conjunction with federal student assistance, that applicant shall also be verified for ISAC-administered programs. A selected applicant must be verified for ISAC programs even if the applicant is ineligible for federal student assistance.

g) Because ED verification procedures do not include procedures for verifying a student as a resident of Illinois, the following provisions shall be followed by the institution.

1) Residency status shall be verified if the institution has any information that indicates the applicant may not be a resident of Illinois.

2) Residency status shall be verified for each applicant who is selected for verification and has changed dependency status to become an independent student.

3) Residency status shall not be required for an applicant who received payment of a MAP award during the previous academic year.

2) Residency status shall be verified for each applicant who is selected for verification and meets one of the following criteria:

A) the applicant has changed dependency status and has become an independent student; or
NOTICE OF PROPOSED AMENDMENTS

B) the applicant has not been enrolled in an ISAC-approved MAP institution or an ISAC-approved Illinois high school (see Section 2700.30) during the preceding 12 months.

3) Residency status shall be verified if the institution has any information which indicates the applicant may not be a resident of Illinois.

4) Residency verification shall not be required for an applicant who was enrolled in an ISAC-approved MAP institution or an ISAC-approved Illinois high school (see Section 2700.30) for the preceding consecutive 12 months prior to the start of the academic year for which assistance is requested.

54) Data from one or more of the documents listed below may provide proof that an applicant (or parent) is an Illinois resident, as defined in Section 2700.20. For an independent student applicant, the dates recorded on the documents must indicate the applicant has resided in Illinois for the relevant 12 continuous, full months.

A) A valid State or federal income tax return
B) Illinois high school or college transcript
C) Illinois driver's license
D) Utility or rent bills in the applicant's (or parent's) name
E) Illinois auto registration card
F) Residential lease in the applicant's (or parent's) name
G) Wage and tax statements (IRS Form W-2)
H) Statement of benefits history from the Illinois Department of Healthcare and Family Services
I) State of Illinois identification card issued by the Secretary of State
J) Statement of benefits from the Illinois Department of Employment Security
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

K) Statement of benefits from the Social Security Administration

L) Illinois voter's registration card

M) Property tax bill.

If an applicant is a resident of Illinois, but the institution cannot document this fact in accordance with subsection (g)(2), the applicant or the institution may verify residency through ISAC's appeal process. (See Section 2700.70.)

h) Institutions may request first term payment even though verification is not yet complete. If, after verification, an ISAC payment adjustment is appropriate, institutions must submit the appropriate refund. If verification is not completed within 60 days after the conclusion of the regular school year, the institution shall return the first term payment to ISAC. For other than the first term of eligibility in an academic year, the verification process must be completed before the institution may request payment.

i) When an institution adjusts an applicant's eligibility pursuant to Title IV, Part F, of the Higher Education Act of 1965, as amended (20 USC 1087kk et seq.), the institution shall retain documentation which demonstrates the appropriateness of the adjustment.

(Source: Amended at 30 Ill. Reg. _____, effective ______________)

Section 2700.70 Appeal Procedures

a) Complainants (including applicants, institutions and lenders) may appeal an ISAC administrative decision in accordance with this Section. Complainants must submit their appeal within 60 days after and including the date of an administrative decision by ISAC. If a complainant fails to pursue an appeal within 60 days after and including the date of an administrative decision, including administrative decisions rendered under subsections (d) and (e) of this Section, the complainant forfeits all appeal rights.

b) All appeals shall be submitted in writing, must specifically invoke the use of ISAC's appeal process and must indicate the specific issue(s) to be reviewed. Each complainant shall be sent a written response within 15 working
NOTICE OF PROPOSED AMENDMENTS

days after and including the date of receipt of their appeal.

1) A complainant may submit any evidence which the complainant believes relevant to the issue appealed. If ISAC is not able to make a determination based on the information provided, the complainant may be requested to supply additional written materials related to the issue (e.g., income tax returns, ISAC correspondence).

2) The standard of review is whether, based on the manifest weight of the evidence, the administrative decision(s) being appealed is consistent with statutes, rules and regulations relevant to the issue appealed.

c) At the complainant's discretion, a complainant may be represented by legal counsel. Except for appeals pursuant to Section 2700.50(g)(4) (Illinois residence) and 23 Ill. Adm. Code 2760.40(a) (State Scholar designations), applicant appeals shall not be written or submitted by a lender or an institution. A lender or an institution may advise an applicant on appeal issues and opportunities.

d) The complainant shall submit an appeal directly to the appropriate ISAC manager. An appeal may be pursued through the appropriate sequence of ISAC's administrative levels culminating with an appeal to the Executive Director. (See 2 Ill. Adm. Code 5375.Appendix A, Organization Chart.)

e) Adjudicatory hearings are available for complainants who have first used the procedures of subsection (d) of this Section. A hearing shall be requested, in writing, within 60 days after the date of the Executive Director's appeal decision.

1) Within 30 days after the receipt of a hearing request, the Executive Director shall schedule a hearing. The hearing shall be conducted in accordance with 23 Ill. Adm. Code 2790.140, Hearings.

2) The independent hearing officer shall issue a decision based upon what transpired at the hearing, in accordance with and subject to 23 Ill. Adm. Code 2790.70, Decisions.

f) The hearing officer's disposition, as provided for by 23 Ill. Adm. Code 2790.70(c)(e), is considered the final administrative decision as defined by the Administrative Review Law [735 ILCS 5/Art. III]. The complainant shall be sent written notice of the final administrative decision within ten working days after
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

the disposition of the appeal.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part**: Illinois National Guard (ING) Grant Program

2) **Code Citation**: 23 Ill. Adm. Code 2730

3) **Section Numbers**: 
   - 2730.20 Amendment
   - 2730.30 Amendment
   - 2730.40 Amendment

4) **Statutory Authority**: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)].

5) **A Complete Description of the Subjects and Issues Involved**: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

   Proposed amendments to Section 2730.20(a) clarify the application deadlines for the program. A clarification is being proposed to Section 2730.20(a)(2) requiring the Illinois Department of Military Affairs to report to ISAC changes to a Illinois National Guard grant recipient's National Guard status. An amendment is being proposed to Section 2730.20(c) to reflect a statutory change contained in Public Act 94-583, which removes the prohibition on National Guard officers receiving the grant. In Section 2730.30(d), an amendment is proposed to further clarify that grant funds are limited to use at Illinois public postsecondary institutions. Section 2730.30(l) is being added to incorporate the statutory requirement that states if a recipient’s duty obligations are not met then all funds received must be repaid. Sections 2730.30(f) and (f)(2) are amended to incorporate the statutory change from Public Act 94-583 that extends use of the grant to cover enrollment during summer terms. In addition, language in Section 2730.30(f)(4) is being revised to clarify that refunds will be made according to the postsecondary institution’s refund policy.

   Driven by the State Comptroller's lapse period deadline of August 31 for processing of payment vouchers, language is being added to Section 2730.40(d) to incorporate a deadline by which postsecondary institutions must submit all payment requests to ISAC. Similar language already resides in ISAC's administrative rules for the Monetary Award Program, the Silas Purnell Illinois Incentive for Access program, and Illinois Veteran...
NOTICE OF PROPOSED AMENDMENTS

Grant program and is also being proposed for other ISAC programs to bring about standardization in payment request processing.

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

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

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) 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)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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

   Lori A. Reimers
   Director, Government Relations
   Illinois Student Assistance Commission
   500 W. Monroe, 3rd floor
   Springfield IL  62704-1876
   (217) 785-8721
   e-mail: lreimers@isac.org

12) Initial Regulatory Flexibility Analysis:

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

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

   C) Types of professional skills necessary for compliance: None

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

The full text of the Proposed Amendments begins on the following page:
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2730
ILLINOIS NATIONAL GUARD (ING) GRANT PROGRAM

Section
2730.10 Summary and Purpose
2730.20 Applicant Eligibility
2730.30 Program Procedures
2730.40 Institutional Procedures

AUTHORITY: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)].


Section 2730.20 Applicant Eligibility

a) Students must file an application annually indicating the institution to be attended. No payment will be authorized for any applicant until a current application is on file. The deadline for applications will be October 1 for consideration for all terms, first term, March 1 for consideration for second semester/second and third quarter and summer, and June 15 for consideration for the summer term only.
NOTICE OF PROPOSED AMENDMENTS

1) Qualified applicants will receive an eligibility letter from ISAC for each academic year following the filing of the application. Ineligible applicants will receive written notification from ISAC of their ineligibility to receive program benefits; and

2) ISAC will verify application data in consultation with the Illinois Department of Military Affairs (DMAIL) when reviewing an application. Changes to a recipient's National Guard status must be reported to ISAC by DMAIL.

b) A qualified applicant must:

1) be in active status in the Illinois Army or Air National Guard and have served for at least one year in the Illinois National Guard; or

2) have been active in the Illinois National Guard for at least five consecutive years and had his or her studies interrupted by being called to federal active duty for at least six months, and be within the 12 month period immediately following his or her discharge from the Illinois National Guard.

c) Eligibility is not available to any such enlisted person or company grade officer, including warrant officers, first and second lieutenants, and captains in the Army and Air National Guard, except for those persons who are members of the inactive Illinois National Guard.

d) Recipients must maintain an acceptable grade point average as determined by the institution pursuant to a published policy.

e) Changes of address, name, status with the Illinois National Guard or institution of attendance must be reported in writing to ISAC.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

Section 2730.30 Program Procedures

a) The recipient is exempt from paying the following:

1) tuition;

2) registration fees;
3) graduation fees; and
4) general activity fees.

b) The recipient is responsible for payment of other fees, including the following:
1) book rental fees;
2) laboratory and supply fees;
3) air flight fees;
4) hospital and health insurance fees;
5) room and board;
6) parking fees;
7) student union fees;
8) athletic fees; and
9) proficiency or placement exams and other similar fees.

c) Benefits are applicable to both undergraduate and graduate enrollment. There is no minimum credit-hour enrollment requirement. Benefits are applicable for noncredit courses.

d) Benefits are limited to use only at Illinois public senior universities and at any Illinois public community college.

e) Within the constraints of appropriation levels, two semester or three quarter term payments and one summer term payment are made directly to the institution after it officially certifies to ISAC that the applicant has registered and is attending classes. No seminars or other special terms are covered under the grant. Summer term is considered the final term of the academic and fiscal year.

f) Benefits are limited to recipients are entitled to receive benefits for the equivalent of four academic years, eight semesters/twelve quarters, of full-time enrollment.
NOTICE OF PROPOSED AMENDMENTS

1) To determine the amount of eligibility a recipient has used, credit hours (and noncredit hours for which benefits are used) will be converted to "eligibility units" according to the following chart:

<table>
<thead>
<tr>
<th>Number of Hours</th>
<th>Semester School</th>
<th>School Quarter</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 or more hours</td>
<td>12 units</td>
<td>8 units</td>
</tr>
<tr>
<td>9 - 11.99 hours</td>
<td>9 units</td>
<td>6 units</td>
</tr>
<tr>
<td>6 - 8.99 hours</td>
<td>6 units</td>
<td>4 units</td>
</tr>
<tr>
<td>3 - 5.99 hours</td>
<td>3 units</td>
<td>2 units</td>
</tr>
<tr>
<td>0 - 2.99 hours</td>
<td>1 unit</td>
<td>1 unit</td>
</tr>
</tbody>
</table>

2) Recipients may continue to reapply and accumulate up to \(12096\) units, after which point eligibility for program benefits will cease. However, full program benefits may be extended for one additional term if the recipient has accumulated fewer than \(12096\) eligibility units but does not have enough units remaining for the number of hours in which she/he is enrolled for the term.

3) If an eligible recipient withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the recipient shall receive a grant for costs incurred up to the term award provided the institution's tuition refund policy indicates the recipient has incurred charges in the amount of the claim.

4) In the event that the recipient withdraws from a course or courses prior to the end of a term, a refund will be made according to the institution's refund withdrawal policy and eligibility units will be adjusted accordingly. Eligibility units will be assessed in proportion to the total dollars that are paid. If the recipient has had any portion of his/her tuition and fees paid, at least one eligibility unit will be charged to the recipient.

Example: A recipient is enrolled for twelve semester hours at a cost of $600. The recipient withdraws from enrollment and incurs expenses of $300 in accordance with the institution's tuition refund policy. The recipient would use six eligibility units and would receive $300 in benefits.

5) The eligibility units used for a noncredit course shall be the same as the number of eligibility units used for a credit course having the same number of total faculty contact hours.
g) If a current year applicant is discharged, transferred to the inactive Illinois National Guard, or has membership extended by the Illinois National Guard, ISAC will send a revised eligibility letter or ineligibility letter to the applicant. In the case of discharge, a copy of the letter will be sent to the institution of record.

h) Except as otherwise provided in this Part, if a recipient ceases to be an active status member of the Illinois National Guard during a term, benefits cease, and the student is responsible for the unpaid costs attributed to the remainder of the term. If an applicant becomes eligible during a term, in accordance with Section 2730.20(b), benefits will be prorated for that portion of the term for which the applicant is eligible, provided the application is submitted by the deadlines. Costs are prorated on the basis of the institution's scheduled days of instruction minus institutionally scheduled holidays and examination periods.

Calculation: Total tuition cost divided by total instructional days = cost per day x days of eligibility = total proration.

i) If the recipient of a grant awarded under this Part ceases to be a member of the Illinois National Guard, but has been active in the Illinois National Guard for at least five consecutive years and had his or her studies interrupted by being called to federal active duty for at least six months, then that recipient shall continue to be eligible for a grant for one year after his or her discharge from the Illinois National Guard, provided that the recipient has not already received the exemption from tuition and fees for the equivalent of four years of full-time enrollment under this Part.

j) Out-of-state residents will receive tuition and applicable fee benefits equivalent to those received by in-state residents at the Illinois institution; recipients attending out-of-district community colleges will receive tuition and applicable fee benefits equivalent to those at the in-district rate. Recipients shall not be responsible for paying the difference between in-state and out-of-state tuition nor will they be responsible for paying the difference between in-district and out-of-district tuition.

k) If a student is eligible for both an Illinois National Guard Grant and a MAP grant, the Illinois National Guard benefits must be used first. A student cannot decline an Illinois National Guard Grant in favor of using MAP.

l) If a recipient of the grant fails to complete his or her military obligation according to the agreement, all proceeds received must be repaid to the Illinois Department
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

of Military Affairs. DMAIL will collect the funds, which will be re-appropriated to ISAC for the purpose of this Part.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

Section 2730.40 Institutional Procedures

a) The institution must establish a qualified applicant's initial eligibility before requesting payment from ISAC. A valid Illinois National Guard Grant eligibility letter may be used for this purpose.

b) When submitting payment requests, the institution shall certify that the recipient meets the requirements of Section 2730.20(c), Applicant Eligibility.

c) Institutions must report the total number of hours for which payment is being requested (including credit and noncredit hours) so that ISAC can accurately track the recipient's use of eligibility units.

d) Payment information will be sent each term to the institution no earlier than the application deadline date for that term. Payment claims must be submitted no later than 30 calendar days after payment information has been sent to the institution by ISAC. Supplemental payment claims must be submitted to ISAC no later than 45 calendar days after the original payment information was sent to the institution with the exception of summer term supplements which must be submitted by the same deadline as the original payment claim for summer term. All payment claims received by ISAC after the designated dates will be paid or prorated during the fiscal lapse period (July 1 through August 31) following the conclusion of the fiscal year. To provide sufficient time for processing and vouchersing through the State Comptroller's Office in Springfield, all payment requests must be received by a date annually designated by ISAC that is no later than August 1 due to the State's fiscal lapse period ending August 31.

e) Claims will be paid as follows:

1) first semester and first quarter claims received by the designated deadline date will be paid, or prorated if funding is insufficient to pay all claims in full;

2) if funds remain after first semester and first quarter claims are paid, then second semester and second and third quarter claims received by the designated deadline date will be paid, or prorated if funds remaining are
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

insufficient to pay all such claims in full;

3) if funds still remain after the preceding claims are paid, summer term claims received by the designated deadline date will be paid, or prorated if remaining funds are insufficient to pay all summer claims in full; and

4) in the event that funds are not exhausted by summer term payments, claims received after the designated deadline dates will be paid or prorated.

5) Timely claims for the difference between in-district/state and out-of-district/state tuition for recipients who do not qualify for chargebacks will be considered for payment at the same time, and in the same priority order, as all other timely claims, in accordance with the provisions of this subsection.

f) Payments on behalf of a recipient will be made to only one institution per term. For any institution that has a concurrent registration opportunity, the same payment policy will be in effect as that used in the Monetary Award Program. (See: 23 Ill. Adm. Code 2735.40(h).)

g) Institutions are required to reconcile payments received through this program. Any payments received by the institution that are determined in the reconciliation to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic term. Should the payment arrive after the end of the term, the institution will have 60 days following receipt of payment to complete the reconciliation process and return any refunds to ISAC.

(Source: Amended at 30 Ill. Reg. ______, effective _____________.)
NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part**: Grant Program for Dependents of Correctional Officers

2) **Code Citation**: 23 Ill. Adm. Code 2731

3) **Section Numbers**: Proposed Action:
   - 2731.30 Amendment
   - 2731.40 Amendment

4) **Statutory Authority**: Implementing Section 60 of the Higher Education Student Assistance Act [110 ILCS 947/60] and authorized by Sections 20(f) and 60 of the Higher Education Student Assistance Act.

5) **A Complete Description of the Subjects and Issues Involved**: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

   In Section 2731.30(b) a procedural clarification is proposed requiring students to indicate at the time of application the name of the institution they will be attending. More definitive dates are being proposed for Section 2731.30(c) to align the application deadline with dates used in other ISAC programs. Section 2731.30(e)(1) is being amended to clarify that the grant will cover the difference in cost for courses taken at an out-of-district institution that are not offered at a recipient's in-district institution. Additionally, Section 2731.30(o)(4) is being amended to clarify that claims for the difference between in-district and out-of-district charges will be considered for payment at the same time as other timely claims, rather than only if funds remain.

   Driven by the State Comptroller's lapse period deadline of August 31 for processing of payment vouchers, language is being proposed for Section 2731.40(c)(6) to incorporate a deadline by which postsecondary institutions must submit all payment requests to ISAC. Similar language already resides in ISAC's administrative rules for the Monetary Award Program, the Silas Purnell Illinois Incentive for Access program, and the Illinois Veteran Grant program and is also being proposed for other ISAC programs to bring about standardization in payment request processing.

6) **Will this rulemaking replace any emergency rulemaking currently in effect?** No
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

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

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) 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] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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

   Lori A. Reimers
   Director, Government Relations
   Illinois Student Assistance Commission
   500 W. Monroe, 3rd floor
   Springfield IL 62704-1876
   (217) 785-8721
e-mail: lreimers@isac.org

12) Initial Regulatory Flexibility Analysis:

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

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

   C) Types of professional skills necessary for compliance: None

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

The full text of the Proposed Amendments begins on the following page:
Section 2731.30  Program Procedures

a)  All first-time applicants shall complete an application which includes biographical information regarding the deceased or disabled correctional officer (e.g., name, where employed, position title, date of death or disability, etc.) and the application shall be accompanied by a certified death certificate or the certified statement of a licensed physician.

1)  The physician's statement must certify that there is a mental or physical condition that is reasonably certain to continue throughout the lifetime of the correctional officer, resulting in a 90% to 100% incapacity from performing substantial and material duties previously discharged.

2)  Documentation must be submitted to prove that the death or disability occurred in the line of duty.
b) Once eligibility has been established for one member of a family, it is established for all qualified applicants in the family. Thereafter, a simplified application will be required from each student on an annual basis. Also, students must indicate the institution to be attended.

c) The deadline for applications will be October 1 for consideration for all terms, March 1 for consideration for second semester/second and third quarter and summer term, and June 15 for consideration for summer term only. Applications must be filed prior to the end of the academic year for which grant assistance is being requested.

d) If an application is incomplete, notice will be sent to the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing as of the date it was completed and received in ISAC's Deerfield office.

e) Grants are applicable toward tuition and mandatory fees.

1) A recipient attending a public institution in Illinois shall receive a grant that shall not exceed the cost of tuition and mandatory fees at that institution. This includes the difference between in-district and out-of-district tuition.

2) A recipient attending a private institution in Illinois may receive a grant sufficient to pay the cost of tuition and mandatory fees, provided the award does not exceed the maximum grant payable to a student enrolled in the most expensive comparable program of study at a public institution.

f) Notice of the grant award shall be sent to each recipient. Applicants not receiving awards will also be notified.

g) Benefits are limited to the full-time enrollment equivalent of eight semesters or twelve quarters of payment for undergraduate or graduate study.

h) A student who receives a grant under this program and who is subsequently determined to be ineligible shall repay the institution the total amount of the funds received during the period in which s/he was ineligible.

i) Recipients receive payment through their institution of record.
j) If a recipient withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the recipient shall receive a grant for costs incurred up to the term award provided the institution's tuition refund policy indicates the recipient had incurred such charges.

k) A recipient shall agree to notify ISAC, in writing, within 15 days of any change affecting his/her enrollment status, name or address.

l) ISAC pays grant funds directly to the institution of record in the name of the recipient.

m) ISAC will disburse grant funds in multiple installments, depending upon the number of terms financed by the grant; except that multiple disbursements will not be required in cases where the applicant's eligibility is not determined until the final term of the academic year for which the grant is being awarded or when a student is attending only one term and the maximum award does not exceed the student's cost of attendance.

n) Grant payment is subject to the limits of dollars appropriated for this program by the General Assembly.

o) In the event that funds are insufficient to make awards to all eligible applicants, ISAC will make award determinations on the basis of the dates that the completed applications were received and the following:

1) first semester and first quarter awards will be paid, or prorated if funding is insufficient to pay all grants in full;

2) if funds remain after first semester and first quarter awards are paid, then second semester/second and third quarter awards will be paid, or prorated if funds remaining are insufficient to pay all grants in full;

3) if funds remain after second semester/second and third quarter awards are paid, summer term awards will be paid, or prorated if funding is insufficient to pay all grants in full; and

4) timely claims if funds are still available when the preceding claims have been paid in full, awards for the difference between in-district/state and out-of-district/state tuition for recipients who do not qualify for charge
NOTICE OF PROPOSED AMENDMENTS

**Section 2731.40 Institutional Procedures**

a) The institution shall certify the applicant's award amount within the time frame requested by ISAC, which shall be no sooner than 30 days unless a more rapid response is necessary to expend appropriated funds prior to the end of the academic year.

b) Institutional Packaging of Assistance:

1) If the recipient receives other assistance targeted specifically for tuition and fees, the combined assistance shall not exceed the total tuition and fee expenses incurred by the student; and if it does, the institution shall reduce one of the awards accordingly;

2) notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the student's cost of attendance for that institution. Any excess gift assistance is considered an overaward, and the institution is required to notify ISAC to reduce this grant and/or other gift assistance to prevent such an overaward; and

3) if the recipient is eligible for assistance under MAP, the recipient may not be eligible for a full MAP grant because the grant for Dependents of Correctional Officers must be factored into the financial aid package prior to receiving MAP gift assistance. The institution, however, may request a MAP grant to finance tuition and mandatory fee expenses not paid by this program.

c) Institutional Processing of Payments:

1) When submitting payment requests, the institution shall verify that the recipient meets the requirements of Section 2731.20(a)(3) and (4), Applicant Eligibility.

(Source: Amended at 30 Ill. Reg. _____, effective __________ )
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

2) Within 30 days after and including the date of receiving payment, the institution shall credit the award toward the recipient's tuition and mandatory fee charges for the appropriate term.

3) Institutions are required to reconcile payments received through this program. Any payments received by the institution that are determined in the reconciliation to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic term. Should the payment arrive after the end of the term, the institution will have 60 days following receipt of payment to complete the reconciliation process and return any refunds to ISAC.

4) Award payments made in the name of one recipient cannot be applied to another recipient at the same institution. A refund of the payment must be submitted to ISAC and a supplemental request must be made and processed for the proper recipient.

5) If the institution does not submit refunds as required, ISAC will deduct outstanding refunds from subsequent payments to the institution.

6) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by a date annually designated by ISAC that is no later than August 1 due to the State's fiscal lapse period ending August 31.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)
1) **Heading of the Part**: Grant Program for Dependents of Police or Fire Officers

2) **Code Citation**: 23 Ill. Adm. Code 2732

3) **Section Numbers**
   - 2732.30 Amendment
   - 2732.40 Amendment

4) **Statutory Authority**: Implementing Section 55 of the Higher Education Student Assistance Act [110 ILCS 947/55] and authorized by Sections 20(f) and 55 of the Higher Education Student Assistance Act.

5) **A Complete Description of the Subjects and Issues Involved**: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

   In Section 2732.30(b) a procedural clarification is proposed requiring students to indicate at the time of application the name of the institution they will be attending. More definitive dates are being proposed for Section 2732.30(c) to align the application deadline with dates used in other ISAC programs. Section 2732.30(c)(1) is being amended to clarify that the grant will cover the difference in cost for courses taken at an out-of-district institution that are not offered at a recipient’s in-district institution. Additionally, Section 2732.30(o) is being amended to clarify that claims for the difference between in-district and out-of-district charges will be considered for payment at the same time as other timely claims, rather than only if funds remain.

   Driven by the State Comptroller's lapse period deadline of August 31 for processing of payment vouchers, language is being proposed for Section 2732.40(c)(6) to incorporate a deadline by which postsecondary institutions must submit all payment requests to ISAC. Similar language already resides in ISAC's administrative rules for the Monetary Award Program, the Silas Purnell Illinois Incentive for Access program, and the Illinois Veteran Grant program and is also being proposed for other ISAC programs to bring about standardization in payment request processing.

6) **Will this rulemaking replace any emergency rule currently in effect?** No
NOTICE OF PROPOSED AMENDMENTS

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

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other amendments 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] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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

Lori A. Reimers
Director, Government Relations
Illinois Student Assistance Commission
500 W. Monroe, 3rd floor
Springfield, IL 62704-1876

(217) 785-8721
e-mail: lreimers@isac.org

12) Initial Regulatory Flexibility Analysis:

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

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

C) Types of professional skills necessary for compliance: None

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

The full text of the Proposed Amendments begins on the following page:
Illinois Student Assistance Commission

Notice of Proposed Amendments

Title 23: Education and Cultural Resources
Subtitle A: Education
Chapter XIX: Illinois Student Assistance Commission

Part 2732
Grant Program for Dependents of Police or Fire Officers

Section 2732.10 Summary and Purpose
Section 2732.20 Applicant Eligibility
Section 2732.30 Program Procedures
Section 2732.40 Institutional Procedures

Authority: Implementing Section 55 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/55 and 20(f)].


Section 2732.30 Program Procedures

a) All first-time applicants shall complete an application which includes biographical information regarding the deceased or disabled officer (e.g., name, where employed, position title, date of death or disability, etc.) and the application shall be accompanied by a certified death certificate or the certified statement of a licensed physician.

1) The physician's statement must certify that there is a mental or physical condition that is reasonably certain to continue throughout the lifetime of the officer, resulting in a 90% to 100% incapacity from performing substantial and material duties previously discharged.

2) Documentation must be submitted to prove that the death or disability occurred in the line of duty.
b) Once eligibility has been established for one member of a family, it is established for all qualified applicants in the family. Thereafter, a simplified application will be required from each student on an annual basis. Also, students must indicate the institution to be attended.

c) The deadline for applications will be October 1 for consideration for all terms, March 1 for consideration for second semester/second and third quarter and summer term, and June 15 for consideration for the summer term only. Applications must be filed prior to the end of the academic year for which grant assistance is being requested.

d) If an application is incomplete, notice will be sent to the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing as of the date it was completed and received in ISAC's Deerfield office.

e) Grants are applicable toward tuition and mandatory fees.

1) A recipient attending a public institution in Illinois shall receive a grant that shall not exceed the cost of tuition and mandatory fees at that institution. This includes the difference between in-district and out-of-district tuition.

2) A recipient attending a private institution in Illinois may receive a grant sufficient to pay the costs of tuition and mandatory fees, provided the award does not exceed the maximum grant payable to a student enrolled in the most expensive comparable program of study at a public institution.

f) Notice of the grant award will be sent to each recipient. Applicants not receiving awards will also be notified.

g) Benefits are limited to the full-time enrollment equivalent of eight semesters or twelve quarters of payment for undergraduate or graduate study.

h) A student who receives a grant under this program and who is subsequently determined to be ineligible shall repay the institution the total amount of the funds received during the period in which he or she was ineligible.

i) Recipients receive payment through their institution of record.

j) If a recipient withdraws from enrollment after the expiration of the tuition
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

refund/withdrawal adjustment period, the recipient shall receive a grant for costs incurred up to the term award provided that the institution's tuition refund policy indicates the recipient had incurred such charges.

k) A recipient shall agree to notify ISAC, in writing, within 15 days of any change affecting his/her enrollment status, name or address.

l) ISAC pays grant funds directly to the institution of record in the name of the recipient.

m) ISAC will disburse grant funds in multiple installments, depending upon the number of terms financed by the grant; except that multiple disbursements will not be required in cases where the applicant's eligibility is not determined until the final term of the academic year for which the grant is being awarded or when a student is attending only one term and the maximum award does not exceed the student's cost of attendance.

n) Grant payment is subject to the limits of dollars appropriated for this program by the General Assembly.

o) In the event that funds are insufficient to make awards to all eligible applicants, ISAC will make award determinations on the basis of the dates that the completed applications were received and the following:

1) first semester and first quarter awards will be paid, or prorated if funding is insufficient to pay all grants in full;

2) if funds remain after first semester and first quarter awards are paid, then second semester/second and third quarter awards will be paid, or prorated if funds remaining are insufficient to pay all grants in full;

3) if funds remain after second semester/second and third quarter awards are paid, summer term awards will be paid, or prorated if funding is insufficient to pay all grants in full; and

4) timely claims if funds are still available when the preceding claims have been paid in full, awards for the difference between in-district/state and out-of-district/state tuition for recipients who do not qualify for charge backs will be considered for payment at the same time and in the same priority order as all other timely claims, in accordance with the provisions of this subsection (o) paid, or prorated if funds remaining are insufficient to
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

**pay all such grants in full.**

(Source: Amended at 30 Ill. Reg. _____, effective ____________)

**Section 2732.40 Institutional Procedures**

a) The institution shall certify the applicant's award amount within the time frame requested by ISAC, which shall be no sooner than 30 days unless a more rapid response is necessary to expend appropriated funds prior to the end of the academic year.

b) Institutional Packaging of Assistance:

1) If the recipient receives other assistance targeted specifically for tuition and fees, the combined assistance shall not exceed the total tuition and fee expenses incurred by the student; if it does, the institution shall reduce one of the awards accordingly;

2) notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the student's cost of attendance at that institution. Any excess gift assistance is considered an overaward and the institution is required to notify ISAC to reduce this grant and/or other gift assistance to prevent such an overaward; and

3) if the recipient is eligible for assistance under MAP, the recipient may not be eligible for a full MAP grant because the police or fire officer grant must be factored into the financial aid package prior to receiving MAP gift assistance. The institution, however, may request a MAP grant to finance tuition and mandatory fee expenses not paid by this program.

c) Institutional Processing of Payments:

1) When submitting payment requests, the institution shall verify that the recipient meets the requirements of Section 2732.20(a)(3) and (4), Applicant Eligibility.

2) Within 30 days after and including the date of receiving payment, the institution shall credit the award toward the recipient's tuition and mandatory fee charges for the appropriate term.

3) Institutions are required to reconcile payments received through this
NOTICE OF PROPOSED AMENDMENTS

program. Any payments received by the institution that are determined in the reconciliation to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic term. Should the payment arrive after the end of the term, the institution will have 60 days following receipt of payment to complete the reconciliation process and return any refunds to ISAC.

4) Award payments made in the name of one recipient cannot be applied to another recipient at the same institution. A refund of the payment must be submitted to ISAC and a supplemental request must be made and processed for the proper recipient.

5) If the institution does not submit refunds as required, ISAC will deduct outstanding refunds from subsequent payments to the institution.

6) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by a date annually designated by ISAC that is no later than August 1 due to the State's fiscal lapse period ending August 31.

(Source: Amended at 30 Ill. Reg. ______, effective _____________.)
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Illinois Veteran Grant (IVG) Program

2) **Code Citation:** 23 Ill. Adm. Code 2733

3) **Section Numbers:**

   - 2733.10  Amendment
   - 2733.30  Amendment
   - 2733.40  Amendment

4) **Statutory Authority:** Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].

5) **A Complete Description of the Subjects and Issues Involved:** ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

   An amendment to Section 2733.30(b) is being proposed to incorporate a statutory change that tightens the time frame in which an applicant has to notify the institution of his or her Illinois Veteran Grant (IVG) eligibility. Section 2733.30(d) is being amended to further clarify the type of institution at which the grant may be used. Proposed amendments to Section 2733.30(e) reflect the statutory changes contained in Public Act 94-583 that increase benefits for veterans to cover tuition and mandatory fees rather than limiting coverage to only the fees currently listed. In a corresponding change, new language is proposed for Section 2733.30(e)(2) to allow qualified applicants who currently receive grant benefits to cover non-mandatory fees to continue to receive these benefits as long as they are enrolled in a continuous program of study, as allowed for in statute.

   Section 2733.30(g)(3) is amended to clarify that refunds will be made according to the institution’s refund policy. A proposed amendment to Section 2733.30(g)(5) incorporates existing statutory language that stipulates, if the U.S. Department of Veteran Affairs terminates or suspends educational benefits to veterans, assistance under ISAC’s IVG program will also cease.
NOTICE OF PROPOSED AMENDMENTS

Section 2733.40(e) is amended to align the language with changes being proposed to other ISAC programs in relation to the processing of payment requests, given the time frame ISAC must adhere to with the State Comptroller's office.

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

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

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) 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)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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

   Lori A. Reimers
   Director, Government Relations
   Illinois Student Assistance Commission
   500 W. Monroe, 3rd floor
   Springfield IL 62704-1876

   (217) 785-8721
   e-mail: lreimers@isac.org

12) Initial Regulatory Flexibility Analysis:

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

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

   C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2006
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed Amendments begins on the following page:
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2733
ILLINOIS VETERAN GRANT (IVG) PROGRAM

Section
2733.10  Summary and Purpose
2733.20  Applicant Eligibility
2733.30  Program Procedures
2733.40  Institutional Procedures

AUTHORITY: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].


Section 2733.10  Summary and Purpose

a) As described in this Part, eligible Illinois Veteran Grant (IVG) recipients are entitled to be exempt from paying tuition and certain fees at Illinois public
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

postsecondary institutions. If appropriated Illinois Student Assistance Commission (ISAC) funds are insufficient to reimburse institutions for all eligible recipients, the obligation to pay is transferred to the institution.

b) This Part establishes rules that govern the IVG Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

Section 2733.30 Program Procedures

a) An applicant must apply to ISAC for assistance under this Part. ISAC will issue a Notice of Eligibility to each qualified applicant.

b) To receive an Illinois Veteran Grant, a qualified applicant must notify the institution of his or her eligibility no later than two months following the last scheduled day of classes for the term for which a grant is requested.

c) Benefits are applicable to both undergraduate and graduate enrollment. There are no minimum credit hour enrollment requirements and benefits are applicable for noncredit courses.

d) Benefits are limited to use only at Illinois public universities and Illinois public community colleges.

e) Costs Fees exempted by the IVG:

1) The recipient is exempt from paying costs as follows:

A) tuition and other instructional fees that meet the definition of tuition (see 23 Ill. Adm. Code 2700.20);

B) mandatory activity, air flight instructor and athletic fees (see 23 Ill. Adm. Code 2700.20);

C) matriculation, service and other registration-type fees;

D) off-campus and other extension course fees;

E) application fees;
NOTICE OF PROPOSED AMENDMENTS

F) graduation and transcript fees;

G) proficiency exam, College Level Exam Program (CLEP), placement exam and similar fees; and

H) health insurance fees.

2) A qualified applicant who has previously received benefits under this Part for a non-mandatory fee shall continue to receive benefits covering such fees while he or she is enrolled in a continuous program of study. The qualified applicant shall no longer receive a grant covering non-mandatory fees if he or she fails to enroll during an academic term, unless he or she is serving on federal active duty. The non-mandatory fees include the following:

A) instructional fees not meeting the definition of tuition;

B) application fees;

C) graduation and transcript fees;

D) proficiency exam, College Level Exam Program (CLEP), placement exam and similar fees;

E) off-campus and other extension course fees;

F) air flight instructor and athletic fees; and

G) matriculation, service and other registration type fees.

2) The recipient is responsible for payment of the following fees:

A) book rental fees;

B) laboratory and supply fees;

C) student union fees; and

D) fees for the operation, maintenance or rental of any building.
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

f) Recipients attending out-of-district community colleges receive tuition and fee benefits equivalent to those at the in-district rate. Recipients shall not be responsible for paying the difference between in-district and out-of-district tuition.

g) Benefits are limited to the equivalent of four academic years of full-time enrollment, which is measured in eligibility units. Recipients may accumulate up to 120 eligibility units.

1) To determine the amount of eligibility a recipient has used, credit hours (and noncredit hours for which benefits are used) will be converted to eligibility units according to the following table:

<table>
<thead>
<tr>
<th>Number of Hours</th>
<th>Semester Term</th>
<th>Quarter Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 or more hours</td>
<td>12 units</td>
<td>8 units</td>
</tr>
<tr>
<td>9 - 11.99 hours</td>
<td>9 units</td>
<td>6 units</td>
</tr>
<tr>
<td>6 - 8.99 hours</td>
<td>6 units</td>
<td>4 units</td>
</tr>
<tr>
<td>3 - 5.99 hours</td>
<td>3 units</td>
<td>2 units</td>
</tr>
<tr>
<td>up to 2.99 hours</td>
<td>1 unit</td>
<td>1 unit</td>
</tr>
</tbody>
</table>

2) Full program benefits may be extended for one additional term if the recipient has accumulated fewer than 120 eligibility units but does not have enough units remaining for the number of hours in which s/he is enrolled for the term.

3) In the event that a recipient withdraws from a course(s) prior to the end of a term, a refund will be made according to the institution's refund withdrawal policy and eligibility units will be adjusted accordingly. Eligibility units will be assessed in proportion with the total dollars that are paid. If the recipient has had any portion of his/her tuition and fees paid, at least one eligibility unit will be charged to the recipient.

Example: A recipient is enrolled for twelve semester hours at a cost of $600. The recipient withdraws from enrollment and incurs expenses of $300 in accordance with the institution's tuition refund policy. The
recipient would use six eligibility units and would receive $300 in benefits.

4) The eligibility units used for a noncredit course shall be the same as the number of eligibility units used for a credit course having the same number of faculty contact hours.

5) If, for any reason, the U.S. Department of Veteran Affairs (VA) terminates or suspends a veteran educational benefits program, assistance under this Part shall cease six months following this action. This does not include veterans who have begun receiving educational benefits under this Part. In the event that the VA resumes terminated or suspended educational benefits, all current rules will be enforced.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

Section 2733.40 Institutional Procedures

a) If a student is eligible for both an IVG and a Monetary Award Program (MAP) grant, the IVG benefits must be used first. A student cannot decline IVG benefits in favor of using MAP.

b) A notice of eligibility from ISAC must be used by the institution to establish a qualified applicant's initial eligibility.

c) Institutions shall submit a payment request to ISAC. When submitting payment requests, the institution shall certify that the qualified applicant meets the requirements of Section 2733.20(d).

d) Institutions must report the total number of hours for which payment is being requested (including credit and noncredit hours) so that ISAC can accurately track the recipient's use of eligibility units.

e) The deadlines for submission of complete payment requests shall be September 15 for summer terms; January 15 for first term; and May 25 for second semester/second and third quarter. All claims, including supplemental claims, must be submitted by a date annually designated by ISAC that is no later than August 1. This will provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield prior to the State's fiscal year lapse period ending on August 31.
f) The reimbursement to institutions for Illinois Veteran Grants is contingent upon available funding. Should General Assembly appropriations be insufficient to pay all claims, institutions will be reimbursed in accordance with this subsection:

1) summer term claims received by the deadline date designated in subsection (e) will be paid, or prorated if funding is insufficient to pay all claims in full;

2) if funds remain after summer term claims are paid, first semester and first quarter claims received by the designated deadline date will be paid, or prorated if funding is insufficient to pay all claims in full;

3) if funds remain after first semester and first quarter claims are paid, then second semester/second and third quarter claims received by the designated deadline date will be paid, or prorated if funds remaining are insufficient to pay all such claims in full;

4) if funds remain after second semester/second and third quarter claims are paid, claims received by ISAC after the designated deadline dates will be paid or prorated; and

5) timely claims for the difference between in-district/state and out-of-district/state tuition for recipients who do not qualify for chargebacks will be considered for payment at the same time, and in the same priority order, as all other timely claims, in accordance with the provisions of this subsection (f).

(Source: Amended at 30 Ill. Reg. ______, effective ____________ )
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Monetary Award Program (MAP)

2) Code Citation: 23 Ill. Adm. Code 2735

3) Section Numbers: Proposed Action:
   2735.40 Amendment

4) Statutory Authority: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].

5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

   Section 2735.40(m)(4) is amended to align the language with changes being proposed to the rules for other ISAC programs in relation to the processing of payment requests, given the time frame ISAC must adhere to with the State Comptroller’s office.

6) Will this proposed amendment replace any emergency rulemaking currently in effect? No

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

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) 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)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Lori A. Reimers
Director, Government Relations
Illinois Student Assistance Commission
500 W. Monroe, 3rd floor
Springfield IL 62704-1876

(217) 785-8721
email: lreimers@isac.org

12) Initial Regulatory Flexibility Analysis:

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

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

C) Types of professional skills necessary for compliance: None

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

The full text of the Proposed Amendment begins on the following page:
Section 2735.40 Institutional Procedures
a) MAP recipients must report to the institution all additional gift assistance that applies toward tuition and mandatory fees, such as tuition waivers and scholarships.

b) If a MAP recipient receives other assistance targeted specifically for tuition and fees, the combined assistance shall not exceed the total tuition and fee expenses incurred.

c) If an applicant is eligible for assistance under the Illinois National Guard (ING) Grant Program or the Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2730 and 2733), the applicant is not eligible for a full MAP grant because ING and IVG must be factored into the financial aid packaging prior to awarding MAP gift assistance. The institution may request payment of a partial MAP grant to finance fee expenses not covered by the above-referenced programs.

d) If an applicant is eligible to receive tuition or fee benefits through a prepaid or reimbursable tuition plan other than the Illinois Prepaid Tuition Program, College Illinois! (23 Ill. Adm. Code 2775), or through a payment to the institution of higher learning by the applicant's employer, the institution of higher learning shall request MAP payment in accordance with this subsection:

1) A prepaid tuition plan is any program which exempts a student from tuition charges because of a payment to the institution at a time prior to the student's enrollment. A reimbursable tuition plan is a program which reimburses a student for tuition costs after satisfactory completion of course work.

2) The institution of higher learning shall recalculate the applicant's MAP eligibility by decreasing the applicant's tuition and fee charges by the amount of benefits the applicant is eligible to receive from the sources in subsection (d)(1) of this Section. The institution of higher learning shall report the applicant's reduced grant award on the payment request.

e) The provisions of this Section shall not apply to benefits derived from the Baccalaureate Savings Act [110 ILCS 920] and 23 Ill. Adm. Code 2771.

f) Notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the cost of attendance used to calculate Title IV aid for that student. Any excess gift assistance is considered an overaward and the institution of higher learning is required to reduce the MAP
award and/or other gift assistance to prevent such an overaward. For the purposes of this calculation, federal veterans benefits are not counted as gift assistance.

g) Institutions of higher learning shall submit payment requests to ISAC. By submitting a payment request, an institution is certifying that the qualified applicants meet the requirements of Section 2735.20, Applicant Eligibility.

h) For any institution of higher learning which has concurrent registration opportunities, the following policy pertains:

1) The recipient must indicate his/her institution of record on the MAP application.

2) The payment of the term award by ISAC will require the institution of record to receive MAP payment on behalf of any other institutions and the institution of record shall distribute the appropriate share of the award to the other institutions. Payment by ISAC will not be made to more than one institution.

3) The amount paid cannot exceed the maximum term award for students at the institution of record, or the tuition and mandatory fee costs at the institution of record if the costs are less than the maximum term award.

4) Concurrent registration is limited to ISAC-approved institutions of higher learning.

5) The recipient's academic records at the institution of record must document the total number of credit hours for which the student is enrolled.

i) If an Illinois institution operates an out-of-state center, residents of Illinois enrolled in classes at the out-of-state center may receive MAP benefits in accordance with Section 2735.30(u).

j) If an announced recipient's credit hour enrollment decreases, the institution shall only request payment up to the amount of actual tuition and mandatory fee expenses incurred.

k) Upon receipt of a payment request from the institution of record, ISAC remits MAP grant funds to the institution of record on behalf of the recipient. The
institution of record shall credit these funds to the recipient's account.

l) MAP grants are paid directly to the approved institution of record that certifies to ISAC that the applicant is an eligible recipient.

1) ISAC will annually establish priority claim dates for the submission of payment requests and inform schools of the required priority dates.

2) Late payment requests will result in delayed processing of payments. Payment requests are processed in the sequence of receipt by ISAC and as funds are available.

3) Institutions may submit their payment requests beginning ten days prior to the start of classes for the term for which they are requesting payment.

m) Institutional Processing of Payments

1) Within 30 days after and including the date of receiving payment of any MAP funds claimed or advanced pursuant to this Section, the institution shall credit the MAP funds against the recipients' tuition and mandatory fee charges for the appropriate term.

2) Institutions are required to reconcile payments received through MAP and, as applicable, submit all necessary corrections to student records on a timely basis. Any payments received by the institution that are determined in the reconciliation to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic term unless ISAC has already deducted outstanding refunds from institutional payment requests during the applicable fiscal year. Refunds may be caused by billing errors, retroactive withdrawals and other miscellaneous reasons. Refunds showing as owed to ISAC must be remitted within 30 days after the end of the institution's regular school year. Should the payment arrive after the end of the regular school year, the institution will have 60 days following receipt of payment to complete the reconciliation process and return any refunds due.

3) Award payments made in the name of one recipient cannot be applied to another recipient at the same institution. A refund of the payment made must be submitted to ISAC, and a supplemental request for payment must be processed for the proper recipient.
4) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by a date annually designated by ISAC that is no later than August 1 due to the State's fiscal year lapse period ending August 31.

5) Payment requests received after August 1 for the prior academic year will be processed as time and available funds permit; however, final action may require institutions to go to the Illinois Court of Claims to obtain payment for approved claims. (See the Court of Claims Act [705 ILCS 505].)

(Source: Amended at 30 Ill. Reg. ______, effective _____________)
NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Illinois Incentive For Access (IIA) Program

2) Code Citation: 23 Ill. Adm. Code 2736

3) Section Number: Proposed Action:
   2736.40 Amendment

4) Statutory Authority: Implementing Section 36 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/36 and 20(f)].

5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

   Section 2736.40(f)(2) is amended to align the language with changes being proposed to the rules for other ISAC programs in relation to the processing of payment requests, given the time frame ISAC must adhere to with the State Comptroller’s office.

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

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

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objective: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:
12) **Initial Regulatory Flexibility Analysis:**

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

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

C) **Types of professional skills necessary for compliance:** None

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

The full text of the Proposed Amendment begins on the following page:
NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2736
SILAS PURNELL ILLINOIS INCENTIVE FOR ACCESS (IIA) PROGRAM

Section 2736.10 Summary and Purpose
Section 2736.20 Applicant Eligibility
Section 2736.30 Program Procedures
Section 2736.40 Institutional Procedures

AUTHORITY: Implementing Section 36 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/36 and 20(f)].


Section 2736.40 Institutional Procedures

a) Claims for IIA-eligible students shall be submitted by the institution of record after the institution of record certifies to ISAC that the applicant meets the criteria listed in Section 2736.20, Applicant Eligibility.

b) IIA grants are paid directly to the institution of record in two disbursements consisting of payments in an amount not to exceed $500 each term.

c) Notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the cost of attendance used to calculate Title IV aid for that student. If a student is receiving both MAP and IIA and the gift assistance exceeds the cost of attendance, IIA should be used first and MAP should be reduced to prevent an overaward. For the purposes of this calculation, federal veterans benefits are not counted as gift assistance.
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

d) For institutions with concurrent registration opportunities:

1) the recipient must indicate his/her institution of record on the financial aid application;

2) the institution of record shall distribute the appropriate share of the award to the other institutions. Payment by ISAC will not be made to more than one institution;

3) concurrent registration is limited to ISAC-approved institutions of higher learning; and

4) the recipient's academic records at the institution of record must document the total number of credit hours for which the student is enrolled.

e) If a qualified applicant withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the qualified applicant shall receive the IIA grant payment for that term.

f) Institutional Processing of Payments

1) Institutions may submit their payment requests beginning ten days prior to the start of classes for the term for which they are requesting payment.

2) To provide sufficient time for processing and vouchering through the State Comptroller's Office, all payment requests must be received by a date annually designated by ISAC that is no later than August 1 following the academic year due to the State's fiscal year lapse period ending August 31.

3) Payment requests received after August 1 for the prior academic year will be processed as time and available funds permit. However, final action may require an institution to obtain payment for approved claims through the Illinois Court of Claims. (See the Court of Claims Act [705 ILCS 505].)

4) Within 30 days after receiving payment of any IIA funds, the institution shall credit the recipient's account for the appropriate term.

5) IIA award payments in the name of one recipient cannot be applied to
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

another recipient at the same institution.

6) Following receipt of IIA payments from ISAC for the term, an institution is required to reconcile its records. If the institution determines that refunds are due, they are to be processed and returned to ISAC no later than 60 days following the end of the academic term. Should the payment arrive after the end of the term, the institution will have 60 days following the receipt of payment to complete the reconciliation process and return any funds due.

7) If the institution does not submit refunds as required by this Section, ISAC will deduct outstanding refunds from subsequent institutional IIA payments.

(Source: Amended at 30 Ill. Reg. ______, effective ____________ )
NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: Robert C. Byrd Honors Scholarship Program

2) Code Citation: 23 Ill. Adm. Code 2755

3) Section Numbers: Proposed Action:
   2755.30 Amendment
   2755.40 Amendment

4) Statutory Authority: Implementing Section 65.60 of the Higher Education Student Assistance Act [110 ILCS 947/65.60] and Title IV, Part A, Subpart 6 of the Higher Education Act of 1965, as amended (20 USCA 1070d-31 et seq.) and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

   An amendment has been proposed to Section 2755.30(l)(1)(A) to improve the data collected from secondary institutions used to identify an applicant's academic achievements, as required in Section 2755.10(a).

   Driven by the State Comptroller's lapse period deadline of August 31 for processing of payment vouchers, language is being added to Section 2755.40 to incorporate a deadline by which postsecondary institutions must submit all payment requests to ISAC. Similar language already resides in ISAC's administrative rules for the Monetary Award Program, Silas Purnell Illinois Incentive for Access program, and Illinois Veteran Grant program and is also being proposed for other ISAC programs to bring about standardization in payment request processing.

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

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

8) Does this rulemaking contain incorporations by reference? No
NOTICE OF PROPOSED AMENDMENTS

9) Are there any other amendments pending on this Part? No

10) 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)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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

Lori A. Reimers
Director, Government Relations
Illinois Student Assistance Commission
500 W. Monroe, 3rd floor
Springfield IL  62704-1876

(217) 785-8721
e-mail: lreimers@isac.org

12) Initial Regulatory Flexibility Analysis:

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

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

C) Types of professional skills necessary for compliance: None

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

The full text of the Proposed Amendments begins on the following page:
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2755
ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM

Section
2755.10 Summary and Purpose
2755.20 Applicant Eligibility
2755.30 Program Procedures
2755.40 Institutional Procedures
2755.APPENDIX A Geographic Districts

AUTHORITY: Implementing Section 65.60 of the Higher Education Student Assistance Act [110 ILCS 947/65.60] and Title IV, Part A, Subpart 6 of the Higher Education Act of 1965, as amended (20 USCA 1070d-31 et seq.) and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].


Section 2755.30 Program Procedures

a) Applicant data for a Robert C. Byrd Honors Scholarship must be received in ISAC's Deerfield office on or before March 1 preceding the academic year for which the scholarship is being requested.

b) Information on applying for the Robert C. Byrd Honors Scholarship is available for distribution to students at approved high schools in Illinois and offices of ISAC in Springfield, Chicago and Deerfield.

c) If the applicant data are incomplete, notification shall be sent to the applicant. The applicant will then have an opportunity to furnish the missing information; however, the applicant will only be considered as of the date when the data are complete and received in ISAC's Deerfield office.
d) Each year new and renewal Byrd applicants are to certify to ISAC that they meet eligibility requirements.

e) Recipients must be enrolled on a full-time basis unless granted a postponement, waiver or interruption.

f) A new recipient may postpone his or her initial enrollment for a maximum of 12 months.

g) After the first year of full-time study, the recipient may request a waiver of the full-time enrollment requirement due to unusual circumstances for a maximum of 12 months.

1) The request is to be submitted in writing to ISAC and any documentation must also be submitted.

2) The circumstances under which an exception to the full-time enrollment requirement may be granted include:

   A) the recipient's employment hours will not permit full-time enrollment;

   B) the recipient has medical problems that will not permit full-time enrollment, as established by the sworn statement of a licensed physician;

   C) the recipient is in his/her last semester of school and full-time enrollment is not required to complete the degree; or

   D) the care of an immediate family member due to illness or incapacitation will not permit full-time enrollment.

3) In order to receive a waiver of the full-time enrollment requirement, the recipient must be enrolled at least half-time.

h) If the full-time enrollment requirement is waived, the Byrd award is prorated according to the number of hours the recipient is enrolled.

i) After the first year of study, a recipient may interrupt his or her enrollment at an institution for a maximum of 12 continuous months.
NOTICE OF PROPOSED AMENDMENTS

1) The request is to be submitted in writing to ISAC and any documentation must also be submitted.

2) The circumstances under which an interruption may be granted include:
   A) the recipient's participation in a cooperative education or study abroad program;
   B) the recipient is experiencing financial difficulties that will not permit continuous enrollment;
   C) the recipient has medical problems that will not permit continuous enrollment; or
   D) the recipient has family responsibilities that will not permit continuous enrollment.

j) The scholar is not eligible to receive scholarship funds during the periods of postponement or interruption. The funds that would have been awarded to the scholar during that time period can be awarded to the scholar during a subsequent period of enrollment at an institution as an undergraduate student.

k) A recipient who is subsequently determined to be ineligible shall repay ISAC the total amount of the funds received for the period during which s/he was ineligible.

l) ISAC shall select new recipients from among the timely applicants by choosing the highest scoring qualified applicants on the basis of the following criteria:

1) Academic Data. A qualified applicant's score shall be computed as follows:

\[ \text{score} = \left( \frac{\text{number in class} \div \text{rank}}{100} \right) \times 0.05 + \left( \frac{\text{grade point average} \div \text{scale}}{100} \right) \times 100 + \left( \text{Illinois Standard Test Score} \times 10 \right) \]

A) Rank in class, class size and non-weighted grade point average (GPA) shall be reported as of the end of the third semester prior to
graduation from high school or its equivalent. An institution shall use the same class size and non-weighted GPA scale in reporting all of its applicants.

B) SAT I or ACT tests, which must be taken during the time frame identified for State Scholar eligibility (see 23 Ill. Adm. Code 2760.20(b)), shall be converted to the Illinois Standard Test Score as described in 23 Ill. Adm. Code 2760.30(b).

C) If more than one score is submitted, the highest score is used.

D) For applicants qualifying by virtue of their GED scores (see Section 2755.20(a)(4) of this Part), class rank shall be set at 5 out of 100 (top 5%) and average GED percentile rank shall be used in lieu of grade point average ÷ scale.

E) For those high schools that do not submit class ranks, the applicant scores shall be computed using number in class and rank as equal to one.

2) Geographic District. New Robert C. Byrd Honors Scholarships will be allocated within geographic districts in accordance with Appendix A of this Part. An applicant's county of residence shall be determined by his or her permanent home address.

m) Scholarships will be awarded first to renewing applicants.

n) Scholarship funds are applicable towards an academic year of study.

o) New recipients are selected from each of the 15 geographic districts, and on an at-large basis, in accordance with the number of awards set forth in Appendix A to this Part. The at-large recipients shall be chosen from among the highest scoring non-selected qualified applicants statewide, regardless of their geographic district.

p) The total number of scholarships awarded in a given fiscal year is contingent upon available funding (see Section 419D of the Higher Education Act of 1965, as amended (20 USCA 1070d-34), Allocation Among States), notwithstanding the number of new scholarships outlined in Appendix A to this Part.

q) Recipients will be informed of their selection by the May 1 preceding the
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

academic year for which the scholarship was requested.

r) High schools will be notified of the recipients attending their high school by May 1.

s) If an individual does not accept the offer of a new scholarship award, the next highest scoring qualified applicant not yet selected from the same geographic district will be chosen to receive a scholarship.

t) Each year recipients shall complete an "Eligibility Certification" that includes certification statements required by ED.

u) Scholarship funds shall be sent to the institution on behalf of the recipients.

(Source: Amended at 30 Ill. Reg. _____, effective ____________)

Section 2755.40 Institutional Procedures

a) An institution shall certify the qualified applicant's eligibility with its request for payment within the time frame specified by ISAC.

b) Upon receipt of scholarship funds, the institution(s) shall verify the recipient's enrollment status for the term for which the award was intended. If enrolled, the institution may credit scholarship funds to the recipient's account for expenses due and payable. If the recipient withdraws from enrollment prior to completing the academic year of study, the institution shall return the amount of the scholarship to ISAC for the semester(s) or quarter(s) not attended.

c) Refunds not submitted to ISAC will be deducted from payments for the subsequent academic year.

d) If a scholar does not meet the requirements for continuing eligibility within an award year, scholarship funds will be suspended until the scholar demonstrates that s/he meets the eligibility requirements. The scholar is not eligible to receive scholarship funds during the period of suspension. If the suspension period exceeds 12 months, the scholar's eligibility will be terminated. If eligibility is reestablished within the 12-month period, scholarship funds will be disbursed only for remaining periods of eligibility. The funds not awarded during a period of suspension cannot be awarded to the scholar during a subsequent period of enrollment at an institution as an undergraduate student.
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

e) The total amount of the Byrd Scholarship awarded to a recipient in any given academic year, when added to the other federal or state financial aid available to the recipient for that year, cannot exceed the student's cost of attendance.

1) The amount of any federally guaranteed student loans should be decreased prior to reducing the amount of the Byrd Scholarship.

2) A Monetary Award Program (MAP) grant should be decreased prior to reducing the amount of a Byrd Scholarship.

3) The Byrd Scholarship should be decreased prior to reducing the amount of a Federal Pell Grant.

f) Except as provided in subsection (e) of this Section, a recipient may receive up to $1500 for each academic year, up to a maximum of four years of study. Scholarship payment is subject to the limit of available federal funding.

g) Out-of-state institutions that are eligible to participate in Title IV federal student financial aid programs need not execute a Program Participation Agreement with ISAC to receive funds on behalf of recipients.

h) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by a date annually designated by ISAC that is no later than August 1 due to the State's fiscal lapse period ending August 31.

(Source: Amended at 30 Ill. Reg. ______, effective ____________ )
NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part**: Merit Recognition Scholarship (MRS) Program

2) **Code Citation**: 23 Ill. Adm. Code 2761

3) **Section Numbers**
   - 2761.10 Amendment
   - 2761.40 Amendment

4) **Statutory Authority**: Implementing Section 31 and authorized by Section 31(h) of the Higher Education Student Assistance Act [110 ILCS 947/31 and 31(h)].

5) **A Complete Description of the Subjects and Issues Involved**: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

   To conform with 110 ILCS 947.31(f), language is proposed in Section 2761.10(a) stating that the names and addresses of Merit Recognition Scholarship recipients are a matter of public record.

   Driven by the State Comptroller’s lapse period deadline of August 31 for processing of payment vouchers, language is being added to Section 2761.40 to incorporate a deadline by which postsecondary institutions must submit all payment requests to ISAC. Similar language already resides in ISAC’s administrative rules for the Monetary Award Program, the Silas Purnell Illinois Incentive for Access program, and Illinois Veteran Grant program and is also being proposed for other ISAC programs to bring about standardization in payment request processing.

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

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

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

9) **Are there any other amendments pending on this Part?** No
10) **Statement of Statewide Policy Objective:** This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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

   Lori A. Reimers  
   Director, Government Relations  
   Illinois Student Assistance Commission  
   500 W. Monroe, 3rd floor  
   Springfield IL  62704-1876  
   (217) 785-8721  
   email: lreimers@isac.org

12) **Initial Regulatory Flexibility Analysis:**

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

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

   C) **Types of professional skills necessary for compliance:** None

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

   The full text of the Proposed Amendments begins on the following page:
NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2761
MERIT RECOGNITION SCHOLARSHIP (MRS) PROGRAM

Section 2761.10 Summary and Purpose

a) The Merit Recognition Scholarship (MRS) Program encourages and rewards the distinguished academic achievement of Illinois high school graduates, without regard to financial need. The scholarship is a $1000 award which must be used for enrollment at an institution of higher learning or any service academy. The names and addresses of MRS recipients are a matter of public record.

b) This Part establishes rules which govern the MRS Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.
Section 2761.40 Institutional Procedures

a) The application form constitutes the institution's request for payment of first term benefits. Institutions shall submit a payment request for payment of subsequent terms.

b) When requesting payment of scholarship funds, the institution shall certify that the recipient is: a U.S. citizen or eligible noncitizen; a resident of Illinois; of good moral character; accepted for enrollment on at least a half-time basis; not the recipient of a baccalaureate degree.

c) Upon receipt of scholarship funds, the institution shall verify the recipient's enrollment status. If the recipient is enrolled, the institution may credit the funds to the recipient's account for expenses due and payable. The balance of the funds shall be released to the recipient.

d) If the recipient has withdrawn from enrollment or drops to less than half-time enrollment prior to receiving funds, the institution shall notify ISAC to prevent payment processing or, if funds have been received by the institution, the institution shall return the full amount of the funds to ISAC.

e) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by a date annually designated by ISAC that is no later than August 1 due to the State's fiscal lapse period ending August 31.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)
NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Minority Teachers Of Illinois (MTI) Scholarship Program

2) **Code Citation:** 23 Ill. Adm. Code 2763

3) **Section Numbers:**

   - Proposed Action:
   
   2763.20 Amendment
   2763.30 Amendment
   2763.40 Amendment

4) **Statutory Authority:** Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/50 and 20(f)].

5) **A Complete Description of the Subjects and Issues Involved:** ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

   Section 2763.30(i) is being amended to incorporate a provision of Public Law 94-0133, which provides recipients with an additional exception to the teaching requirement when they are concurrently fulfilling the requirement associated with other programs administered by ISAC.

   A change is proposed to Section 2763.40(b) to establish a time frame for institutions to submit eligibility information on qualified applicants to ISAC. The current lack of such a time frame causes difficulty in re-awarding non-appropriated funds and leads to the loss of award funds to other deserving students.

   Driven by the State Comptroller’s lapse period deadline of August 31 for processing of payment vouchers, language is being added to Section 2763.40(h) to incorporate a deadline by which postsecondary institutions must submit all payment requests to ISAC. Similar language already resides in ISAC’s administrative rules for the Monetary Award Program, the Silas Purnell Illinois Incentive for Access program, and Illinois Veteran Grant program and is also being proposed for other ISAC programs to bring about standardization in payment request processing.

6) **Will this rulemaking replace an emergency rulemaking currently in effect?** No
NOTICE OF PROPOSED AMENDMENTS

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

8)  Does this rulemaking contain incorporations by reference?  No

9)  Are there any other amendments pending on this Part?  No

10) Statement of Statewide Policy Objective:  This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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

   Lori A. Reimers
   Director, Government Relations
   Illinois Student Assistance Commission
   500 W. Monroe, 3rd floor
   Springfield IL  62704-1876

   (217) 785-8721
   email: lreimers@isac.org

12) Initial Regulatory Flexibility Analysis:

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

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

   C)  Types of professional skills necessary for compliance:  None

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

The full text of the Proposed Amendments begins on the following page:
Section 2763.10 Summary and Purpose

Section 2763.20 Applicant Eligibility

a) A qualified applicant shall be:

1) a minority student;

2) a resident of Illinois;

3) a citizen or permanent resident of the United States;

4) a high school graduate or a General Educational Development (GED)
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

certificate recipient;

5) enrolled or accepted for enrollment on at least a half-time basis;

6) a student at an institution of higher learning;

7) enrolled or accepted for enrollment in a course of study which, upon completion, qualifies the student to be certified as a preschool, elementary or secondary school teacher by the Illinois State Board of Education, including alternative teacher certification;

8) maintaining a cumulative grade point average of no less than 2.5 on a 4.0 scale; and

9) maintaining satisfactory academic progress as determined by the institution.

b) In any academic year in which the qualified applicant accepts or receives financial assistance through the Paul Douglas Teacher Scholarship Program (23 Ill. Adm. Code 2762), Illinois Future Teacher Corps Program (TEACH Teacher Shortage Scholarship Program (23 Ill. Adm. Code 2764), or the Special Education Teacher Tuition Waiver Program (23 Ill. Adm. Code 2765), or the Teach Illinois Scholarship Program (23 Ill. Adm. Code 2768), the qualified applicant shall not be eligible for scholarship assistance under this Part.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

Section 2763.30 Program Procedures

a) A completed ISAC application for the MTI Scholarship Program must be postmarked on or before March 1 immediately preceding the regular school year for which the scholarship is being requested, in order to receive priority consideration for an award.

1) Applications are available from qualified institutions of higher learning, ISAC's Web site, Illinois State legislative and Illinois Congressional offices, and ISAC's Springfield, Deerfield and Chicago offices.

2) ISAC will make renewal applications available to all qualified students who were awarded MTI Scholarships during the preceding regular school year.
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

3) If the application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing as of the date when the application is complete and received at ISAC's Deerfield office.

b) At least 30 percent of the funds appropriated for scholarships awarded under this Section in each fiscal year shall be reserved for male qualified applicants. If the Commission does not receive enough applications from qualified male minorities on or before January 1 of each fiscal year to award 30% of the funds appropriated for these scholarships to qualified male minority applicants, then the Commission may award a portion of the reserved funds to qualified female minority applicants. [110 ILCS 947/50]

c) Notwithstanding the provisions of subsection (b) of this Section, awards will be made first to renewing applicants.

d) No recipient may receive more than 8 semesters/12 quarters of scholarship assistance under this program.

e) Scholarship funds are applicable towards up to two semesters/three quarters of study within a regular school year.

f) The total number of scholarships awarded in a given fiscal year is contingent upon available funding. If appropriated funds are insufficient to provide all qualified applicants with a scholarship, available funds shall be allocated in accordance with subsections (b) and (c) of this Section and on the basis of the dates that the completed applications are received in ISAC's Deerfield office. However, preference may be given to qualified applicants enrolled at or above the junior level.

g) Qualified applicants may be required to furnish the postsecondary institution at which they are enrolled with a copy of their high school transcripts, any other documentation verifying high school graduation, or a copy of their GED certificates.

h) Prior to receiving scholarship assistance under this Part, the qualified applicant must sign a Teaching Agreement/Promissory Note that is submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:
NOTICE OF PROPOSED AMENDMENTS

1) the recipient pledges to teach, on a full-time equivalent basis, for one year for each year of scholarship aid received, or for any portion of a year for which aid was received, under this Part;

2) the recipient shall begin teaching within one year following the completion of the program for which the recipient received assistance under this Part, and shall teach on a continuous basis for the required period of time;

3) the teaching requirement will be fulfilled at a nonprofit Illinois public, private or parochial preschool, elementary school or secondary school at which no less than 30 percent of the enrolled students are minority students, as certified by the Illinois State Board of Education (ISBE);

4) if the teaching requirement is not fulfilled, the scholarship converts to a loan and the recipient must repay the entire amount of the scholarships prorated according to the fraction of the teaching obligation not completed, plus interest at a rate of interest equal to five percent and, if applicable, reasonable collection fees;

5) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.); and

6) the recipient promises to use the proceeds of the scholarship for educational expenses.

i) A recipient of a scholarship awarded under this Part shall not be in violation of the agreement entered into pursuant to Section 2763.30(h) during periods in which the recipient:

1) serves, for not more than three years, as a member of the United States Armed Forces;

2) is enrolled on a full-time basis as a graduate student in a course of study related to the field of teaching at an institution of higher learning;

3) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;

4) is actively seeking but unable to find full-time employment as a teacher at
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

a school that satisfies the criteria set forth in subsection (h)(3) of this Section for one continuous period not to exceed two years, and is able to provide evidence of that fact; or

5) is taking additional courses, on at least a half-time basis, needed to obtain certification as a teacher in Illinois; or

6) is fulfilling teaching requirements associated with other programs administered by ISAC if he or she cannot concurrently fulfill them in a period of time equal to the length of the teaching obligation.

j) If a recipient is required to repay any portion of the scholarship, the repayment period shall be completed within ten years after the scholarship converts to a loan. This ten-year period may be extended if the recipient:

1) serves, for not more than three years, as a member of the United States Armed Forces;

2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;

3) is seeking and unable to find full-time employment, for one continuous period not to exceed two years, and is able to provide evidence of that fact;

4) withdraws from a course of study leading to certification as a teacher but is enrolled full-time in another academic discipline; or

5) is pursuing a graduate course of study and is enrolled on a full-time basis for one continuous period of time not to exceed three years.

k) During the time a recipient qualifies for any of the extensions listed in subsection (j) of this Section, he or she shall not be required to make payments and interest shall not accrue.

l) A recipient shall enter repayment status on the earliest of the following dates:

1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to certification as a teacher at the preschool, elementary or secondary level, but not before six months have elapsed after the cessation of at least half-time enrollment in such a course
NOTICE OF PROPOSED AMENDMENTS

2) the date the recipient informs ISAC that he or she does not plan to fulfill the teaching obligation; or

3) the day after the latest date upon which the recipient must have begun teaching after completing the postsecondary education for which the scholarship was awarded.

m) A recipient shall not be required to repay the amount of the scholarships received if he or she becomes permanently totally disabled as established by the sworn affidavit of a qualified physician (see, e.g., 34 CFR 653.42(k)(1)), or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

Section 2763.40 Institutional Procedures

a) The institution shall submit eligibility information for qualified applicants in sufficient time for ISAC to make award announcements.

b) The institution shall submit a certification of eligibility for qualified applicants with its request for payment, within the time frame requested by ISAC, which shall be no sooner than 30 days unless a more rapid response is necessary to expend appropriated funds prior to the end of the academic year.

c) ISAC shall disburse scholarship funds in two or three installments, depending on the number of terms financed by the scholarship, except that multiple disbursements shall not be required in cases where the applicant's eligibility is not determined until the final term of the regular school year for which the scholarship is being awarded or when a student is attending only one term and the maximum award does not exceed the student's cost of attendance.

d) Funds shall be remitted by ISAC to institutions on behalf of the recipients.

e) Upon receipt of scholarship funds, the institution shall verify the recipient's enrollment status for the term for which the award was intended. If enrolled, the institution may credit the scholarship funds to the recipient's account for expenses due and payable. The balance of the disbursement shall be released to the recipient.
f) Upon receipt of the scholarship funds, if the recipient has withdrawn from enrollment for the terms for which the award was intended, the institution shall return the amount of the scholarship payment to ISAC.

g) Scholarship Amount

1) MTI scholarships are applicable only toward tuition and fees and room and board charges or commuter allowances, if applicable.

2) The annual scholarship amount shall be computed by the institution and must be the lesser of:

   A) tuition and fees plus room and board expenses charged by the institution;

   B) tuition and fees plus the standard commuter allowance for students living off-campus; or

   C) $5000.

3) The total amount of MTI scholarship assistance awarded to a qualified applicant in a given regular school year, when added to the other financial aid available to the qualified applicant for that year, cannot exceed the cost of attendance.

4) A qualified applicant may receive grant assistance under the Monetary Award Program (23 Ill. Adm. Code 2735) only up to the amount by which the qualified applicant's cost of attendance exceeds the amount of the MTI scholarship.

h) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by a date annually designated by ISAC that is no later than August 1 due to the State's fiscal lapse period ending August 31.

(Source: Amended at 30 Ill. Reg. ______, effective ____________ )
NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part**: Illinois Future Teacher Corps (IFTC) Program

2) **Code Citation**: 23 Ill. Adm. Code 2764

3) **Section Numbers**: Proposed Action:
   - 2764.20 Amendment
   - 2764.30 Amendment
   - 2764.40 Amendment

4) **Statutory Authority**: Implementing Section 52 of the Higher Education Student Assistance Act [110 ILCS 947/52] and authorized by Sections 20(f) and 52(h) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 52(h)].

5) **A Complete Description of the Subjects and Issues Involved**: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

   Amendments are proposed to Section 2764.30(l) to bring about statutory changes included in Public Law 94-0133, which provide additional exceptions to the teaching requirement for recipients enrolled in postsecondary institutions and taking courses necessary to become teachers, or when they are concurrently fulfilling the requirement associated with other programs administered by ISAC.

   A change is proposed to Section 2764.40(b) to establish a time frame for institutions to submit eligibility information on qualified applicants to ISAC. The current lack of such a time frame causes difficulty in re-awarding non-appropriated funds and leads to the loss of award funds to other deserving students.

6) **Will this rulemaking replace an emergency rule currently in effect?** No

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

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

9) **Are there any other proposed amendments pending on this Part?** No
IIllinois Student Assistance Commission

Notice of Proposed Amendments

10) 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)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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

Lori A. Reimers
Director, Government Relations
Illinois Student Assistance Commission
500 W. Monroe, 3rd floor
Springfield, Illinois 62704-1876
(217) 785-8721
e-mail: lreimers@isac.org

12) Initial Regulatory Flexibility Analysis:

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

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

C) Types of professional skills necessary for compliance: None

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

The full text of the Proposed Amendments begins on the following page:
Section 2764.10 Summary and Purpose

Section 2764.20 Applicant Eligibility

Section 2764.30 Program Procedures

Section 2764.40 Institutional Procedures

AUTHORITY: Implementing Section 52 of the Higher Education Student Assistance Act [110 ILCS 947/52] and authorized by Sections 20(f) and 52(h) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 52(h)].


Section 2764.20 Applicant Eligibility

a) A qualified applicant shall be:

1) a United States citizen or eligible noncitizen;

2) a resident of Illinois;

3) a high school graduate or a person who has received a General Educational Development (GED) Certificate;

4) enrolled, or accepted for enrollment, at or above the junior level, on at least a half-time basis at an Illinois institution of higher learning; and
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

5)  **pursuing a postsecondary course of study leading to initial teacher certification or taking additional courses needed to gain Illinois State Board of Education (ISBE) approval to teach, including alternative teacher certification [110 ILCS 947/52].**

b)  In any academic year in which the qualified applicant accepts or receives financial assistance through the Paul Douglas Teacher Scholarship Program (23 Ill. Adm. Code 2762), the Minority Teachers of Illinois Scholarship Program (23 Ill. Adm. Code 2763), or the Special Education Teacher Tuition Waiver Program (23 Ill. Adm. Code 2765), or the Teach Illinois Scholarship (23 Ill. Adm. Code 2768), the qualified applicant shall not be eligible for scholarship assistance under this Part.

(Source: Amended at 30 Ill. Reg. _______, effective ____________)

**Section 2764.30 Program Procedures**

a)  All applicants must complete and file the form which the U.S. Department of Education (ED) designates as an application for federal student financial aid for the purpose of determining the Expected Family Contribution (EFC) which is used as a selection criterion for this award.  (See Section 483 of the Higher Education Act of 1965, as amended (20 USCA 1070a).)

b)  A completed ISAC application for the IFTC Program must be postmarked on or before March 1 immediately preceding the academic year for which the scholarship is being requested, in order to receive priority consideration for an award.

1)  ISAC applications are available from qualified institutions of higher learning, State legislative and Congressional offices, and ISAC's Springfield, Deerfield and Chicago offices.

2)  ISAC will make renewal applications available to all qualified students who were awarded assistance under this Part during the preceding academic year.

3)  If the student section of an ISAC application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will be considered for processing as of the date when the application is complete.
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

and received at ISAC's Deerfield office.

c) ISAC shall select the recipients from among qualified applicants who filed timely applications based on a combination of the following criteria:

1) cumulative grade point averages, prioritized from the highest to the lowest. All grade point averages will be converted to a four-point scale;

2) Expected Family Contribution (EFC), from the lowest to the highest;

3) minority students shall receive priority consideration; and

4) recipients of assistance under this Part during the previous academic year shall receive first priority consideration provided the student:
   A) continues to maintain a cumulative grade point average of no less than 2.5 on a 4.0 scale;
   B) maintains his or her status as a qualified applicant, as outlined in Section 2764.20(a) of this Part, Applicant Eligibility;
   C) maintains satisfactory academic progress as determined by the institution; and
   D) has submitted an application on a timely basis.

5) Preference may also be given to qualified applicants enrolled in teacher shortage disciplines, which shall include early childhood education.

d) If all other criteria are equal, priority consideration will be given to the qualified applicant who submitted his or her completed application to ISAC on the earliest date.

e) A recipient may receive up to 4 semesters/6 quarters of scholarship assistance under this program.

f) Scholarship funds are applicable toward two semesters/three quarters of half-time and full-time study within an academic year.

g) The total number of scholarships awarded in a given fiscal year is contingent
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

upon available funding.

h) To the extent necessary to administer this program within the limits of the State appropriation, the Commission may adjust the priority consideration factors and scholarship amounts established by this Section.

i) ISAC shall publish guidelines for the awarding of IFTC scholarships.

j) Notice of eligibility shall be sent by ISAC to each qualified applicant who is selected to receive an IFTC scholarship. A notice will be sent by ISAC to each qualified applicant who is not selected to receive an IFTC scholarship.

k) Prior to receiving scholarship assistance for any academic year, the qualified applicant must sign a Teaching Agreement/Promissory Note that is submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:

1) the recipient pledges to teach, on a full-time basis, for a period of not less than five years and in accordance with any additional commitment to teach in a teacher shortage discipline and/or at a hard-to-staff school, as applicable;

2) the recipient shall begin teaching within one year following completion of the postsecondary education degree or certificate program for which the scholarship was awarded, and shall teach on a continuous basis for the required period of time;

3) the teaching requirement will be fulfilled at a nonprofit Illinois public, private or parochial preschool, or an Illinois public elementary or secondary school and if the award made under this Part was for teaching at a hard-to-staff school, the school must qualify for teacher loan cancellation under Section 465(a)(2)(A) of the HEA (see 20 USCA 1087ee);

4) if the teaching requirement is not fulfilled, the scholarship converts to a loan and the recipient must repay the entire amount of the scholarships prorated according to the fraction of the teaching obligation not completed, plus interest at a rate equal to five percent and, if applicable, reasonable collection fees;
5) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.); and

6) the recipient promises to use the proceeds of the scholarship for educational expenses.

l) A recipient of a scholarship awarded under this Part shall not be in violation of the agreement entered into pursuant to Section 2764.30(k) during period in which the recipient:

1) serves, for not more than three years, as a member of the United States Armed Forces; or

2) is enrolled full-time in a graduate course of study related to the field of teaching at an institution of higher learning; or

3) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a qualified physician; or

4) is actively seeking but unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (k)(3) of this Section for one continuous period not to exceed two years, and is able to provide evidence of that fact; or

5) is taking additional courses, on at least a half-time basis, needed to obtain certification as a teacher in Illinois; or

6) is fulfilling teaching requirements associated with other programs administered by ISAC if he or she cannot concurrently fulfill them in a period of time equal to the length of the teaching commitment.

m) If a recipient is required to repay any portion of the scholarship, the repayment period shall be completed within ten years after the scholarship converts to a loan. This ten-year period may be extended if the recipient:

1) serves, for not more than three years, as a member of the United States Armed Forces; or

2) is temporarily disabled, for not more than three years, as established by the
NOTICE OF PROPOSED AMENDMENTS

sworn affidavit of a licensed physician; or

3) is pursuing a graduate course of study and is enrolled on a full-time basis for one continuous period of time not to exceed three years; or

4) is seeking and unable to find full-time employment for one continuous period not to exceed two years and is able to provide evidence of that fact; or

5) withdraws from a course of study leading to certification/approval in a teacher shortage discipline, but is enrolled at least half-time as an undergraduate for one continuous period of time not to exceed three years.

During the time a recipient qualifies for any of the extensions listed in subsection (m) of this Section, he or she shall not be required to make payments and interest shall not accrue.

A recipient shall enter repayment status on the earliest of the following dates:

1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to certification as a teacher, but not until six months have elapsed after the cessation of at least half-time enrollment in such a course of study;

2) the date the recipient informs ISAC that he or she does not plan to fulfill the teaching obligation; or

3) the day after the latest date upon which the recipient must have begun teaching after completing the postsecondary education for which the scholarship was awarded.

A recipient shall not be required to repay the amount of the scholarships received if he or she becomes permanently totally disabled, as established by the sworn affidavit of a licensed physician (see, e.g., 34 CFR 653.42(k)(1)), or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.

Renewal recipients may receive a subsequent award even if their discipline is no longer on the approved list of teacher shortage disciplines.
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

Section 2764.40 Institutional Procedures

a) The institution shall submit eligibility information for qualified applicants in sufficient time for ISAC to make award announcements.

b) The institution shall submit a certification of eligibility for qualified applicants with its request for payment within the time frame requested by ISAC, which shall be no sooner than 30 days unless a more rapid response is necessary to expend appropriated funds prior to the end of the academic year.

c) ISAC shall disburse scholarship funds in two or three installments, depending on the number of terms financed by the scholarship, except that multiple disbursements shall not be required in cases where the applicant's eligibility is not determined until the final term of the academic year for which the scholarship is being awarded or when a student is attending only one term and the maximum award does not exceed the student's cost of attendance.

d) Funds shall be remitted by ISAC to institutions on behalf of the recipients.

e) Upon receipt of scholarship funds, the institution shall verify the recipient's enrollment status for the term for which the award was intended. If enrolled, the institution may credit the scholarship funds to the recipient's account for expenses due and payable. The balance of the disbursement shall be released to the recipient.

f) Upon receipt of the scholarship funds, if the recipient has withdrawn from enrollment for the terms for which the award was intended, the institution shall return the amount of the scholarship payment to ISAC.

g) Scholarship Amount

1) IFTC scholarships are applicable only toward tuition, fees and room and board charges or commuter allowances, if applicable.

2) The annual scholarship amount shall be computed by the institution and be the lesser of:

   A) tuition and fees plus room and board expenses charged by the
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

institution;

B) tuition and fees plus the institution's standard cost of living allowance for students living off-campus;

C) an amount not to exceed $5000;

D) an amount not to exceed $10,000, subject to appropriation, if the student is pursuing a course of study necessary to teach in a teacher shortage discipline in which he or she commits to teach, or has made a commitment to teach at a hard-to-staff school; or

E) an amount not to exceed $15,000, subject to appropriation, if the student is pursuing a course of study necessary to teach in a teacher shortage discipline in which he or she commits to teach, and has also made a commitment to teach at a hard-to-staff school.

3) The total amount of IFTC scholarship assistance awarded to a qualified applicant in a given academic year, when added to the other financial aid available to the qualified applicant for that year, cannot exceed the cost of attendance.

4) A qualified applicant may receive grant assistance under the Monetary Award Program only up to the amount by which the qualified applicant's cost of attendance exceeds the amount of the IFTC scholarship.

\[h)\] To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by a date annually designated by ISAC that is no later than August 1 due to the State's fiscal lapse period ending August 31.

(Source: Amended at 30 Ill. Reg. ______, effective _____________.)
NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Illinois Special Education Teacher Tuition Waiver (SETTW) Program

2) **Code Citation:** 23 Ill. Adm. Code 2765

3) **Section Numbers:**
   - 2765.20 Amendment
   - 2765.30 Amendment

4) **Statutory Authority:** Implementing Section 65.15 of the Higher Education Student Assistance Act [110 ILCS 947/65.15] and authorized by Sections 20(f) and 65.15(a)(2) of the Higher Education Student Assistance Act.

5) **A Complete Description of the Subjects and Issues Involved:** ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

A number of changes are being proposed to this Part to incorporate statutory changes included in Public Law 94-0133, which allow students who have graduated from high school prior to the academic year in which the award is made, and those who are Illinois residents and members of military families stationed out of state, to apply for the waiver. Specifically, Section 2765.20(a)(3) is being amended to remove the requirement that an applicant graduate from an Illinois approved high school. Amendments to Section 2765.30(e) expand the applicant pool to include any high school graduate and to equitably divide the available waivers between this group and the applicants who recently graduated from high school. In addition, Section 2765.30(j) is being amended to incorporate the provision of Public Law 94-0133 that provides recipients with an additional exception to the teaching requirement when they are concurrently fulfilling the requirement associated with other programs administered by ISAC.

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

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

8) **Does this rulemaking contain any incorporations by reference?** No
9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objective: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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

   Lori A. Reimers  
   Deputy Program Officer  
   Illinois Student Assistance Commission  
   500 West Monroe, 3rd Fl.  
   Springfield, IL 62704  

   (217 785-8721  
   email: lreimers@isac.org

12) Initial Regulatory Flexibility Analysis:

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

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

   C) Types of professional skills necessary for compliance: None

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

The full text of the Proposed Amendments begins on the following page:
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2765
ILLINOIS SPECIAL EDUCATION TEACHER TUITION WAIVER (SETTW) PROGRAM

Section 2765.10 Summary and Purpose
2765.20 Applicant Eligibility
2765.30 Program Procedures
2765.40 Institutional Procedures

AUTHORITY: Implementing Section 65.15 and authorized by Sections 20(f) and 65.15(a)(2) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.15].


Section 2765.20 Applicant Eligibility

a) A qualified applicant shall be:

1) a United States citizen or an eligible noncitizen;

2) a resident of Illinois;

3) a graduate of an Illinois-approved high school who ranked in the upper half of his or her high school graduating class; a student scheduled to graduate from an approved Illinois high school by the end of the academic year in which the award is made who ranks in the upper half of his or her high school graduating class at the end of the sixth semester; or a person holding a valid teaching certificate that is not in the discipline of Special Education;
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

4) enrolled, or accepted for enrollment, as an undergraduate or graduate student seeking initial certification in any area of Special Education;

5) attending, or planning to attend, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Southern Illinois University (Carbondale), Southern Illinois University (Edwardsville), University of Illinois (Chicago), University of Illinois (Springfield), University of Illinois (Urbana) or Western Illinois University; and

6) a potential new recipient in that he or she shall have not received the Illinois Special Education Teacher Tuition Waiver in the past.

b) In any academic year in which the qualified applicant accepts or receives financial assistance through the Paul Douglas Teacher Scholarship (23 Ill. Adm. Code 2762), the Minority Teachers of Illinois Scholarship (23 Ill. Adm. Code 2763), or the Illinois Future Teacher Corps Program/TEACH Teacher Shortage Scholarship (23 Ill. Adm. Code 2764), or Teach Illinois Scholarship Program (23 Ill. Adm. Code 2768), he or she shall not be eligible for an Illinois Special Education Teacher Tuition Waiver.

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

Section 2765.30 Program Procedures

a) A completed ISAC application for the Illinois SETTW Program must be postmarked on or before March 1 immediately preceding the academic year for which the tuition waiver is being requested, in order to receive priority consideration for an award.

b) ISAC applications for the Illinois SETTW Program are available from eligible institutions; the offices of Regional Superintendents of Education in Illinois; ISAC's Web site; Illinois State legislative and Illinois federal Congressional offices; and ISAC's Springfield, Deerfield and Chicago offices.

c) If the student section of an application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will be considered for processing as of the date when the student section is complete and received in ISAC's Deerfield office.
d) Before March 1 of each year, principals of public, private and parochial high schools in Illinois will provide the names of all students in their high school who are anticipated to be qualified applicants.

e) ISAC shall award 250 Illinois Special Education Teacher Tuition Waivers annually as follows:

1) A maximum of 40 tuition waivers may be awarded annually to qualified applicants who hold valid teaching certificates that are not in the discipline of Special Education. If more than 40 applicants qualify under these provisions, a lottery shall be used to select 40 recipients;

2) A minimum of 105 tuition waivers shall be awarded annually to high school graduates (or students scheduled to graduate from an approved high school in the academic year in which the award is made and who rank in the upper half of their class at the end of the sixth semester. Any of the tuition waivers not awarded pursuant to subsection (d)(1) and (3) of this Section shall be awarded to this group;

3) A maximum of 105 tuition waivers may be awarded annually to qualified applicants who have graduated from an approved high school prior to the academic year in which the award is made. If more than 105 applicants qualify under this subsection (e)(3), a lottery shall be used to select the 105 recipients;

43) ISAC shall select recipients, pursuant to subsection (e)(2) who do not hold valid teaching certificates, from among qualified applicants based on the highest ACT or SAT I test scores from the time periods set forth in 23 Ill. Adm. Code Section 2760.20(b), (c) and (d), as converted according to the Illinois Standard Test Score table (see 23 Ill. Adm. Code 2760.30(b)(1) and (2))

54) A lottery will be used to determine recipients pursuant to subsection (e)(2) if the number of qualified applicants sharing the same Illinois Standard Test Score exceeds the number of tuition waivers to be awarded.

f) Notice of eligibility will be sent by July 1 to each qualified applicant who is selected to receive a tuition waiver. The qualified applicant is then responsible for providing a copy of the notice of eligibility to the institution. All other
NOTICE OF PROPOSED AMENDMENTS

qualified applicants will be notified that they were not selected.

g) Tuition waivers are applicable towards credit for any semester/quarter within an academic year.

h) A recipient shall be exempt from paying tuition and mandatory fees for up to four calendar years.

i) Prior to receiving assistance, the qualified applicant must sign a Teaching Agreement/Promissory Note, which must be submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:

1) the recipient pledges to begin teaching on a full-time basis, in the field of Special Education, within one year following graduation from or termination of enrollment in a teacher education program, at a nonprofit, public, private or parochial preschool, elementary or secondary school in Illinois and to continue teaching for at least 2 of the 5 years immediately following;

2) if the teaching requirement is not fulfilled, the tuition waiver converts to a loan and the recipient must repay the entire amount of the tuition waiver (prorated according to the fraction of the teaching obligation not completed), plus interest at a rate equal to 5% per annum; and

3) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.).

j) The five-year time period during which the teaching requirement must be fulfilled may be extended if the recipient:

1) serves, for not more than three years, as a member of the United States Armed Forces;

2) is enrolled full-time in an academic program related to the field of teaching, leading to a graduate or postgraduate degree;

3) is temporarily totally disabled for a period of time not to exceed three years, as established by the sworn affidavit of a qualified physician;
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

4) is actively seeking but unable to find full-time employment as a teacher at an Illinois public, private, or parochial school for one continuous period not to exceed two years, and is able to provide evidence of that fact;

5) is taking additional courses, on at least a half-time basis, needed to obtain certification as a teacher in Illinois; or

6) is fulfilling teaching requirements associated with other programs administered by ISAC if he or she cannot concurrently fulfill them in a period of time equal to the length of the teaching obligation.

k) A recipient may be granted a leave of absence by the president of the institution, or his/her designee, for the following reasons:

1) earning funds to defray the recipient's educational expenses;

2) illness of the recipient or a member of the recipient's immediate family, as established by the sworn statement of a licensed physician; or

3) military service.

l) A recipient must complete his or her course of study within six years including leaves of absence. A recipient must remain enrolled on a continuous basis during the regular school year for four years, unless granted a leave of absence. However, a leave of absence granted for military service shall not be considered part of the six years within which a recipient must complete a degree.

m) A recipient shall enter repayment status on the earliest of the following dates:

1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to initial certification as a teacher in Special Education, but not until six months have elapsed after the cessation of at least half-time enrollment in such a course of study;

2) the date the recipient informs ISAC that he or she does not plan to fulfill the teaching obligation; or

3) the latest date upon which the recipient must have begun teaching in order to complete the teaching obligation within five years after completing the postsecondary education for which the waiver was awarded.
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

n) If a recipient is required to repay any portion of the tuition waiver, the repayment period shall be completed within five years after the tuition waiver converts to a loan. The five-year period may be extended if the recipient:

1) serves, for not more than three years, as a member of the United States Armed Forces;

2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;

3) is pursuing a graduate or postgraduate degree and is enrolled on a full-time basis for one continuous period of time not to exceed three years;

4) is seeking and unable to find full-time employment for one continuous period not to exceed two years and is able to provide evidence of that fact; or

5) withdraws from a course of study leading to a teacher certification in Special Education but remains enrolled on at least a half-time basis in another academic discipline.

o) During the time a recipient qualifies for any of the extensions listed in subsection (n) of this Section, he or she shall not be required to make payments and interest shall not continue to accrue.

p) A recipient shall not be required to pay the amount of the tuition and fees waived if he or she becomes permanently totally disabled, as established by the sworn affidavit of a licensed physician (see, e.g., 34 CFR 653.42(k)(1)); or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.

q) A recipient must be enrolled in a special education program within ten days after the beginning of the term for which the tuition waiver was initially awarded. If the recipient fails to comply with this requirement, he or she will forfeit the tuition waiver and ISAC will award it to another qualified applicant.

(Source: Amended at 30 Ill. Reg. _______, effective ____________)
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

1) **Heading of the Part:** Teach Illinois Scholarship Program

2) **Code Citation:** 23 Ill. Adm. Code 2768

3) **Section Numbers:** Proposed Action:
   - 2768.10 New
   - 2768.15 New
   - 2768.20 New
   - 2768.30 New
   - 2768.40 New

4) **Statutory Authority:** Implementing Section 65.27 of the Higher Education Student Assistance Act [110 ILCS 947/65.27] and authorized by Sections 20(f) and 65.27 of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.27].

5) **A Complete Description of the Subjects and Issues Involved:** This Part is being proposed to reflect the statutory changes contained in Public Law 94-0205, which created this new program. These proposed rules govern the administration of the new Teach Illinois Scholar Program. The rulemaking sets forth the applicant eligibility requirements, program procedures and institutional procedures.

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

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

8) **Does this rulemaking contain any incorporations by reference?** No

9) **Are there any other amendments pending on this Part?** No

10) **Statement of Statewide Policy Objective:** This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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

    Lori A. Reimers
    Director, Government Relations
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

Illinois Student Assistance Commission
500 W. Monroe, 3rd floor
Springfield, IL  62704-1876

(217) 785-8721
email: lreimers@isac.org

12) Initial Regulatory Flexibility Analysis:

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

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

C) Types of professional skills necessary for compliance: None

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

The full text of the Proposed Rules begins on the following page:
Section 2768.10 Summary and Purpose

a) The Teach Illinois Scholarship program encourages students to become teachers at elementary and secondary schools that have identified staff shortages, as determined by the Illinois State Board of Education.

b) This Part establishes the rules that govern the Teach Illinois Scholarship Program. Additional rules and definitions are contained in General Provisions (23 Ill. Adm. Code 2700).

Section 2768.15 Definition

"Area of identified staff shortage" – A school district in which the number of teachers is insufficient to meet student or school district demand or a subject area for which the number of teachers who are qualified to teach that subject area is insufficient to meet student or school district demand, as determined by the State Board of Education.

Section 2768.20 Applicant Eligibility
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

a) A qualified applicant shall be:

1) a United States citizen or an eligible noncitizen;

2) a resident of Illinois;

3) a high school graduate or a person who has received a General Education Development (GED) Certificate, or a student scheduled to graduate from high school by the end of the secondary school year in which the award is made;

4) attending, or planning to attend, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Southern Illinois University (Edwardsville), Southern Illinois University (Carbondale), University of Illinois (Springfield), University of Illinois (Urbana) or Western Illinois University;

5) enrolled, or accepted for enrollment, on at least a half-time basis, as an undergraduate or graduate student seeking certification in a teacher education program that prepares the applicant to teach in an area of identified staff shortage, as defined in Section 2768.15;

6) maintaining satisfactory academic progress as determined by the postsecondary institution.

b) In any academic year in which the qualified applicant accepts or receives financial assistance through the Paul Douglas Teacher Scholarship Program (23 Ill. Adm. Code 2762), the Minority Teachers of Illinois (MTI) Scholarship Program (23 Ill. Adm. Code 2763), the Illinois Future Teachers Corps Program (23 Ill. Adm. Code 2764), or the Special Education Teacher Tuition Waiver (23 Ill. Adm. Code 2765), the qualified applicant shall not be eligible for scholarship assistance under this Part.

Section 2768.30 Program Procedures

a) A complete ISAC application for the Teach Illinois Scholarship program must be postmarked on or before March 1 immediately preceding the academic year for which the scholarship is being requested, in order to receive priority consideration for an award.
NOTICE OF PROPOSED RULES

1) ISAC applications are available from the institutions listed in Section 2768.20(a)(4), ISAC's Web site, Illinois State legislative offices, Illinois Congressional offices, and ISAC's Springfield, Deerfield and Chicago offices.

2) ISAC will make renewal applications available to all qualified students who were awarded assistance under this Part during the preceding academic year.

3) If the student section of the application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will be considered for processing as of the date when the application is complete and received at ISAC's Deerfield office.

b) ISAC shall select recipients on a first-come, first-served basis from among qualified applicants who filed timely applications. Recipients of assistance under this Part during the previous academic year shall receive priority consideration, provided the student has submitted an application on a timely basis.

c) The Teach Illinois Scholarship award is applicable only toward tuition and non-revenue bond fees for courses in a teacher education program that prepares the recipient to teach in an area of identified staff shortage, as defined in Section 2768.15.

d) The total number of scholarships awarded in a given fiscal year is contingent upon available funding.

e) Notice of eligibility shall be sent by ISAC to each qualified applicant who is selected to receive a Teach Illinois Scholarship. A notice will be sent by ISAC to each qualified applicant who is not selected to receive a Teach Illinois Scholarship.

f) Prior to receiving scholarship assistance for any academic year, the qualified applicant must sign a Teaching Agreement/Promissory Note that is submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

1) the recipient pledges to teach, on a full-time basis, for a period of not less than five years at an Illinois elementary or secondary school in an area of identified staff shortage, as defined in Section 2768.15;

2) the recipient shall begin teaching within one year following completion of the postsecondary education degree program for which the scholarship was awarded, and shall teach on a continuous basis for the required period of time;

3) if the teaching requirement is not fulfilled, the scholarship converts to a loan and the recipient must repay the entire amount of the scholarship, plus interest at a rate equal to five percent, and, if applicable, reasonable collection fees;

4) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.); and

5) the recipient promises to use the proceeds of the scholarship for courses in a teacher education program that prepares the recipient to teach in an area of identified staff shortage, as defined in Section 2768.15.

g) ISAC, in cooperation with the Illinois State Board of Education, will assist recipients in finding employment as a full-time teacher in areas of identified staff shortage, as defined in Section 2768.15.

h) A recipient of a scholarship awarded under this Part shall not be in violation of the agreement entered into pursuant to subsection (f) during any period in which the recipient:

1) serves, for not more than three years, as a member of the United States Armed Forces;

2) is enrolled full-time in a graduate course of study related to the field of teaching at an institution of higher learning;

3) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
NOTICE OF PROPOSED RULES

4) is actively seeking but unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (f)(1) of this Section for one continuous period not to exceed two years, and is able to provide evidence of that fact; or

5) is fulfilling teaching requirements associated with other programs administrated by ISAC, if he/she cannot concurrently fulfill them in a period of time equal to the length of the teaching obligation.

i) If a recipient is required to repay the scholarship, the repayment period shall be completed within ten years after the scholarship converts to a loan. This ten-year period may be extended if the recipient:

1) serves, for not more than three years, as a member of the United States Armed Forces;

2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;

3) is pursuing a graduate course of study and is enrolled on a full-time basis for one continuous period of time not to exceed three years; or

4) is actively seeking but unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (f)(1) of this Section for one continuous period not to exceed two years and is able to provide evidence of that fact.

j) During the time a recipient qualifies for any of the extensions listed in subsection (i), he or she shall not be required to make payments and interest shall not accrue.

k) A recipient shall enter repayment status on the earliest of the following dates:

1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to certification as a teacher in an area of identified staff shortage, but not until six months have elapsed after the cessation of at least half-time enrollment in the course of study;

2) the date the recipient informs ISAC that he or she does not plan to fulfill the teaching obligation; or
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

3) the day after the latest date upon which the recipient must have begun teaching after completing the postsecondary education for which the scholarship was awarded.

l) A recipient shall not be required to repay the amount of the scholarships received if he or she becomes permanently totally disabled, as established by the sworn affidavit of a licensed physician (see, e.g., 34 CFR 653.42(k)(1)), or if his or her representative provides ISAC with a death certificate or other evidence that the recipient is deceased.

m) The recipient may be eligible for loan forgiveness of the proceeds received under this Part if he or she is unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (f)(1) of this Section based on the financial conditions within the qualified school districts. To qualify for loan forgiveness, the recipient must have first exhausted the extensions options provided in subsections (h)(3) and (4) of this Section.

Section 2768.40 Institutional Procedures

a) The institution shall submit eligibility information for qualified applicants in sufficient time for ISAC to make award announcements.

b) The institution shall submit a certification of eligibility for qualified applicants with its request for payment within the timeframe requested by ISAC, which shall be no sooner than 30 days unless a more rapid response is necessary to expend appropriated funds prior to the end of the academic year. To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by a date annually designated by ISAC that is no later than August 1 due to the State's fiscal lapse period ending August 31.

c) ISAC shall disburse scholarship funds in two or three installments, depending on the number of courses financed by the scholarship, except that multiple disbursements shall not be required in cases where the applicant's eligibility is not determined until the final term of the academic year for which the scholarship is being awarded or when a student is attending only one term and the maximum award does not exceed the student's cost of attendance.

d) Funds shall be remitted by ISAC to institutions on behalf of the recipients.
e) Upon receipt of scholarship funds, the institution shall verify the recipient's enrollment status for the term for which the award was intended. If enrolled, the institution may credit the scholarship funds to the recipient's account for tuition and non-revenue bond fees for courses taken that lead to a teaching certificate in an area of identified staff shortage.

f) Upon receipt of the scholarship funds, if the recipient has withdrawn from enrollment for the courses for which the award was intended, the institution shall return the amount of the scholarship payment to ISAC.
1) **Heading of the Part:** Child Welfare Loan Forgiveness Program

2) **Code Citation:** 23 Ill. Adm. Code 2769

3) **Section Numbers:**
   - 2769.10 New
   - 2769.15 New
   - 2769.20 New
   - 2769.30 New
   - 2769.40 New

4) **Statutory Authority:** Implementing the Child Welfare Loan Forgiveness Act [110 ILCS 923].

5) **A Complete Description of the Subjects and Issues Involved:** This Part is being proposed to reflect the statutory changes contained in Public Act 94-0497, which created this new program. These proposed rules govern the administration of the new Child Welfare Loan Forgiveness Program. The rulemaking sets forth the applicant eligibility requirements, program procedures and institutional procedures.

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

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

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

9) **Are there any other amendments pending on this Part?** No

10) **Statement of Statewide Policy Objective:** This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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

    Lori A. Reimers
    Director, Government Relations
    Illinois Student Assistance Commission
    500 W. Monroe, 3rd floor
12) **Initial Regulatory Flexibility Analysis:**

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

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

   C) **Types of professional skills necessary for compliance:** None

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

The full text of the Proposed Rules begins on the following page:
Section 2769.10 Summary and Purpose

a) The Child Welfare Student Loan Forgiveness program is designed to attract capable and promising students to the child welfare profession, increase employment and retention of qualified individuals who are either working towards or have received a bachelor's degree or master's degree in the field of social work or human services, and provide opportunities for persons making a career change to enter the child welfare profession.

b) This Part establishes the rules that govern the Child Welfare Student Loan Forgiveness program. Additional rules and definitions are contained in General Provisions (23 Ill. Adm. Code 2700).

Section 2769.15 Definitions

"Contracting agency" – A licensed child welfare agency that contracts with the Illinois Department of Children and Family Services (DCFS), as defined in 89 Ill. Adm. Code 401, or its successor,

"Forgivable loan" – A higher education student loan made through ISAC that a person has incurred while enrolled in a social work program approved by the Council on Social Work Education or an accredited human services degree program.
"Human services degree" – For purposes of this Part, a human services degree is one that is accepted by DCFS and listed in 89 Ill. Adm. Code 401, Appendix G.

Section 2769.20 Applicant Eligibility

a) A qualified undergraduate applicant shall:
   1) be a United States citizen or eligible noncitizen;
   2) be a resident of Illinois;
   3) be an undergraduate student at the junior or senior level;
   4) be a full-time student enrolled in a social work program approved by the Council on Social Work Education leading to a bachelor's degree in social work, or enrolled in an accredited human services degree program;
   5) have declared an intent to work in child welfare at DCFS or a contracting agency for at least the number of years for which a forgivable loan is received;
   6) have maintained a cumulative grade point average (GPA) of at least 2.5 on a 4.0 scale, or the equivalent; and
   7) if a renewal applicant, have earned at least 12 semester credits per term, or the equivalent.

b) A qualified graduate applicant shall:
   1) be a United States citizen or eligible noncitizen;
   2) be a resident of Illinois;
   3) be a graduate student;
   4) be a full-time student enrolled in a social work program approved by the Council on Social Work Education leading to a master's degree in social work, or enrolled in an accredited human services degree program;
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

5) have declared an intent to work in child welfare at DCFS or a contracting agency for at least the number of years for which a forgivable loan is received;

6) have earned a bachelor's degree from a school or department of social work at any college or university accredited by the Council on Social Work Education or have earned a degree in a human services field from an accredited college or university;

7) have maintained a minimum cumulative GPA of at least 3.0 on a 4.0 scale at the undergraduate level, or have attained a Graduate Record Examination (GRE) score of at least 1,000;

8) if a renewal applicant, have maintained a cumulative GPA of 3.0 on a 4.0 scale at the graduate level and have earned at least nine semester credits per term, or the equivalent; and

9) have not received a forgivable loan under this Part at the undergraduate level.

Section 2769.30 Program Procedures

a) Preference shall be given to qualified applicants enrolled at an Illinois institution of higher learning.

b) A completed application for the Child Welfare Student Loan Forgiveness program must submitted to ISAC on or before March 1 immediately preceding the regular school year for which the forgivable loan is being requested, in order to receive priority consideration.

1) Applications are available from qualified institutions of higher learning, ISAC's Web site, Illinois State legislative and Illinois Congressional offices, ISAC (Springfield, Deerfield, and Chicago offices), as well as DCFS;

2) ISAC will make renewal applications available to all qualified students who were previously awarded forgivable loans but have not yet exceeded the two-year maximum rule (see subsection (c));

3) If the application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information;
however, the application will only be considered for processing as of the date when the application is complete and received at ISAC's Deerfield office.

c) Benefits under this program are limited to a maximum of two academic years. The total number of forgivable loans in a given fiscal year is contingent upon available funding.

1) An undergraduate applicant may be awarded a forgivable loan of no more than $4,000 per academic year for a maximum of two academic years.

2) A graduate applicant may be awarded a forgivable loan of no more than $8,000 per academic year for a maximum of two academic years.

d) Prior to receiving loan funds under this Part, the qualified applicant must sign a Program Agreement/Promissory Note that is submitted to ISAC. The Program Agreement/Promissory Note shall include the following stipulations:

1) the recipient agrees to work for DCFS or a contracting agency on a full-time basis, one year for each year a forgivable loan is received;

2) any recipient who fails to work at DCFS or a contracting agency is responsible for repaying the loan, plus accrued interest, at 8% annually and, if applicable, reasonable collection costs;

3) the recipient agrees to begin working within one year following the completion of the degree program for which the recipient received a forgiveable loan under this Part, and shall work on a continuous basis for the required period of time;

4) the recipient agrees to provide ISAC with evidence of compliance with program requirements if not provided by DCFS or a contracting agency; and

5) the recipient promises to use the proceeds of the loan for educational expenses.

e) A recipient of a forgivable loan awarded under this Part shall not be in violation of the agreement entered into pursuant to subsection (d) during periods in which the recipient:
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

1) is enrolled on a full-time basis as a graduate student in a course of study related to the study of human/social services;

2) serves, for not more than three years, as a member of the United States Armed Forces;

3) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;

4) is actively seeking but unable to find full-time employment with DCFS or a contracting agency for one continuous period not to exceed two years, and is able to provide evidence of that fact; or

5) is taking additional courses, on at least a half-time basis, needed to obtain a degree that will allow the recipient the opportunity to satisfy his or her obligation under this program.

f) If a recipient is required to repay any portion of the forgivable loan, the repayment period shall be completed within ten years after repayment begins. This ten-year period may be extended if the recipient:

1) serves, for not more than three years, as a member of the United States Armed Forces;

2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;

3) is actively seeking but unable to find full-time employment, for one continuous period not to exceed two years, and is able to provide evidence of that fact;

4) withdraws from a course of study leading to a degree in the field of social/human services, but is enrolled full-time in another academic discipline; or

5) is pursuing a graduate course of study and is enrolled on a full-time basis for one continuous period of time not to exceed three years.

g) During the time a recipient qualifies for any of the extensions listed in subsection (f), he or she shall not be required to make payments and interest shall not accrue.
NOTICE OF PROPOSED RULES

h) A recipient shall enter repayment status on the earliest of the following dates:

1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to a degree that allows the recipient the right to be employed as a human/social services employee for DCFS or a contracting agency, but not before six months have elapsed after the conclusion of at least half-time enrollment in the a course of study;

2) the date the recipient or DCFS informs ISAC that the recipient does not plan to fulfill the program's obligation; or

3) the day after the latest date upon which the recipient must have begun working after completing the postsecondary education for which the loan was awarded.

i) A recipient shall not be required to repay the amount of the loan received if he or she becomes permanently totally disabled, as established by the sworn affidavit of a qualified physician, or if his or her representative provides ISAC with a death certificate or other evidence that the recipient is deceased.

Section 2769.40 Institutional Procedures

a) The institution shall submit eligibility information for qualified applicants in sufficient time for ISAC to make the forgivable loan funds available.

b) The institution shall submit a certification of eligibility for qualified applicants with its request for payment within the timeframe requested by ISAC, which shall be no sooner than 30 days unless a more rapid response is necessary to expend appropriated funds prior to the end of the academic year. To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by a date annually designated by ISAC that is no later than August 1 due to the State's fiscal lapse period ending August 31.

c) ISAC shall disburse the forgivable loan in two or three installments, depending on the number of terms financed by the program, except that multiple disbursements shall not be required in cases where the applicant's eligibility is not determined until the final term of the academic year for which the loan is being awarded or when a student is attending only one term and the maximum does not exceed the student's cost of attendance.
d) Funds shall be remitted by ISAC to institutions on behalf of the recipients.

e) Upon receipt of forgivable loan funds, the institution shall verify the recipient's enrollment status for the term for which the award was intended. If enrolled, the institution may credit the funds to the recipient's account for expenses due and payable. The balance of the disbursement shall be released to the recipient.

f) Upon receipt of the forgivable loan funds, if the recipient has withdrawn from enrollment for the terms for which the award was intended, the institution shall return the amount of the loan disbursement to ISAC.
NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Student To Student (STS) Program Of Matching Grants

2) **Code Citation:** 23 Ill. Adm. Code 2770

3) **Section Numbers:**
   - 2770.30 Amendment
   - 2770.40 Amendment

4) **Statutory Authority:** Implementing Section 65 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/65 and 20(f)].

5) **A Complete Description of the Subjects and Issues Involved:** ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative begun last year to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

   Section 2770.40(d) is amended to align the language with changes being proposed to the rules for other ISAC programs in relation to the processing of payment requests, given the time frame ISAC must adhere to with the State Comptroller’s office.

   An amendment is being proposed to Section 2770.40(f) to remove reference to ISAC supplying the reports required of postsecondary institutions participating in STS to the Illinois Board of Higher Education (IBHE), as IBHE has indicated it no longer needs the reports.

6) **Will this rulemaking replace an emergency rulemaking currently in effect?** No

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

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

9) **Are there any other amendments pending on this Part?** No

10) **Statement of Statewide Policy Objective:** This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)]
and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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

   Lori A. Reimers  
   Director, Government Relations  
   Illinois Student Assistance Commission  
   500 W. Monroe, 3rd floor  
   Springfield IL  62704-1876

   (217) 785-8721  
   email: lreimers@isac.org

12) **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

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

   The full text of the Proposed Amendments begins on the following page:
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2770
STUDENT TO STUDENT (STS) PROGRAM OF MATCHING GRANTS

Section 2770.10 Summary and Purpose
Section 2770.20 Applicant Eligibility
Section 2770.30 Program Procedures
Section 2770.40 Institutional Procedures

AUTHORITY: Implementing Section 65 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/65 and 20(f)].


Section 2770.30 Program Procedures

a) An eligible program is an organized, need-based monetary award (gift assistance) program for undergraduate students at an Illinois college or public university. The funds for those programs must be derived from voluntary contributions raised by students from students of that college or university according to a plan developed and approved by the students and consistent with college or university policies.

b) Voluntary contributions can be obtained from graduate students; the assistance program, however, can aid only undergraduates. A portion of the total contribution can be used to aid graduate students. Funds set aside for graduate students will not be matched by ISAC.

c) Students shall approve the plan for raising voluntary contributions by a majority
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

of those voting in a campus-wide referendum.

d) The contributions, to be eligible for matching funds, must be voluntary and optional (as contrasted to a nonrefundable fee or charge). Only those voluntary contributions made by enrolled students of the college or university are eligible for matching. If any fund-raising activity yields contributions from other individuals or organizations, the voluntary contributions by enrolled students must be clearly identifiable.

e) Particular care must be employed in implementing contribution plans that generate contributions from nonstudents. The law leaves no latitude in this regard. Special cash receipt systems must be used to make certain that student contributions are clearly identifiable.

f) No eligible contribution can exceed $12 per academic year.

g) The $1,000 annual limit on an STS award shall be applicable to all terms, including the summer term.

h) STS funds can be used for undergraduates who are otherwise eligible for an ISAC Monetary Award Program grant but have completed their 40 semesters or 15 quarters of eligibility pursuant to 23 Ill. Adm. Code 2735.30(m).

(Source: Amended at 30 Ill. Reg. ______, effective ____________)

Section 2770.40 Institutional Procedures

a) Each institution desiring to participate in this program shall inform ISAC, in writing, by August 15 preceding each award year.

b) A claim for matching funds may be submitted to ISAC by dates specified in subsection (d) of this Section. The initial claim shall include:

1) the amount of the claim;

2) how general student approval was obtained;

3) how funds were collected;

4) the steps employed to ensure that student contributions were voluntary;
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

and

5) documentation that the claim includes only voluntary contributions by enrolled students.

c) A supplementary claim can be filed after a filing date for the purpose of adjusting a regular claim filed earlier.

d) Institutions shall submit a payment request to ISAC based on eligible match amounts. The deadlines for submission of complete payment requests shall be October 15 for summer terms; February 15 for first semester/quarter; April 15 for second quarter; and June 15 for second semester/third quarter. All claims, including supplemental claims, must be submitted by a date annually designated by ISAC that is no later than August 1. This will provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield prior to the State's fiscal year lapse period ending August 31. STS matching funds are paid by ISAC directly to the institution.

e) The reimbursement to institutions for Student to Student matching funds is contingent upon available funding. Should General Assembly appropriations be insufficient to pay all claims in full, claims will be prorated. Claims will be considered for payment in the following order:

1) summer term claims received by October 15;

2) first semester and first quarter claims received by February 15;

3) second quarter claims received by April 15; and

4) second semester and third quarter claims received by June 15.

f) Each participating college or university shall submit to ISAC an annual report, no later than August 15 following the award year, of the activities, operations and results of its STS grant program. ISAC shall forward a copy of such report to the Illinois Board of Higher Education.

g) Matching funds must be expended by the end of the academic year following the year in which the funds are requested.

(Source: Amended at 30 Ill. Reg. _______, effective ___________)

ILLINOIS STATE TREASURER

NOTICE OF PROPOSED AMENDMENT

1) **Heading of the Part:** Conditions of Employment

2) **Code Citation:** 80 Ill. Adm. Code 630

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

   630.315 Amendment

4) **Statutory Authority:** Implementing and authorized by the State Treasurer Employment Code [15 ILCS 510].

5) **A Complete Description of the Subjects and Issues Involved:** In the wake of Hurricanes Katrina and Rita, this amendment allows for certified American Red Cross or Illinois Emergency Management Agency (IEMA) disaster service volunteers, who have been requested by American Red Cross or IEMA to provide emergency assistance, to be granted paid leave while they provide emergency assistance to disaster victims located out-of-state.

   This amendment updates the Treasurer’s internal rules governing personnel, in order to conform to changes in law and adopt best practices. Existing rules only allow American Red Cross disaster service volunteers to receive paid leave while providing emergency service to disaster victims located within the State of Illinois. This amendment allows volunteers to provide such assistance to disaster victims located out-of-state. The amendment also allows for IEMA disaster service volunteers, in addition to American Red Cross volunteers, to receive paid leave while providing emergency assistance to disaster victims.

6) **Will this rulemaking replace an emergency rulemaking currently in effect?**

   Yes

   **Section Number:** Proposed Action: Illinois Register Number:

   630.315 Amend 29 Ill. Reg. 18155

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

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

9) **Are there any other amendments pending on this Part?** No

10) **Statement of Statewide Policy Objectives:** This rulemaking does not create or expand a State mandate.
11) **Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:** Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Daniel Yabut  
The Honorable Judy Baar Topinka  
Office of the Illinois State Treasurer  
100 W. Randolph, Suite 15-600  
Chicago, IL 60601  

(312) 814-8950

If because of a physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) **Initial Regulatory Flexibility Analysis:**

A) **Types of small businesses, small municipalities, and not-for-profit corporations affected:** None

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

C) **Types of professional skills necessary for compliance:** None

13) **Regulatory Agenda on which this rulemaking was summarized:** This rulemaking was not included on either of the two most recent agendas because: This rulemaking was not anticipated by the Treasurer's Office when the two most recent regulatory agendas were published.

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

ILLINOIS STATE TREASURER

NOTICE OF PROPOSED AMENDMENT

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

PART 630
CONDITIONS OF EMPLOYMENT

SUBPART A: GRIEVANCE PROCEDURE

Section
630.110 Grievance – Definition
630.120 Limitation
630.130 Abandonment – Extension
630.140 Grievance Committee
630.150 Representation

SUBPART B: LEAVES OF ABSENCE

Section
630.210 Sick Leave
630.220 Accumulation of Sick Leave
630.230 Leave for Personal Business
630.240 Leave of Absence Without Pay
630.250 Leaves of Absence – Special
630.270 Leave to Take Exempt Position
630.280 Military, Job Corps, and Peace Corps Leave
630.290 Leave for Annual Military Reserve Training or Special Duty
630.300 Leave for Military Physical Examinations
630.310 Election to Public Office
630.315 Disaster Service Leave
630.320 Employee Rights After Leave
630.330 Failure to Return from Leave
630.340 Attendance in Court
630.350 Holiday Observance
630.360 Holiday During Vacation
630.370 Eligibility for Holiday Pay
630.380 Holidays – Regional or Special

SUBPART C: VACATION
ILLINOIS STATE TREASURER

NOTICE OF PROPOSED AMENDMENT

Section 630.410 Eligibility

SUBPART D: WORK SCHEDULES

Section 630.510 Work Schedules

SUBPART E: OVERTIME

Section 630.610 Overtime
630.620 Compensatory Time
630.630 Compensatory Time Schedule
630.640 Overtime Compensation in Cash
630.650 Overtime – Accumulation
630.660 Overtime Payable Upon Death

AUTHORITY: Implementing and authorized by the State Treasurer Employment Code [15 ILCS 510].


SUBPART B: LEAVES OF ABSENCE

Section 630.315 Disaster Service Leave

Any employee, except those in temporary, emergency or per diem status, who is a certified disaster service volunteer of the American Red Cross or assigned to the Illinois Emergency Management Agency in accordance with the Illinois Emergency Management Agency Act [20 ILCS 3305], the Emergency Management Assistance Compact Act [45 ILCS 151], or other applicable administrative rules may be granted leave with pay for up to 20 working days in any 12-month period. The leave may be granted upon request of the American Red Cross or the Illinois Emergency Management Agency and upon approval of the Treasurer (grounded on operational...
needs of the Office). Disasters must be disasters designated at Level III and above occurring within Illinois.

(Source: Amended at 30 Ill. Reg. _____, effective _____________)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of Part: Fairs Operating Under the Agricultural Fair Act

2) Code Citation: 8 Ill. Adm. Code 260

3) Section Numbers: Adopted Action:
   260.300   Amend
   260.305   Amend

4) Statutory Authority: Agricultural Fair Act [30 ILCS 120]

5) Effective Date of Amendments: February 6, 2006

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

7) Does this rulemaking contain incorporations by reference? No

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

9) Notice of Proposal Published in Illinois Register: September 30, 2005; 29 Ill. Reg. 14413

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

11) Differences between proposal and final version: None

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

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

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

15) Summary and Purpose of Rulemaking: Pursuant to Public Act 94-261, the Department is amending Sections 260.300 and 260.305 to reflect a change in the judge’s fee from $400 to $800.

16) Information and questions regarding this adopted rulemaking shall be directed to:

   Linda Rhodes
   Illinois Department of Agriculture
DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

P. O. Box 19281, State Fairgrounds
Springfield, Illinois 62794-9281

Telephone: 217/785-5713
Facsimile: 217/785-4505

The full text of Adopted Amendments begins on the next page:
### DEPARTMENT OF AGRICULTURE

**NOTICE OF ADOPTED AMENDMENTS**

**TITLE 8: AGRICULTURE AND ANIMALS**

**CHAPTER I: DEPARTMENT OF AGRICULTURE**

**SUBCHAPTER j: FAIRS**

**PART 260**

FAIRS OPERATING UNDER THE AGRICULTURAL FAIR ACT

**SUBPART A: FAIRS OPERATING UNDER THE AGRICULTURAL PREMIUM FUND**

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>260.5</td>
<td>Definitions</td>
</tr>
<tr>
<td>260.10</td>
<td>Appropriations</td>
</tr>
<tr>
<td>260.15</td>
<td>Declaration of Intention</td>
</tr>
<tr>
<td>260.20</td>
<td>Premium State Aid Payable on the Authorized Base</td>
</tr>
<tr>
<td>260.25</td>
<td>Denial of State Aid Claim (Repealed)</td>
</tr>
<tr>
<td>260.30</td>
<td>Premiums and Receipts for Premiums Paid</td>
</tr>
<tr>
<td>260.35</td>
<td>Stall or Pen Fees</td>
</tr>
<tr>
<td>260.40</td>
<td>Entry Fees and Entry Fee Certification Form</td>
</tr>
<tr>
<td>260.45</td>
<td>County Fair Organization and Operation</td>
</tr>
<tr>
<td>260.50</td>
<td>Exhibits and Livestock; Presence on the Fairgrounds and Early Release Procedure</td>
</tr>
<tr>
<td>260.55</td>
<td>Premium Book</td>
</tr>
<tr>
<td>260.60</td>
<td>Horse Racing – Harness and Running</td>
</tr>
<tr>
<td>260.65</td>
<td>Heavy Horses (Repealed)</td>
</tr>
<tr>
<td>260.70</td>
<td>Light Horses and Western Horses (Repealed)</td>
</tr>
<tr>
<td>260.75</td>
<td>Western Horse Shows (Repealed)</td>
</tr>
<tr>
<td>260.80</td>
<td>Livestock Classification and Registration Papers</td>
</tr>
<tr>
<td>260.85</td>
<td>Registration Papers (Repealed)</td>
</tr>
<tr>
<td>260.87</td>
<td>Open and Junior Jackpot Shows</td>
</tr>
<tr>
<td>260.90</td>
<td>Inspections and Inspectors Reports (Repealed)</td>
</tr>
<tr>
<td>260.95</td>
<td>Junior Classes</td>
</tr>
<tr>
<td>260.100</td>
<td>Premium Grand Summary Report</td>
</tr>
<tr>
<td>260.105</td>
<td>Growth Incentive Program</td>
</tr>
<tr>
<td>260.110</td>
<td>Pro Rata (Grant) Payments and Justification</td>
</tr>
<tr>
<td>260.115</td>
<td>Petitioning for Base Adjustments (Repealed)</td>
</tr>
<tr>
<td>260.117</td>
<td>Administrative Rules (Formal Administrative Hearings, Contested Cases, Petitions, and Administrative Procedures)</td>
</tr>
</tbody>
</table>

**SUBPART B: FAIRS**

PARTICIPATING IN THE REHABILITATION FUND
DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

Section
260.200 Appropriation
260.205 Ownership of Grounds
260.207 Rehabilitation Declaration of Intent (Repealed)
260.210 Rehabilitation Claims
260.215 Major Building Projects (Repealed)
260.220 Rehabilitation Report and Receipts
260.225 Pro Rata Payments and Justification

SUBPART C: PROCEDURES FOR PARTICIPATION
IN THE 4-H FUND

Section
260.300 Appropriation and Eligibility
260.305 A 4-H Claim Report
260.310 Pro Rata Payment and Justification (Repealed)

SUBPART D: PROCEDURES FOR PARTICIPATION
IN THE VOCATIONAL AGRICULTURE FUND

Section
260.400 Appropriation
260.405 Eligibility for Premiums
260.410 List of Premiums Sent to Bureau (Repealed)
260.415 Vocational Agriculture Report of Premium Awards
260.420 Pro Rata Payments
260.425 Fiscal Accounting (Repealed)

SUBPART E: FAIRS OPERATING UNDER THE
FAIR AND EXPOSITION FUND

Section
260.500 Appropriation (Repealed)
260.505 Eligibility
260.510 Ownership or Leasing of Grounds
260.515 Declaration of Intention and Construction Plans/Specifications
260.520 Transfer of Funds (Repealed)
260.522 Entry Fee Certification Form and Premium Books
260.524 Premium State Aid Payable on the Authorized Base
DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

260.525    Penal Bond
260.530    Expenditure of Funds
260.535    Accumulation of Funds for Major Building Projects (Repealed)
260.537    Premium Grand Summary Report and Fair and Exposition Financial Statement and Receipts
260.540    Administrative Rules (Formal Administrative Hearings, Contested Cases, Petitions, and Administrative Procedures)

AUTHORITY: Implementing and authorized by the Agricultural Fair Act [30 ILCS 120].


SUBPART C: PROCEDURES FOR PARTICIPATION IN THE 4-H FUND

Section 260.300 Appropriation and Eligibility

a) University of Illinois extension units shall be eligible to participate in appropriations made to the Department of Agriculture for premiums and judges' fees paid at county 4-H shows or exhibitions approved by the State 4-H Office and based on the Accountability for Agricultural Premiums report in the following order in accordance with the provisions of Section 14 of the Act:

1) cash premiums awarded; and

2) judges' fees paid (not to exceed $800,400).

b) County 4-H shows or exhibitions must have separate and distinct classes from junior and open show classes.

c) All exhibit classes or types of projects must be approved by the University of Illinois Extension State 4-H Office within three weeks prior to the show or exhibition.

d) All projects must be competitively judged and exhibited at a public display where
DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

reasonable prior public notice of the event has been given. If judged and exhibited at a county fair, the projects must be shown and judged separately from junior and open show classes.

e) The amount or method used to determine the amount of the 4-H premium must be publicly stated and notice sent to the University of Illinois Extension State 4-H Office in advance of the show or exhibition. The premium amounts must be on a graduated scale.

f) Only one show or exhibition of a class or type of project work will be eligible for awards as provided in Section 14 of the Agricultural Fair Act.

g) Only awards to eligible 4-H members during the current year are eligible for reimbursement.

h) Livestock and exhibits must be on the fairgrounds on the opening day of the 4-H show and remain until the close of the 4-H show, unless earlier dismissal is granted by the Bureau in accordance with Section 260.50(a).

(Source: Amended at 30 Ill. Reg. 2234, effective February 6, 2006)

Section 260.305 A 4-H Claim Report

a) The State 4-H Office shall notify the Bureau of the number of 4-H premium eligible members in each county or unit before December 31 of each year.

b) Extension leaders of each county or unit designated by the State 4-H Office shall certify to the State 4-H officer under oath, on a blank form furnished by the Department, the amount paid out in premiums, judges' fees and ribbons at the 4-H shows or exhibitions for the current year, and the name of the officer or organization making the payments and the number of eligible members enrolled for the current year [30 ILCS 120/14]. Records verifying award recipients must be available and maintained for three years for official review.

c) Extension leaders shall file this report with the Bureau on or before December 31 of each year (postmarked December 31 is acceptable). If the deadline is not met, a 5% penalty fee of total premiums claimed will be assessed each day the report is late and then subtracted from the total claim of the unit.

d) The extension leader of each county or unit shall provide itemized signed receipts
as evidence of the eligible certified amounts to the State 4-H Office. Before December 31 of each year the State 4-H Office shall file with the Department certification of the eligible amount claimed for premiums awarded, judges' fees and ribbons, along with the claim report for each county or unit.

e) The Department will reimburse each county or unit at a rate calculated under this subsection (e). The appropriation will be divided by the total number of certified eligible 4-H members in all counties or units as certified by the State 4-H Office before December 31 of each year, then multiplied by the State 4-H Office certified number of individual eligible members for the county or unit. The amount for reimbursement shall be justified by receipted expenditures received in the Bureau with the current report by December 31 in the following order:

1) cash premiums awarded; and

2) judges' fees (not to exceed $800).  

f) If there remains an amount of the appropriation after claims has been paid as specified in subsection (e), the Department shall provide reimbursement to each county or unit in the following order:

1) excess cash premiums awarded;

2) excess judges' fees; and

3) ribbons.

The above reimbursements shall be justified by receipted expenditures already submitted to the Bureau on or before December 31 with the current year's 4-H report.

(Source: Amended at 30 Ill. Reg. 2234, effective February 6, 2006)
AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** Code of Regulations

2) **Code Citation:** 74 Ill.Adm.Code 420

3) **Section Numbers:**

<table>
<thead>
<tr>
<th>Section Numbers</th>
<th>Adopted Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>420.130</td>
<td>Amend</td>
</tr>
<tr>
<td>420.140</td>
<td>Amend</td>
</tr>
<tr>
<td>420.310</td>
<td>Amend</td>
</tr>
<tr>
<td>420.320</td>
<td>Amend</td>
</tr>
<tr>
<td>420.410</td>
<td>Amend</td>
</tr>
<tr>
<td>420.420</td>
<td>Amend</td>
</tr>
<tr>
<td>420.430</td>
<td>Amend</td>
</tr>
<tr>
<td>420.630</td>
<td>Amend</td>
</tr>
<tr>
<td>420.640</td>
<td>Amend</td>
</tr>
<tr>
<td>420.710</td>
<td>Amend</td>
</tr>
<tr>
<td>420.720</td>
<td>Amend</td>
</tr>
</tbody>
</table>

4) **Statutory Authority:** Subpart B implementing and authorized by Section 3-7 of the Illinois State Auditing Act [30 ILCS 5/3-7]; Subpart D implementing and authorized by Section 3-6 of the Illinois State Auditing Act [30 ILCS 5/3-6]; Subpart E implementing and authorized by Section 3-8 of the Illinois State Auditing Act [30 ILCS 5/3-8]; Subpart G implementing and authorized by Sections 3-7, 3-8(a), and 3-11 of the Illinois State Auditing Act [30 ILCS 5/3-7, 5/3-8(a) and 5/3-11]; Subpart H implementing and authorized by Sections 3-7, 3-8(c) and 3-8(d) of the Illinois State Auditing Act [30 ILCS 5/3-7, 5/3-8(c) and 5/3-8(d)]

5) **Effective Date of Rulemaking:** February 20, 2006

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

7) **Does this rulemaking contain incorporations by reference?** Yes

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

9) **Notice of Proposal Published in Illinois Register:** June 17, 2005; 29 Ill. Reg. 8466

10) **Has JCAR issued a Statement of Objection to these amendments?** No
NOTICE OF ADOPTED AMENDMENTS

11) Differences between proposal and final version: Minor editing changes were made at the recommendation of the Joint Committee on Administrative Rules.

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

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

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

15) Summary and Purpose of Rulemaking: The Code of Regulations is being updated to conform to recent changes in government auditing standards and corresponding changes in the Illinois State Auditing Act made by Public Act 93-630. Additionally, Public Act 92-544 transferred responsibility for the conduct of financial audits of regional offices of education and certain educational service centers from the State Board of Education to the Auditor General, and this rulemaking provides standards for the conduct of those audits. Other changes as necessary or desirable are made for the efficient operation of the Office.

16) Information and questions regarding these adopted amendments may be directed to: Rebecca Patton
Office of the Auditor General
740 E. Ash Street
Springfield, IL 62703

Phone: (217) 782-6698
TTY: (888) 261-2887
Facsimile: (217) 785-8222

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

NOTICE OF ADOPTED AMENDMENTS  

TITLE 74: PUBLIC FINANCE  
CHAPTER III: AUDITOR GENERAL  

PART 420  
CODE OF REGULATIONS  

SUBPART A: STANDARDS OF CONSTRUCTION FOR REGULATIONS  

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>420.10</td>
<td>Introduction</td>
</tr>
<tr>
<td>420.20</td>
<td>General Provisions</td>
</tr>
</tbody>
</table>

SUBPART B: DEFINITIONS  

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>420.110</td>
<td>Introduction</td>
</tr>
<tr>
<td>420.120</td>
<td>General Provisions</td>
</tr>
<tr>
<td>420.130</td>
<td>Abbreviations</td>
</tr>
<tr>
<td>420.140</td>
<td>Specific Definitions</td>
</tr>
</tbody>
</table>

SUBPART C: INVESTIGATIONS  

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>420.210</td>
<td>Introduction</td>
</tr>
<tr>
<td>420.220</td>
<td>General Particulars</td>
</tr>
<tr>
<td>420.230</td>
<td>Right to Information</td>
</tr>
<tr>
<td>420.240</td>
<td>Investigative Personnel</td>
</tr>
<tr>
<td>420.250</td>
<td>Investigation Procedures and Reports</td>
</tr>
</tbody>
</table>

SUBPART D: STANDARDS APPLICABLE TO AUDITS AND ATTESTATION ENGAGEMENTS OF ILLINOIS STATE GOVERNMENTAL ORGANIZATIONS AND PROGRAMS AND TO COMPLIANCE AUDITS AND ATTESTATION ENGAGEMENTS CONDUCTED BY STATE AGENCIES OF LOCAL AND PRIVATE AGENCIES  

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>420.310</td>
<td>Introduction</td>
</tr>
<tr>
<td>420.320</td>
<td>General Provisions</td>
</tr>
<tr>
<td>420.330</td>
<td>Examination and Evaluation Standards (Repealed)</td>
</tr>
<tr>
<td>420.340</td>
<td>Reporting Standards (Repealed)</td>
</tr>
</tbody>
</table>
NOTICE OF ADOPTED AMENDMENTS

**SUBPART E: FREQUENCY OF MANDATORY FINANCIAL AUDITS, OR COMPLIANCE AUDITS OR OTHER ATTESTATION ENGAGEMENTS**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>420.410</td>
<td>Introduction</td>
</tr>
<tr>
<td>420.420</td>
<td>General Provisions</td>
</tr>
<tr>
<td>420.430</td>
<td>Miscellaneous Provisions</td>
</tr>
</tbody>
</table>

**SUBPART F: REVIEW OF RECEIPT OR COLLECTION OF STATE REVENUE BY STATE AGENCIES**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>420.510</td>
<td>Introduction (Repealed)</td>
</tr>
<tr>
<td>420.520</td>
<td>Review of Receipt or Collection of State Revenues by State Agencies (Repealed)</td>
</tr>
<tr>
<td>420.530</td>
<td>Miscellaneous Provisions (Repealed)</td>
</tr>
</tbody>
</table>

**SUBPART G: MAINTENANCE OF INFORMATION**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>420.610</td>
<td>Introduction</td>
</tr>
<tr>
<td>420.620</td>
<td>General Provisions</td>
</tr>
<tr>
<td>420.630</td>
<td>Confidential Information</td>
</tr>
<tr>
<td>420.640</td>
<td>Disclosure and Dissemination of Information</td>
</tr>
</tbody>
</table>

**SUBPART H: CONSULTATIONS AND RESPONSES TO FINDINGS**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>420.710</td>
<td>Introduction</td>
</tr>
<tr>
<td>420.720</td>
<td>Consultations with Heads of Agencies and Individuals</td>
</tr>
</tbody>
</table>

**AUTHORITY:** Subparts A and B implementing and authorized by Section 3-7 of the Illinois State Auditing Act [30 ILCS 5/3-7]; Subpart C implementing and authorized by Sections 3-8(b), 3-8(c), and 3-8(d) of the Illinois State Auditing Act [30 ILCS 5/3-8(b), 3-8(c), and 3-8(d)]; Subpart D implementing and authorized by Section 3-6 of the Illinois State Auditing Act [30 ILCS 5/3-6]; Subpart E implementing and authorized by Section 3-8 of the Illinois State Auditing Act [30 ILCS 5/3-8]; Subpart G implementing and authorized by Sections 3-7, 3-8(a), and 3-11 of the Illinois State Auditing Act [30 ILCS 5/3-7, 3-8(a) and 3-11]; Subpart H implementing and authorized by Sections 3-7, 3-8(c), and 3-8(d) of the Illinois State Auditing Act [30 ILCS 5/3-7, 3-8(c) and 3-8(d)].
NOTICE OF ADOPTED AMENDMENTS


SUBPART B: DEFINITIONS

Section 420.130 Abbreviations


c) IPA. IPA means the Illinois Purchasing Act [30 ILCS 505].

c) ISAA. ISAA means the Illinois State Auditing Act [30 ILCS 5].

(Source: Amended at 30 Ill. Reg. 2260, effective February 20, 2006)

Section 420.140 Specific Definitions


c) Officer of the Office of the Auditor General. Officer of the Office of the Auditor General means any
individual designated as a State Auditor; or any Special Assistant Auditor, Deputy Auditor, or other individual empowered by the Auditor General to act with respect to the performance of a specific audit, study, or investigation.

d) **Rulemaking**. Rulemaking means separately or in combination any processes, procedures, or activities intended to or which results in a Rule or Regulation. Rulemaking includes the adoption, amendment, modification, update, suspension, repeal, recession, or termination of a rule or regulation.

e) **State Auditor**. State Auditor means a State payroll employee of the Office of the Auditor General who has been authorized to conduct audits, attestation engagements, investigations, and studies by the Auditor General, and who has otherwise been appointed State Auditor in accordance with the personnel rules of the Office of the Auditor General.

f) **Word**. Word includes terms, phrases, and abbreviations.

(Source: Amended at 30 Ill. Reg. 2260, effective February 20, 2006)

SUBPART D: STANDARDS APPLICABLE TO AUDITS AND ATTESTATION ENGAGEMENTS OF ILLINOIS STATE GOVERNMENTAL ORGANIZATIONS AND PROGRAMS AND TO COMPLIANCE AUDITS AND ATTESTATION ENGAGEMENTS CONDUCTED BY STATE AGENCIES OF LOCAL AND PRIVATE AGENCIES

Section 420.310 Introduction

a) **Subject**.

1) This Subpart establishes the professional audit standards applicable to:

A) audits and attestation engagements conducted pursuant to the authority of the Auditor General; and

B) compliance audits and attestation engagements conducted by State agencies of local government agencies or private agencies that are grantees or recipients of public funds of the State or of federal funds through projects administered by a State agency.

2) The standards established in this Subpart concern the scope and quality of the engagement audit work and prescribe the contents and attributes of an
AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

acceptable audit report.

b) **Authority**. This regulation is promulgated pursuant to the authority of Section 3-6 ISAA [30 ILCS 5/3-6].

c) **Incorporations**. The following materials are incorporated by reference and made a part of this regulation:
1) Standards of Construction for Regulations (Subpart A of this Part).
2) Definitions (Subpart B of this Part).

** Effective Date. This Subpart becomes effective on September 19, 1980.

(Source: Amended at 30 Ill. Reg. 2260, effective February 20, 2006)

Section 420.320 General Provisions

General Standards.

a) **Scope**.

1) The full scope of an audit and/or attestation engagement conducted by the Auditor General may encompass:

A) An examination of financial transactions, accounts and reports;

B) An evaluation of compliance with applicable laws and regulations and conformity with applicable fiscal and business practices;

C) A review of efficiency and economy in the use of resources and soundness of managerial and other operational aspects;

D) A review to determine whether intended program results are effectively achieved; and
NOTICE OF ADOPTED AMENDMENTS

E) A review of the controls and integrity associated with computerized information systems.

2) The scope for a particular audit and/or attestation engagement conducted by the Auditor General shall include:

A) That prescribed by Section 1-13 of the Illinois State Auditing Act and by the Rules of the Office of the Auditor General (74 Ill. Adm. Code 440.Subpart C) for compliance audits and other attestation engagements conducted pursuant to the provisions of Sections 3-1 and 3-2 of the Illinois State Auditing Act;

B) That prescribed by Section 1-13.5 of the Illinois State Auditing Act for financial audits conducted pursuant to the provisions of Sections 3-1 and 3-2 of the Illinois State Auditing Act (Regulations of the Office of the Auditor General (Section 420.420(b) of this Part);

C) That specified by the Regulations of the Office of the Auditor General (Section 420.420(c)(2) of this Part) for audits conducted pursuant to Section 420.420(c)(1) of such Regulations;

CD) That specified by an authorizing resolution approved by the Legislative Audit Commission or by either house of the General Assembly for engagements conducted pursuant to the provisions of Sections 3-2 and 3-4 of the Illinois State Auditing Act;

D) That specified by the terms of the agreement for reimbursable federal audits conducted pursuant to the provisions of Section 3-3A of the Illinois State Auditing Act;

E) That specified by the Auditor General in a notice provided to the Legislative Audit Commission for engagements conducted pursuant to Section 3-3 of the Illinois State Auditing Act; and

F) That prescribed by Section 1-13.5 of the Illinois State Auditing Act for engagements conducted pursuant to Section 2-3.17a of the School Code [105 ILCS 5/2-3.17a]; and

G) That specified by the terms of the engagement for change-over
AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

engagements conducted pursuant to Section 3-2.1 of the Illinois State Auditing Act.

3) The scope for a particular audit or attestation engagement conducted by a State agency (other than the Office of the Auditor General) of a local or private agency shall be that specified by the terms of the agreement making the grant or award of funds to the local or private recipient agency. However, all such audits or attestation engagements shall, at a minimum, comply with the requirements of subsection (b) of this Section below.

b) General, Fieldwork and Reporting Standards

GENERAL, FIELDWORK AND REPORTING STANDARDS. All audits and attestation engagements subject to the provisions of the Illinois State Auditing Act and regulations issued under that Act shall be conducted in accordance with standards applicable to the audit engagement, which may include: generally accepted auditing standards (GAAS) issued by the American Institute of Certified Public Accountants, Inc. (AICPA) and other relevant Statements on Auditing Standards (SAS) issued by the Auditing Standards Executive Committee; Statements on Standards for Attestation Engagements (SSAE) issued by senior technical bodies of the AICPA; generally accepted government auditing standards, as embodied in Government Auditing Standards (2003 Revision);—1994 Revision (GAS) issued by the Comptroller General of the United States (effective for financial audits of periods ending on or after January 1, 1995, and for performance audits beginning on or after January 1, 1995); and the federal Single Audit Act Amendments of 1996 of 1984, codified at (31 U.S.C. 7501-7507), and circulars implementing that Act issued by the Office of Management and Budget (OMB), including Circulars A-128 and A-133 establishing requirements for audits of States, Local Governments and Non-Profit Organizations, respectively, single audits of governments and of non-profit and educational institutions. Copies of GAAS, SSAE and SAS may be ordered on the internet at www.cpa2biz.com or by calling 1-888-777-7077 obtained from the AICPA Circulation Department, P.O. Box 2208, Jersey City, NJ 07303-9948. Copies of GAS may be downloaded obtained from the internet at www.gao.gov/govaud/yb2003.pdf. Print copies may be obtained by contacting the Superintendent of Documents, U.S. Government Printing Office at 202-512-1800 or by visiting the GPO website at http://bookstore.gpo.gov, Washington, D.C. 20401 (stock number 020-000-00284-1020-000-00-265-4). Copies of OMB circulars may be obtained from the Office of Federal Financial Management Financial Management Division, Office of Management and Budget, Washington, D.C. 20503 or downloaded from the internet at www.whitehouse.gov/omb/circulars. These incorporations This
NOTICE OF ADOPTED AMENDMENTS

incorporation by reference does not include any later amendments or editions.

c) Specific standards for audits of regional offices of education and educational service centers conducted pursuant to Section 2-3.17a of the School Code [105 ILCS 5/2-3.17a]. By statute, this Section does not apply to an educational service center serving a school district in a city having a population exceeding 500,000.

1) "Books and records" as used in this subsection (c) means all financial statements, fiscal documents, vouchers for distributions, records of cash receipts, records of obligation and expenditure of funds, records of accounts and funds, journals, ledgers and subsidiary records of the ledgers, computer programs and data files integral to records of funds and accounts in the care, custody or control of the regional superintendent of schools or educational service center, and required for the purpose of enabling the Auditor General to perform the audits required by Section 2-3.17a of the School Code. The regional office of education and educational service center shall maintain records in accordance with this subsection (c), as applicable. Financial records shall be maintained on either a cash or accrual basis of accounting. However, supporting information must be maintained to allow preparation of an accrual statement as required by subsection (c)(2).

2) For audit purposes, each regional office of education and educational service center subject to audit by the Auditor General shall make available to the Auditor General or its designee all books and records during regular business hours on such days in each fiscal year as the Auditor General or its designee shall deem necessary to make and complete the required audits. Such records shall be completed in auditable form by August 15 of the succeeding fiscal year. Financial reports are to be available no later than August 31 in order that the annual audit may be done by an independent auditor selected by the Auditor General. Annual financial statements are to be prepared on an accrual basis of accounting in accordance with generally accepted accounting principles.

3) Each regional office of education and educational service center subject to audit by the Auditor General shall make available the books and records necessary to make the required audit by providing to the Auditor General or its designee full, complete and unrestricted access to those books and records and to those persons who may have prepared, reviewed, reported on or otherwise have knowledge of them.
4) Each regional office of education and educational service center subject to audit by the Auditor General shall retain all books and records for a period of five years or until each required audit is resolved. This provision shall not be construed to shorten any record retention requirement otherwise applicable to such records.

(Source: Amended at 30 Ill. Reg. 2260, effective February 20, 2006)

SUBPART E: FREQUENCY OF MANDATORY FINANCIAL AUDITS OR COMPLIANCE AUDITS OR OTHER ATTESTATION ENGAGEMENTS

Section 420.410 Introduction

a) Subject. This Subpart designates the frequency with which specific agencies will be subject to financial audits, or compliance audits or other attestation engagements by the Office of the Auditor General.

b) Authority. Section 3-8, ISAA [30 ILCS 5/3-8].

c) Incorporations. The following materials are incorporated by reference and made a part of this Subpart: 1) Standards of Construction for Regulations (Subpart A of this Part), 2) Definitions (Subpart B of this Part), 3) Referenced Statutes, 4) Referenced References. Section 3-2 ISAA, Mandatory and Directed Post Audits [30 ILCS 5/3-2].

d) Effective Date. This Subpart becomes effective on March 18, 1976.

(Source: Amended at 30 Ill. Reg. 2260, effective February 20, 2006)

Section 420.420 General Provisions

a) Standard Audit or Examination Period. Except as established in this Subpart all agencies for which the Auditor General is required to conduct a financial audit and compliance audit, or other attestation engagement will be so reviewed at least once every two years.

b) Agencies to be Audited or Examinined Yearly. The Auditor General shall annually file a list with the Legislative
NOTICE OF ADOPTED AMENDMENTS

Audit Commission of all agencies for which a mandatory financial audit and compliance attestation examination shall be conducted yearly.

c) Financial Audits

1) The Auditor General shall annually file a list with the Legislative Audit Commission of all agencies subject to a yearly financial statement audit.

2) A financial statement audit shall have the meaning prescribed in Section 1-13.5 of the ISAA and mean an audit of the financial statements conducted in accordance with generally accepted government auditing standards. Generally accepted government auditing standards are contained in Government Auditing Standards: 1994 Revision issued by the Comptroller General of the United States and for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401 (stock number 020-000-00-265-4).

d) Administration

In order to adjust workloads, respond to future audit needs and priorities, comply with federal or State laws and regulations, assist in rendering an opinion on the statewide financial statements, or maintain an audit firm rotation program, the Auditor General, if necessary, may adjust the audit frequency of any program. The Auditor General shall quarterly notify the Legislative Audit Commission of any changes to the audit or examination frequency of any agency program.

(Source: Amended at 30 Ill. Reg. 2260, effective February 20, 2006)

Section 420.430 Miscellaneous Provisions

Nonlimitation. Nothing in this subpart shall limit the power of the Auditor General to initiate or conduct any audit, attestation engagement, study, investigation, or inquiry which the Auditor General would otherwise be authorized to conduct under any law or the Illinois Constitution.

(Source: Amended at 30 Ill. Reg. 2260, effective February 20, 2006)

SUBPART G: MAINTENANCE OF INFORMATION

Section 420.630 Confidential Information
AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

a) **Statutory.** All information maintained by the office which was confidential by or pursuant to law when secured by the Auditor General shall be maintained in accordance with Section 6-1 of the Illinois State Auditing Act [30 ILCS 5/6-1] and other applicable law.

b) **Information Related to Current Work.**

1) Information not otherwise confidential, but acquired or developed as part of an ongoing audit, attestation engagement, investigation, study, or inquiry shall be classified confidential until the conclusion of the audit, attestation engagement, investigation, study, or inquiry to which the information pertains. The Auditor General may release such information only to:

A) persons or entities named in the audit, attestation engagement, investigation, study, or inquiry to which the information pertains;

B) governmental agencies with whom the Auditor General is jointly conducting or co-operating on an audit or attestation engagement, to the extent necessary for the conduct of the audit or attestation engagement;

C) prosecutorial offices and sworn law enforcement agencies if approved by the Auditor General but subject to subsection (b)(3) of this Section; and

D) current or potential contractors, but only on a need to know basis, for specific audit or engagement purposes.

2) The issuance of the final report shall establish the conclusion of the audit, attestation engagement, investigation, study, or inquiry which is the subject of the report, and all information acquired or developed as part of such audit, attestation engagement, investigation, study, or inquiry and classified confidential by operation of this subsection shall at that time become public information, unless the Auditor General provides otherwise pursuant to subsection (c) below or Section 420.640(h) of this Part.

3) Prosecutorial office and law enforcement agencies shall not obtain through, or in conjunction with, the Office of the Auditor General, data,
AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

information, or evidence which the prosecutorial office or law enforcement agency could not lawfully obtain through its own authorities.

c) **Investigation.** All information and documents pertaining to an investigation conducted pursuant to Section 3-4 ISAA may be classified as confidential and, if classified as confidential, may not be disclosed outside the office except as provided in Section 420.Subpart C of this Part or as declared in the resolution authorizing the investigation.

d) **Personnel Information.** All personnel information of the Office of the Auditor General matchable to an individual concerning job performance evaluations, personal conduct, disclosure statements, personal characteristics and health shall be confidential, and may be released only as authorized by law or with the consent of the individual affected.

e) **Special Assistant Auditor Evaluations.** Trade, business, and proprietary information concerning special assistant auditors and the performance evaluations of special assistant auditors shall be maintained confidential and may be disclosed to persons outside the office only as necessary to an authorized audit or inquiry concerning expenditures of our office. An audit or inquiry is authorized if it is required by law, by formal action of the General Assembly or the Legislative Audit Commission, or by request of a designated peer review committee reviewing the Office of the Auditor General's audit or attestation process.

f) **Audit and/or Attestation Engagement Selection Criteria.**

1) Any test, standard, or specification intended for use in an audit or attestation engagement may be maintained confidential if:

   A) the test, standard, or specification under consideration is necessary or applicable to a future audit or attestation engagement; and

   B) disclosure would impair the validity or reliability of the test, standard, procedure or specification for future application; or.

2) Any information declared confidential under this subsection shall be
AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

disclosed jointly to the Chair and Co-Chair of the Legislative Audit Commission at the joint request of the Chair and Co-Chair.

(Source: Amended at 30 Ill. Reg. 2260, effective February 20, 2006)

Section 420.640 Disclosure and Dissemination of Information

a) Information Confidential when Acquired. Information maintained in the office of the Auditor General which was confidential by or pursuant to law when acquired may not be disseminated outside the office for any reason except by court order or as provided in Section 420.620(b) of this Part.

b) Information Established Confidential by the Office of the Auditor General. Information maintained by the Office of the Auditor General which the office of the Auditor General has established confidential by authority of the Illinois State Auditing Act or these regulations may be released to persons outside the Office of the Auditor General only by order of the Legislative Audit Commission pursuant to Section 3-11 ISAA, by court order, or as specifically provided in this Subpart.

c) Dissemination of Other State Agency Information. The Office of the Auditor General may decline to make available records or information which is available or currently controlled by the originating or controlling State agency.

2) Records and information are considered "available" even if the agency or agent refuses to disseminate them, such as information which may be withheld as an exception to the Illinois Freedom of Information Act [5 ILCS 140].

d) Dissemination Procedures and Copies (Public Records). All public records of the Office of the Auditor General stored in the Springfield or Chicago offices shall be available for inspection and copying at their respective office during regular working hours.
AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

2) All public records of the Office of the Auditor General stored at locations other than the Springfield or Chicago offices shall be available for inspection and copying, but only by request and appointment through the office librarian or his or her designee.

3) Any person requesting inspection or copying of public records stored at locations other than the Springfield or Chicago office may require that the records be made available at the Springfield office.

4) The Auditor General may establish reasonable charges to defray the cost of any copies requested.

5) Purging of Acquired Confidential Information – Memorandum

1) Records supplied to the Office of the Auditor General which are confidential by or pursuant to law shall be destroyed or returned to the agency from which they were obtained no later than the time of the issuance of the final report for which the information constitutes work papers, unless the Auditor General provides otherwise pursuant to subsection (h) of this Section.

2) However, if the records are confidential because they contain personally sensitive information which is matchable to individuals, such records need not be destroyed if all means of matching such information to its corresponding individuals has been destroyed. In such cases, the destruction of the means of matching the information to its corresponding individuals shall occur no later than the time of the issuance of the final report for which the information constitutes work papers.

3) The person destroying work papers pursuant to this Section shall place among the work papers a list of the number and type of records destroyed, identification of the source from which the records came, and an affidavit certifying how and when the records were destroyed and the fact that they were so destroyed. The affidavit shall be signed by the person destroying the workpapers and countersigned by an auditor who witnessed the destruction. Each affidavit shall be submitted to an Audit Manager for review.
AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

f) **Purging of Records Generally**

The Auditor General may destroy any records five years after the release of the audit to which the records pertain unless a longer retention period is required by law. The Auditor General may establish schedules for the destruction and type of storage for all records relating to the Office of the Auditor General.

g) **Maintenance and Reproduction of Permanent Records**

Permanent records of the Office of the Auditor General may be kept on microform, optical image, or other reliable media. The Auditor General shall maintain suitable devices for reading and copying all permanent records.

h) **Exceptions to Purging and Disclosure of Workpapers**

1) If the Auditor General or Deputy Auditor General determines, in a written document certified by the Auditor General or Deputy Auditor General, that the establishment of the working papers of a particular audit as public records or the purging of confidential information contained in the work papers of a particular audit would:

   A) impair the reporting or defending of the audit;

   B) impair future or follow-up audit work;

   C) compromise the integrity of the audit process; or

   D) disclose confidential information, because of the postponement of the purging of confidential information pursuant to the Auditor General's authority under this subsection,

   then the Auditor General may postpone the implementation of the requirements of Section 420.630(b)(2) of this Part or subsection (e) above for up to five years following release of the audit to which the information pertains, twelve months. After that time period, twelve months the postponement shall lapse and may be renewed, for up to twelve months at a time, only if the Legislative Audit Commission shall specifically approve such renewal.

(Source: Amended at 30 Ill. Reg. 2260, effective February 20, 2006)
AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

SUBPART H: CONSULTATIONS AND RESPONSES TO FINDINGS

Section 420.710 Introduction

a) **Subject**. This Subpart covers consultations with heads of agencies concerning findings and recommendations in audit reports before the issuance of such reports; and the opportunity for persons who are identified by name in a recommendation contained in a post audit report to respond to findings or recommendations in the report which pertain to them.

b) **Authority**. Sections 3-7, 3-8(c), 3-8(d), ISAA [30 ILCS 5/3-7, 3-8(c) and 3-8(d)].

c) **INCORPORATIONS.** The following materials are incorporated by reference and made a part of this Subpart:

1) Standards of Construction for Regulations (Subpart A of this Part).

2) Definitions (Subpart B of this Part).

d) **Effective Date.** This regulation becomes effective on November 29, 1979 (This regulation is subject to Section 3-7 of the ISAA requiring approval by the Legislative Audit Commission within 90 days of its submission to the Commission).

d) **Definitions.** Report Audit report means the document issued by the Auditor General upon the completion of a post audit or attestation engagement by the Auditor General, which report may include any or all of the following: financial statements, statements of facts, findings, conclusions, recommendations, responses to audit-findings by agencies or individuals; and shall include a "Report Digest" signed by the Auditor General.

(Source: Amended at 30 Ill. Reg. 2260, effective February 20, 2006)

Section 420.720 Consultations with Heads of Agencies and Individuals

a) **Responses to Proposed Findings by Agencies.**
AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

1) When the Office of the Auditor General has determined the proposed findings and recommendations to be included in an audit report, a copy shall be forwarded to the head of each agency covered by the engagement audit. Upon receiving a copy of the proposed findings and recommendations, an agency head (or his or her designee) shall have:

A) 7 days from receipt of the proposed findings and recommendations in which to request a conference (if the agency head desires one) with the Office of the Auditor General concerning the proposed findings and recommendations. All requested conferences shall be completed within 14 days from the agency's receipt of the proposed findings and recommendations. If no conference was held, the reason therefore shall be included in the audit workpapers.

B) 21 days from receipt of the proposed findings and recommendations in which to deliver to the Auditor General any written comments the agency may have concerning the findings and recommendations involving the agency.

2) A copy of the agency's written comments will be included in the final version of the audit report if the comments are received in the Springfield office of the Auditor General on or before the 21st day after the agency's receipt of the proposed findings and recommendations.

3) In the absence of a written response from the agency, within 21 days from the receipt by the agency of the proposed findings and recommendations, the audit report may be issued without response. Written comments received after 21 days will be placed in the engagement audit file.

4) Where size of the agency or the complexity of the engagement audit would require additional response time, the Division director assigned to the engagement audit by the Auditor General, upon request from the agency head, may extend any time period or deadline specified by this Section.

b) Responses to Proposed Findings by Individuals RESPONSES TO PROPOSED FINDINGS BY INDIVIDUALS.

1) When the audit manager has determined the proposed findings and recommendations to be included in an audit report, the audit manager
shall forward to each individual who is identified by name in a recommendation contained in the audit report those proposed findings and recommendations which relate to that individual. After the receipt of these materials, the individual shall have 21 days in which to deliver to the Auditor General any written comments the individual may have concerning the findings or recommendations involving him or her. Copies of an individual's written comments will be included in the final version of the audit report if they are received in the Springfield office of the Auditor General on or before the 21st day after the proposed findings and recommendations were received by the individual. Comments received after 21 days will be placed in the engagement audit file.

2) When an individual who is the subject of an audit report demonstrates an inability because of personal hardship to meet the deadlines specified in this Section, the Division director may extend the specified time period or deadline.

c) Responses to New Matter in Report Digest. When a Report Digest contains findings and recommendations not previously submitted with the proposed report text, a copy of the Report Digest shall be forwarded to the agency and/or individual covered by the engagement audit for comment. The agency and/or individual covered by the new material will have 7 days from receipt of the Report Digest in which to make written comment.

(Source: Amended at 30 Ill. Reg. 2260, effective February 20, 2006)
AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** Code of Rules

2) **Code Citation:** 74 Ill. Adm. Code 440

3) **Section Numbers:**
   - 440.130  Amend
   - 440.140  Amend
   - 440.210  Amend
   - 440.220  Amend
   - 440.520  Amend

4) **Statutory Authority:** Subpart B implementing and authorized by Section 2-12(a) of the Illinois State Auditing Act [30 ILCS 5/2-12(a)]; Subpart C implementing and authorized by Section 2-12 of the Illinois State Auditing Act [30 ILCS 5/2-12]; Subpart F implementing and authorized by Section 2-12 (c) (3) of the Illinois State Auditing Act [30 ILCS 5/2-12 (c) (3)].

5) **Effective Date of Rulemaking:** February 20, 2006

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

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

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

9) **Notice of Proposal Published in Illinois Register:** June 17, 2005; 29 Ill. Reg. 8487

10) **Has JCAR issued a Statement of Objection to these amendments?** No

11) **Differences between proposal and final version:** Minor editing changes were made at the recommendation of the Joint Committee on Administrative Rules.

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

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

14) **Are there any amendments pending on this Part?** No
NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rulemaking: The Code of Rules is being amended to provide general updates to text and to conform to recent changes in government auditing standards and corresponding changes in the Illinois State Auditing Act made by Public Act 93-630.

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

    Rebecca Patton
    Office of the Auditor General
    740 E. Ash Street
    Springfield, IL  62703

    Phone:  (217) 782-6698
    TTY:  (888) 261-2887
    Facsimile:  (217) 785-8222

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

NOTICE OF ADOPTED AMENDMENTS

TITLE 74: PUBLIC FINANCE
CHAPTER III: AUDITOR GENERAL

PART 440
CODE OF RULES

SUBPART A: STANDARDS OF CONSTRUCTION FOR RULES

Section
440.10 Introduction
440.20 General Provisions

SUBPART B: DEFINITIONS

Section
440.110 Introduction
440.120 General Provisions
440.130 Abbreviations
440.140 Specific Definitions

SUBPART C: CLARIFICATIONS CONCERNING THE DEFINITION OF FINANCIAL AUDIT OR COMPLIANCE AUDIT

Section
440.210 Introduction
440.220 Clarification

SUBPART D: PUBLIC PETITIONS REQUESTING RULEMAKING ACTIONS BY THE OFFICE OF THE AUDITOR GENERAL

Section
440.310 Introduction
440.320 General Provisions
440.330 Procedures

SUBPART E: CONTRACTUAL PERSONAL SERVICES

Section
440.410 Introduction
440.420 General Provisions
AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

SUBPART F: OATHS

Section
440.510 Introduction
440.520 General Provisions

SUBPART G: SUBPOENAS

Section
440.610 Introduction
440.620 General Provisions

SUBPART H: DEPOSITIONS

Section
440.710 Introduction
440.720 General Provisions
440.730 Procedure

SUBPART I: FINANCIAL ADMINISTRATION OF THE STATE AUDIT ADVISORY BOARD

Section
440.810 Introduction (Repealed)
440.820 Financial Provisions (Repealed)

AUTHORITY: Subparts A and B implementing and authorized by Section 2-12(a) of the Illinois State Auditing Act [30 ILCS 5/2-12(a)]; Subpart C implementing and authorized by Section 2-12 of the Illinois State Auditing Act [30 ILCS 5/2-12]; Subpart D implementing and authorized by Section 2-12 of the Illinois State Auditing Act [30 ILCS 5/2-12] and Section 5-145 of the Illinois Administrative Procedure Act [5 ILCS 100/5-145]; Subpart E implementing and authorized by Section 2-12(c)(2) of the Illinois State Auditing Act [30 ILCS 5/2-12(c)(2)]; Subpart F implementing and authorized by Section 2-12(c)(3) of the Illinois State Auditing Act [30 ILCS 5/2-12(c)(3)]; Subpart G implementing and authorized by Section 2-12(c)(4) of the Illinois State Auditing Act [30 ILCS 5/2-12(c)(4)]; Subpart H implementing and authorized by Sections 2-12(c)(1) and (3) of the Illinois State Auditing Act [30 ILCS 5/2-12(c)(1) and (3)].

SOURCE: Rules and Regulations of the Auditor General filed and effective February 1, 1976; amended at 2 Ill. Reg. 46, p. 17, effective November 17, 1978; amended at 3 Ill. Reg. 5, p. 860,
NOTICE OF ADOPTED AMENDMENTS


SUBPART B:  DEFINITIONS

Section 440.130  Abbreviations


e)  IPA. IPA means the Illinois Purchasing Act [30 ILCS 505].

c)  ISAA. ISAA means the Illinois State Auditing Act [30 ILCS 5].

(Source:  Amended at 30 Ill. Reg. 2280, effective February 20, 2006)

Section 440.140  Specific Definitions


c)  Officer of the Office of the Auditor General. Officer of the Office of the Auditor General means any individual designated as a State Auditor, or any Deputy Auditor or other individual empowered by the Auditor General to act with respect to the performance of a specific audit, attestation engagement, study, or investigation.

d)  Rulemaking. Rulemaking means separately or in combination any processes, procedures, or activities intended to result in, or which result in, a rule or regulation. Rulemaking includes the adoption, amendment, modification, update, suspension, repeal, rescission, or termination of a rule or regulation.
SUBPART C: CLARIFICATIONS CONCERNING THE DEFINITION OF FINANCIAL AUDIT OR COMPLIANCE AUDIT

Section 440.210 Introduction

a) **Subject**. This subpart establishes clarifications and working interpretations concerning the meaning and requirements of a "financial audit" or "compliance audit."

b) **Authority**. Section 2-12 ISAA [30 ILCS 5/2-12]. This rule is necessary to effectively accomplish the requirements mandated by Sections 3-2, and 1-13 and 1-13.5 of ISAA [30 ILCS 5/3-2, and 1-13 and 1-13.5].

c) **INCORPORATIONS**. The following materials are incorporated by reference and made a part of this Subpart:

1) Standards of Construction for Rules (Subpart A of this Part).

2) Definitions (Subpart B of this Part).

c) **Effective Date**. This Subpart becomes effective on March 1, 1977.

(Source: Amended at 30 Ill. Reg. 2280, effective February 20, 2006)

Section 440.220 Clarification

a) **Auditing of Grantees**. The scope of any compliance audit conducted by the Auditor General of a State agency that made grants during
NOTICE OF ADOPTED AMENDMENTS

The requirements of Section 1-13 ISAA establish the following determination which will be included in all financial and compliance audits performed by this Office where the agency being audited has made grants: In the case of a State agency, whether the audited agency is auditing the grantees of funds granted by the audited agency for compliance with the terms of the grants and other applicable laws, regulations, and rules and whether the frequency and quality of such audits is generally adequate.

b) **Self Auditing of Grants**

The scope of any compliance audit conducted by the Auditor General of a State agency that received grants during the audit period will include testing to determine whether the audited agency is reviewing grants received by the agency to determine that the grant funds are being used in accordance with grant requirements and applicable state and federal laws, regulations and rules, and whether the frequency and quality of such reviews is generally adequate.

(Source: Amended at 30 Ill. Reg. 2280, effective February 20, 2006)

SUBPART F: OATHS

Section 440.520 General Provisions

a) **Auditor General's Delegation**

1) The authority of the Auditor General to administer oaths is delegated to all State Auditors and this fact is stated in their identification credentials.

2) The authority of the Auditor General to administer oaths when delegated to persons who are not State Auditors shall be accomplished only in writing and shall be limited to a specific audit, attestation engagement or investigation.

b) **Administration of Oaths**

Oaths when administered by the Office of the Auditor General shall be administered in the same manner as customarily used or accepted in courts of law.
c) **Form of Oath for Oral Testimony**
A verbal oath administered by persons associated with the Office of the Auditor General shall be in substantially the following form:

I, (NAME), do solemnly swear that the testimony I am about to give in this proceeding will be the truth, the whole truth and nothing but the truth so help me God.

d) **Form of Affirmation for Oral Testimony**
A verbal affirmation administered by persons associated with the Office of the Auditor General shall be in substantially the following form:

I, (NAME), do solemnly, sincerely, and truly declare and affirm that the testimony I am about to give in this proceeding will be the truth, the whole truth and nothing but the truth.

e) **Form of Oath or Affirmation for Written Statement**
The following form of oath (affirmation) may be used on written statements:

State of Illinois )
County of ______________ ) SS.

I, (NAME), have read the foregoing statement, know and understand the contents thereof, and do solemnly (swear) (affirm) that the same is true and complete.

Subscribed and (sworn to) (affirmed) before me this ________ day of __________________________, ________.

__________________________
(Title)

f) **Form of Oath or Affirmation for Affidavit**
The following language will be used in an affidavit taken by persons associated with the Office of the Auditor General:

State of Illinois )
County of ______________ ) SS.

...
AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

I, ______(NAME)______, being duly sworn, solemnly (swear) (affirm) that:

__________________________
Affiant

Subscribed and (sworn to) (affirmed) before me this ______ day of
__________________________, ______.

__________________________
Affiant

VARIATIONS TO FORMS OF OATHS AND AFFIRMATIONS. Additions to or modification of the forms of an oath and affirmation provided in this rule may be made, in the discretion of the administering officer, where necessary for accuracy, preciseness or clarity or because of special circumstances.

(Source: Amended at 30 Ill. Reg. 2280, effective February 20, 2006)
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**: Adopted Action:
   - 310.50  Amendment
   - 310.100 Amendment
   - 310.290 Amendment
   - 310.410 Amendment
   - 310.490 Amendment
   - 310.Appendix A, Table AA 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**: February 6, 2006

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.**

9) **Notice of Proposed Published in the Illinois Register**: September 30, 2005; 29 Ill. Reg. 14420

10) **Has JCAR issued a Statement of Objection to these amendments?** No

11) **Differences between proposal and final version**: Changes in the main source notes show other adopted rulemakings in this Part: the proposed amendments adopted at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; the peremptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; the peremptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; and the peremptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006.
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Most changes in Sections 310.50, 310.100, 310.290, and 310.410 are based on the proposed amendments adopted at 29 Ill. Reg. 19551, effective November 21, 2005. Section 310.410 was changed based on the peremptory amendments at 30 Ill. Reg. 623. Otherwise, changes are listed below:

In Section 310.50 and in the last paragraph of the definition for "Creditable Service", an underlined comma is removed because with the changes adopted in the proposed amendments adopted at 29 Ill. Reg. 19551, effective November 21, 2005, the underlined comma is unnecessary.

In Section 310.100 (g) and in the last sentence before the Agency Note, "of this Part" is stricken, as the words are unnecessary.

In Section 310.100(h), citations are added to clarify where the leave definitions can be located in the Personnel Rules.

In Section 310.490, the changes are to mirror the changes in the proposed amendments adopted at 29 Ill. Reg. 19551, effective November 21, 2005. An exception is that the addition of "Administrative Leave" to 310.490(h) was accidentally omitted from the First Notice. The mirrored changes are:

In Section 310.490 (b) (1) (A), the placement of "entrance salary" in the last sentence is changed for clarity.

In Section 310.490 (c) (2) (A) and (B), dashes are added after the opening phrases instead of periods for consistency.

In Section 310.490 (d) (1) and (3), spaces are also stricken after the opening phrases and dashes for consistency.

In Section 310.490 (g), underlined language in the First Notice is removed from the first sentence for consistency, and language is stricken in the last sentence before the Agency Note as unnecessary. In the Agency Note, underlined language in the First Notice is removed for consistency, and "accrued" is added, and the language at the end of the last sentence is changed for consistency with Section 310.100 (g).

In Section 310.490 (h), underlined language in the First Notice is removed for consistency, and some language is stricken or added for consistency with Section 310.100 (h).
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

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

14) Are there any amendments pending on this Part? Yes

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<tr>
<th>Section Numbers</th>
<th>Proposed Action</th>
<th>Ill. Reg. Citation</th>
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<tbody>
<tr>
<td>310.50</td>
<td>Amendment</td>
<td>30 Ill. Reg. 231, January 13, 2006</td>
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<tr>
<td>310.80</td>
<td>Amendment</td>
<td>30 Ill. Reg. 231, January 13, 2006</td>
</tr>
<tr>
<td>310.90</td>
<td>Amendment</td>
<td>30 Ill. Reg. 231, January 13, 2006</td>
</tr>
<tr>
<td>310.100</td>
<td>Amendment</td>
<td>30 Ill. Reg. 231, January 13, 2006</td>
</tr>
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<td>310.230</td>
<td>Amendment</td>
<td>30 Ill. Reg. 231, January 13, 2006</td>
</tr>
<tr>
<td>310.240</td>
<td>Amendment</td>
<td>30 Ill. Reg. 231, January 13, 2006</td>
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<td>310.260</td>
<td>Amendment</td>
<td>30 Ill. Reg. 231, January 13, 2006</td>
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<td>310.280</td>
<td>Amendment</td>
<td>30 Ill. Reg. 231, January 13, 2006</td>
</tr>
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<td>310.290</td>
<td>Amendment</td>
<td>30 Ill. Reg. 231, January 13, 2006</td>
</tr>
<tr>
<td>310.460</td>
<td>Amendment</td>
<td>30 Ill. Reg. 231, January 13, 2006</td>
</tr>
<tr>
<td>310.470</td>
<td>Amendment</td>
<td>30 Ill. Reg. 231, January 13, 2006</td>
</tr>
<tr>
<td>310.480</td>
<td>Amendment</td>
<td>30 Ill. Reg. 231, January 13, 2006</td>
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<tr>
<td>310.490</td>
<td>Amendment</td>
<td>30 Ill. Reg. 231, January 13, 2006</td>
</tr>
<tr>
<td>310.500</td>
<td>Amendment</td>
<td>30 Ill. Reg. 231, January 13, 2006</td>
</tr>
<tr>
<td>310.Appendix A Table L</td>
<td>Amendment</td>
<td>30 Ill. Reg. 231, January 13, 2006</td>
</tr>
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<td>310.Appendix A Table T</td>
<td>Amendment</td>
<td>30 Ill. Reg. 231, January 13, 2006</td>
</tr>
<tr>
<td>310.Appendix A Table U</td>
<td>Amendment</td>
<td>30 Ill. Reg. 231, January 13, 2006</td>
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15) Summary and Purpose of Amendments: In Section 310.50 Definitions, the effective date of January 1, 2002 in the definition for Salary Range is not needed and, therefore, is removed.

Section 310.100 Other Pay Provisions is amended to reflect that an Administrative Leave does not affect an employee's pay. The Personnel Rules Section 302.795 Administrative Leave was added at 29 Ill. Reg. 11800, effective July 14, 2005. Also, effective dates are not needed in Section 310.100 (k) (1) or (2), or (l) and, therefore, are removed.
NOTICE OF ADOPTED AMENDMENTS

In Section 310.290 Out-of-State or Foreign Service Rate, the effective date is not needed in the table's column heading and, therefore, is removed.

In Section 310.410 Jurisdiction, the Mental Health Program Administrator classification and its salary plan are added to the list of merit compensation titles. On September 15, 2005, the Civil Service Commission approved this new classification.

In Section 310.490 Other Pay Provisions (m), the effective date is not needed and, therefore, is removed.

In Section 310.Appendix A, Table AA NR-916 (Department of Natural Resources, Teamsters), ranges for the titles are changed to accommodate the increases effective July 1, 2005 and January 1, 2006 in the Agreement between the Departments of Central Management Services, Natural Resources, and Transportation and Teamsters Local 916, July 1, 2004 through June 30, 2008. The increase effective July 1, 2005 for all employees is 2%, and the increase effective January 1, 2006 for employees in their title five or more years and paid below the title’s mid-range is 3%.

In Section 310.Appendix D Merit Compensation System Salary Schedule for Fiscal Year 2006, a salary range of MC-20 is added.

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

Mr. Jason Doggett
Acting 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

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
310.50 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 for Fiscal Year 2006
310.120 Interpretation and Application of Pay Plan
310.130 Effective Date
310.140 Reinstitution of Within Grade Salary Increases (Repealed)
310.150 Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section 310.205 Introduction
310.210 Prevailing Rate
310.220 Negotiated Rate
310.230 Part-Time Daily or Hourly Special Services Rate
310.240 Hourly Rate
310.250 Member, Patient and Inmate Rate
310.260 Trainee Rate
310.270 Legislated and Contracted Rate
310.280 Designated Rate
310.290 Out-of-State or Foreign Service Rate
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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
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 Guidechart for Fiscal Year 2006
310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

310.APPENDIX A Negotiated Rates of Pay

310.TABLE A HR-190 (Department of Central Management Services – State of Illinois Building – SEIU) (Repealed)
310.TABLE B HR-200 (Department of Labor – Chicago, Illinois – SEIU) (Repealed)
310.TABLE C RC-069 (Firefighters, AFSCME) (Repealed)
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)
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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)
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)

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

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984;
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS


SUBPART A: NARRATIVE

Section 310.50 Definitions

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

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

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

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

"Creditable Service" – All service in full or regularly scheduled part-time pay status beginning with the date of initial employment or the effective date of the last salary increase that was at least equivalent to a full step. A new creditable service date will follow an increase of a step or more except for the following actions:

Superior performance increase.

A reevaluation resulting in a salary increase less than a step in the former pay grade.

Reallocation resulting in a salary increase less than a step increase in the
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

former pay grade.

Adjustments as provided for in Section 310.80(f) that are approved to correct errors or oversights. (A new creditable service date will follow Section 310.80(f) adjustments in the best interest of the agency, unless the Director of Central Management Services determines the change in creditable service date to be inequitable.)

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

"Differential" – The additional compensation added to the base salary of an employee resulting from conditions of employment imposed on him/her during normal schedule of work.

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

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

"In Between Pay Grade" – The designation for negotiated pay rates in between pay grades is "0.5".

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

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

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

7 = Salary Grade regular pension formula rate
8 = Salary Grade alternative pension formula rate
9 = Salary Grade maximum-security institution rate
B = Negotiated regular pension formula rate for the State of Illinois
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

"Salary Grade" – The system of pay practices applied to specific positions or employees not represented by a bargaining unit, and not in the Merit Compensation System, which includes Broad-Band positions.

"Salary Range" – The dollar value represented by Steps 1c through 8 of a pay grade assigned to a class title, effective January 1, 2002.
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

"Superior Performance" – Performance characterized by work results substantially above a satisfactory level.

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

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

(Source: Amended at 30 Ill. Reg. 2289, effective February 6, 2006)

Section 310.100 Other Pay Provisions

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

b) Entrance Salary – Normally, upon original entry to State service, an employee's base salary will be at Step 1c of the pay grade.

1) Qualifications Above Minimum Requirements –

A) If a candidate possesses directly related training and experience in excess of the minimum requirements of the class specification, the entrance salary may be up to Step 3 as determined by the employing agency. The salary offered should not provide more than a 10% increase over the candidate's current salary.

B) Qualifications above the minimum requirements shall be
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

documented to support an entrance salary higher than Step 1c. An entrance salary higher than Step 3 must have prior approval from the Director of Central Management Services.

2) 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 step may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate shall be advanced to the new rate.

3) 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 date of approval.

c) Differential and Overtime Pay – An eligible employee may have an amount added to his/her 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 his/her 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 Department 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 will maintain a list of titles and their overtime eligibility as determined by labor contracts, Federal Fair Labor Standards Act, or State law or regulations. Overtime shall be paid in accordance with the labor contracts, Federal Fair Labor Standards Act, and State law or regulations.

B) Compensatory Time – Employees who are eligible for compensatory time may request such time, which may be granted
NOTICE OF ADOPTED AMENDMENTS

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.

3) Incentive Pay – An employee may be paid an amount in addition to his/her base salary for work performed in excess of the normal work standard as determined by agency management. The additional compensation shall be at a wage 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.

4) Extra Duty Pay – An employee may be paid an amount in addition to his/her base salary for service in addition to the regular work schedule on a special work assignment. 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.

d) Equivalent Earned Time –

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
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

excess of 40 actual work hours in a work week.

2) Accrual –

A) Employees who are eligible for equivalent earned time shall request that time before working in excess of 40 actual work hours in a work week. 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 120 hours in any fiscal year.

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.

3) 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. This time may not be carried over from one fiscal year to another fiscal year. At no time is equivalent earned time to be converted into cash payment or transferred from one agency to another agency.

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

f) 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 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.

g) 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 cannot be given in these transactions. Method of computation is explained in Section 310.70(a) of this Part.
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

AGENCY NOTE – The method to be used in computing the lump sum payment for accrued vacation, sick leave and unused compensatory overtime payment for an incumbent entitled to shift differential during his/her regular work hours will be to use his/her 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.

h) Salary Treatment Upon Return From Leave – An employee returning from Administrative Leave (80 Ill. Adm. Code 302.795), 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), Leave to accept a temporary, emergency, provisional, exempt (80 Ill. Adm. Code 303.155) position, Educational Leave (80 Ill. Adm. Code 302.215), or Leave to serve in domestic peace or job corps (80 Ill. Adm. Code 302.230) will be placed on the step that reflects satisfactory performance increases to which he/she would have been entitled during his/her period of leave. Creditable service date will be maintained. An employee returning to his/her former pay grade from any other leave of over 14 days will be placed at the step on which he/she was situated prior to his/her leave, and his/her creditable service date will be extended by the duration of the leave.

i) Salary Treatment Upon Reemployment –

1) Upon the reemployment of an employee in a class with the same pay grade as the class for the position held before layoff, the employee will be placed at the same salary step as held at the time of the layoff, and his/her 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 step in the lower pay grade that provides the base salary nearest in amount to, but less than, the current value of the step held at the time of layoff, and his/her creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

j) Reinstatement – The salary upon reinstatement of an employee will be as determined by the employing agency and approved by the Director of Central Management Services. This salary should not provide more than a 10% increase over the candidate's current salary or exceed the current value of the salary step held in the position where previously certified. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range.

k) Extended Service Payment –

1) The Step 8 rate shall be increased by $25 per month for those employees who have attained 10 years of service and have three years of creditable service on Step 8 in the same pay grade. (Effective July 1, 2003, this increase is suspended for non-union positions and employees.)

2) The Step 8 rate shall be increased by $50 per month for those employees who have attained 15 years of service and have three years of creditable service on Step 8 in the same pay grade. (Effective July 1, 2003, this increase is suspended for non-union positions and employees.)

l) Bi-lingual Pay – Individual positions whose job descriptions require the use of sign language, a second language or Braille shall receive 5% or $100 per month, whichever is greater, in addition to the employee's base rate.

(Source: Amended at 30 Ill. Reg. 2289, effective February 6, 2006)

SUBPART B: SCHEDULE OF RATES

Section 310.290 Out-of-State or Foreign Service Rate

The out-of-state or foreign service rate is the rate of pay for employees occupying positions that require payment in accordance with the economic conditions and social legislation of another state or foreign country. An adjustment shall be made once a month to the salary of an employee stationed in a foreign country to compensate for a change in the currency exchange rate. 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. (Effective July 1, 2003,
adjustments, except those based on the currency exchange rate, are suspended for non-union positions and employees.)

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<tr>
<th>Title</th>
<th>Range</th>
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(CA, NJ)  3234-4575  

Revenue Tax Specialist Trainee  
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(CA, NJ)  2768-3770  

Senior Public Service Administrator  
(States Other Than California and New Jersey)  4750-11161  
(CA, NJ)  5369-12617  

(Source: Amended at 30 Ill. Reg. 2289, effective February 6, 2006)  

**SUBPART C: MERIT COMPENSATION SYSTEM**  

**Section 310.410 Jurisdiction**  

The Merit Compensation System shall apply to all classes of positions designated below and 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.  

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<thead>
<tr>
<th>Title</th>
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<td>Business Manager</td>
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<td>Commerce Commission Police Sergeant</td>
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NOTICE OF ADOPTED AMENDMENTS

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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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  

(Source: Amended at 30 Ill. Reg. 2289, effective February 6, 2006)

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 Salary – Normally upon entry to State service, an employee's base salary will be at the minimum salary of the salary range.

1) Qualifications Above Minimum Requirements –

A) If a candidate possesses directly related training and experience in excess of the minimum requirements of the class specification, the employing agency may grant an entrance salary up to the midpoint of the first half of the salary range; however, this shall not provide more than a 10% increase over the candidate's current salary. Such qualifications above the minimum requirements shall be documented to support an entrance salary for higher than the minimum entrance salary.

B) An entrance salary above the middle of the first half of the salary range must have prior approval of the Director of Central Management Services. This approval will be based on consideration of the candidate's training and experience exceeding the requirements of the class, prior salary history, particular staffing requirements of an agency, and labor market influence on recruitment needs.
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

2) Area Differential – For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which such 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.

3) Upon the 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.

c) Differential and Overtime Pay – An eligible employee may have an amount added to the base salary for a given pay period for work performed which is 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 the Department 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 6 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
NOTICE OF ADOPTED AMENDMENTS

increments per day shall not be accrued. Classes in MC 7 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.

d) Equivalent Earned Time

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 40 actual work hours in a work week.

2) Accrual

A) Employees who are eligible for equivalent earned time shall request such time before working in excess of 40 actual work
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

hours in a work week. 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 120 hours in any fiscal year.

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.

3) 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. This time may not be carried over from one fiscal year
to another fiscal year. At no time is equivalent earned time to be
converted into cash payment or transferred from one agency to another
agency.

e) 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 which will be computed by
dividing the annual rate of salary by the total number of work days
in the year.

f) 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
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.

g) 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) of the
Merit Compensation System.

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
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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 sick days earned and retained during that time period.

h) Salary Treatment upon Return from Leave – An employee returning from Military Leave, Peace Corps Leave, Vista Leave, Service-Connected Disability Leave, Administrative Leave, Leave to accept a Temporary, Emergency, Provisional, Exempt or Trainee position, or Leave to serve in domestic peace or job corps 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. An employee returning to his/her former salary range from any other leave of over 14 fourteen days will be placed at the salary which the employee received prior to the leave and the creditable service date will be extended by the duration of the leave.

i) Employees in classes that which are made subject to the Merit Compensation System after July 1, 1979, 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.

j) Extra Duty Pay – An employee may be paid an amount in addition to the base salary for services in addition to the regular work schedule on a special assignment. Additional compensation will be at a rate and manner as 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.

k) 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.
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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.

l) Reinstatement – The salary upon reinstatement of an employee will be as determined by the employing agency and approved by the Director of Central Management Services. This salary should not provide more than a 10% increase over the candidate's current salary, or exceed the salary rate held in the position where previously certified. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range.

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

n) 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 the Department of Central Management Services. The Director of the Department 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.

(Source: Amended at 30 Ill. Reg. 2289, effective February 6, 2006)
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 310. Appendix A  Negotiated Rates of Pay

Section 310. Table AA  NR-916 (Department of Natural Resources, Teamsters)

Effective July 1, 2005

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Effective January 1, 2005

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Effective January 1, 2005
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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(Source: Amended at 30 Ill. Reg. 2289, effective February 6, 2006)
NOTICE OF ADOPTED AMENDMENTS

Section 310.APPENDIX D  Merit Compensation System Salary Schedule for Fiscal Year 2006

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(Source: Amended at 30 Ill. Reg. 2289, effective February 6, 2006)
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** Services Delivered by the Department of Children and Family Services

2) **Code Citation:** 89 Ill. Adm. Code 302

3) **Section Numbers:**
   - 302.310 Amend
   - 302.405 Amend

4) **Statutory Authority:** Children and Family Services Act [20 ILCS 505]

5) **Effective Date of Amendments:** February 2, 2006

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.

9) **Notice of Proposal Published in Illinois Register:** 29 Ill. Reg. 5835; April 29, 2005

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

11) **Difference between proposal and final version:** Changes after 1st Notice were made in response to notification by the U.S. Department of Health and Human Services that specific subsections of Part 302 continued to be out of compliance with federal regulations that would result in financial sanctions if not revised, and clarifications requested by the Joint Committee on Administrative Rules were made.

The following revisions were made between the proposed and final version:

**Section 302.310(a) General Provisions**

Language was added describing the differences between federally funded and State funded adoption assistance.

**Section 302.310(b) Eligibility for Adoption Assistance**
Eligibility criteria requiring the Department to have placement and care responsibility for a child in order for the child to be eligible for adoption assistance were deleted.

The requirement for "a judicial determination for which the Department has received notice that the child is abused, neglected, dependent or likely to be if returned to the parents' home" was deleted from the definition of "Special Needs".

Section 302.310(j) Periodic Reviews (new subsection (f))

The scope of periodic reviews was narrowed to assess only the child's continued eligibility for a Medicaid card, striking a review of the parent or guardian's continued financial and legal responsibility for the child.

The same change was made in Section 302.405 Subsidized Guardianship in subsection (h).

Section 302.310(k) Suspension of Payments

Strikes the entire section on suspension of payment in Section 302.310 as federal regulations have no provision allowing the suspension of subsidy payments.

The same change was made in Section 302.405 Subsidized Guardianship in subsection (i).

Section 302.310(n) Appeal of Department Decisions (new subsection (i))

Denial of Title IV-E adoption assistance to a child for whom the Department does not have placement and care responsibility may be appealed. Inaction on the part of the Department in determining a child’s eligibility for Title IV-E adoption assistance may also be appealed.

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 an emergency amendment currently in effect? No

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

15) Summary and Purpose of Amendments: The revision of Part 302 expands adoption opportunities for children with special needs by rescinding eligibility criteria that
required the Department to have placement and care responsibility for the child. Additional revisions align the Part with federal regulations.

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

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

Telephone: 217/524-1983
TDD: 217/524-3715
FAX: 217/557-0692
E-Mail address: cfpolicy@idcf.state.il.us

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

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 302
SERVICES DELIVERED BY THE
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBPART A: GENERAL PROVISIONS

<table>
<thead>
<tr>
<th>Section</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>302.10</td>
<td>Definitions</td>
</tr>
<tr>
<td>302.20</td>
<td>Introduction</td>
</tr>
<tr>
<td>302.30</td>
<td>Department Service Goals</td>
</tr>
<tr>
<td>302.40</td>
<td>Functions in Support of Services</td>
</tr>
</tbody>
</table>

SUBPART B: REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT (RECODIFIED)

<table>
<thead>
<tr>
<th>Section</th>
<th>Reporting Child Abuse or Neglect to the Department (Recodified)</th>
</tr>
</thead>
<tbody>
<tr>
<td>302.100</td>
<td>Content of Child Abuse or Neglect Reports (Recodified)</td>
</tr>
<tr>
<td>302.120</td>
<td>Transmittal of Child Abuse or Neglect Reports (Recodified)</td>
</tr>
<tr>
<td>302.130</td>
<td>Special Types of Reports (Recodified)</td>
</tr>
<tr>
<td>302.140</td>
<td>Referrals to the Local Law Enforcement Agency and State's Attorney (Recodified)</td>
</tr>
<tr>
<td>302.150</td>
<td>Delegation of the Investigation (Recodified)</td>
</tr>
<tr>
<td>302.160</td>
<td>The Investigative Process (Recodified)</td>
</tr>
<tr>
<td>302.170</td>
<td>Taking Children Into Temporary Protective Custody (Recodified)</td>
</tr>
<tr>
<td>302.180</td>
<td>Notification of the Determination Whether Child Abuse or Neglect Occurred (Recodified)</td>
</tr>
<tr>
<td>302.190</td>
<td>Referral for Other Services (Recodified)</td>
</tr>
</tbody>
</table>

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

<table>
<thead>
<tr>
<th>Section</th>
<th>Adoptive Placement Services (Repealed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>302.300</td>
<td>Adoption Listing Service for Hard-to-Place Children or Children with Disabilities for Whom the Department is Not Legally Responsible</td>
</tr>
<tr>
<td>302.310</td>
<td>Adoption Assistance Agreements</td>
</tr>
</tbody>
</table>
NOTICE OF ADOPTED AMENDMENTS

302.311 Nonrecurring Adoption Expenses (Repealed)
302.315 Adoption Registry (Repealed)
302.320 Counseling or Casework Services
302.330 Day Care Services
302.340 Emergency Caretaker Services
302.350 Family Planning Services
302.360 Health Care Services
302.365 Mental Health Services
302.370 Homemaker Services
302.380 Information and Referral Services
302.390 Placement Services (Repealed)
302.400 Successor Guardianship (Repealed)
302.405 Subsidized Guardianship Program

SUBPART D: INTENSIVE FAMILY PRESERVATION SERVICES

Section
302.500 Purpose
302.510 Implementation of the Family Preservation Act
302.520 Types of Intensive Family Preservation Services
302.530 Phase In Plan for Statewide Family Preservation Services
302.540 Time Frames

302.APPENDIX A Acknowledgement of Mandated Reporter Status (Recodified)
302.APPENDIX B Calculating the Amount of Adoption Assistance (Repealed)

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305]; the Adoption Assistance and Child Welfare Act of 1980 (42 USCA 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS


SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section 302.310 Adoption Assistance Agreements

a) General Provisions

1) Eligibility, Funding Source, Assistance Amounts

A) Adoption assistance may be provided to those persons adopting children who are legally free for adoption, for whom the Department or a not-for-profit agency has responsibility for placement and care, who are residents of Illinois, and who the Department has determined meet the special needs criteria for non-recurring adoption assistance or who meet both the eligibility and
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

special needs criteria for ongoing adoption assistance and who, it is reasonable to conclude, are not likely to be adopted without the provision of adoption assistance have special needs because of which it is reasonable to conclude that the child cannot be adopted unless adoption assistance is provided.

B) Adoption assistance is available through a combination of federal and State funding. The State receives federal reimbursement for a portion of the assistance provided for children meeting the Title IV-E eligibility criteria of the Social Security Act. The Department must comply with all of the requirements of that Act to claim funding for Title IV-E eligible children. The Title IV-E adoption assistance process is a combination of the field staff preparing the subsidy and documenting special needs followed by a centralized eligibility unit determining financial aspects of Title IV-E assistance.

C) State funding provides adoption assistance for children for whom the Department has placement and care responsibility and who meet the special needs criteria but are not eligible for Title IV-E adoption assistance as well as for children who age out of eligibility for Title IV-E adoption assistance and continue in school up to the earliest of their nineteenth birthday or graduation from high school.

D) Although eligibility for adoption assistance shall be determined regardless of the financial circumstances of the adoptive parents, the types and amounts of assistance shall be determined by the Department and the adoptive parents on an individual basis. The Department shall notify the prospective adoptive parents of the availability and the types of assistance. The adoptive parent may refuse any or all of the adoption assistance. The ongoing monthly payment shall be issued to the person identified in the adoption assistance agreement. Any type of adoption assistance services included in this Part that are payable through insurance or other funding sources will not be paid for by the Department. The child adopted with adoption assistance is entitled to receive only those services and/or payments specified in the adoption assistance agreement.
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

2) Responsibility of the State in Interjurisdictional Adoptions: Children Residing in Other States

A) When the Department has responsibility for placement and care of a child who is eligible for Federal Title IV-E reimbursement, the Department is responsible for entering into the adoption assistance agreement and paying the adoption subsidy, even if the child is placed in an adoptive home in another state.

B) If the Department does not have responsibility for placement and care of a Title IV-E eligible child, it is the adoptive parent's state of residence where the adoption assistance application should be made. In that event, the public child welfare agency in the adoptive parents' state of residence is responsible for determining whether the Title IV-E child meets the definition of special needs, entering into the adoption assistance agreement and paying the subsidy, consistent with the way public benefits are paid in other programs.

3) Continued Eligibility of Children

A) If an adoption is dissolved because of the involuntary termination of parental rights, voluntary termination of parental rights when the Department concurs, or the death of the adoptive parents, a child adopted with Title IV-E adoption assistance continues to be eligible for Title IV-E adoption assistance if the State determines that the child meets the definition of a child with special needs prior to finalization of adoption.

B) When an adoption assistance agreement is terminated because of the death of the adoptive parents, or the involuntary termination of the adoption, or voluntary termination of parental rights when the Department concurs, and the child is adopted again, the Title IV-E child's state of residence is responsible for entering into the assistance agreement and paying the subsidy, consistent with the way public benefits are paid in other programs.

b) Eligibility for Adoption Assistance
NOTICE OF ADOPTED AMENDMENTS

1) Children who are under the Department's legal responsibility and those who are not under the Department's legal responsibility when the adoption petition is filed are eligible for Title IV-E adoption assistance when they meet one of the eligibility criteria described in this subsection (b)(1) and the special needs criteria detailed in subsection (b)(2). Children for whom the Department of Children and Family Services is responsible for placement and care when the adoption petition is filed who do not meet the eligibility requirements in this subsection (b)(1) but do meet the special needs criteria detailed in subsection (b)(2) are eligible for State-funded adoption assistance. Children not under the legal responsibility of the Department who do not meet the eligibility criteria described in this subsection (b)(1) but who meet the definition of a child with special needs are eligible for adoption assistance non-recurring expenses only.

A) The child was eligible for AFDC under the provisions of Title IV-A of the Social Security Act in effect as of July 16, 1996 at the time he or she was removed from the home and in the month the adoption petition was initiated and the Department has determined that the child meets the definition of a child with special needs; or

i) An AFDC-eligible child removed from the home as a result of a court order shall be eligible for adoption assistance when there is a judicial determination in the removal order that it was contrary to the welfare of the child to remain in the home.

ii) An AFDC-eligible child removed from the home as a result of a voluntary placement agreement shall be eligible for adoption assistance when the child was placed in a foster home and at least one Title IV-E maintenance payment was made while the voluntary placement agreement was in effect.

iii) An AFDC-eligible child who was voluntarily relinquished to a public or private not-for-profit agency shall be eligible for adoption assistance in the following circumstances:

- a petition to officially remove the child from the home was filed with the court within 6 months after
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

the date the child last lived with the relative who voluntarily relinquished the child; and

- there is subsequent judicial determination with respect to the petition that remaining in the home is contrary to the child's welfare; or

B) The child's eligibility for Supplemental Security Income (SSI) was established and documented by the Social Security Administration at the time the adoption petition was filed and the Department determines that the child meets the definition of a child with special needs prior to the finalization of adoption; or

C) The child is a child of minor parent receiving Title IV-E foster care maintenance payments that include the child, although the child is not a ward of the Department and the child meets the definition of a child with special needs; or

D) The child is a child for whom adoptive parents were previously receiving adoption assistance and the Department has determined that the child meets the definition of a child with special needs prior to the finalization of the subsequent adoption.

2) Special Needs Criteria

In order to be eligible for adoption assistance, the Department must determine that the child meets all three of the following criteria that comprise the definition of a child with special needs:

A) the child cannot or should not be returned to the home of his or her parents as evidenced by:

i) a termination of parental rights; or

ii) a petition to terminate parental rights; or

iii) a voluntary relinquishment; and

B) there exists a specified factor or condition because of which it is reasonable to conclude that the child cannot be placed with
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

adoptive parents without providing adoption assistance. These factors or conditions include:

i) an irreversible or non-correctable physical, mental or emotional disability; or

ii) a physical, mental, or emotional disability correctable through surgery, treatment or other specialized services; or

iii) the child is one year of age or older; or

iv) the child is a member of a sibling group being adopted together where at least one child meets one of the conditions in subsections (b)(2)(B)(i) through (iii); or

v) the child is being adopted by adoptive parents who have previously adopted, with adoption assistance, another child born of the same mother or father; and

C) a reasonable, but unsuccessful, effort has been made to place the child with adoptive parents without providing adoption assistance, and the prospective adoptive parents are either unwilling or unable to adopt the child without adoption assistance, as evidenced by a written statement from the adoptive parents. A documented search for alternative adoptive placements without adoption assistance shall be made unless the Department determines that such a search would not be in the best interests of the child because the child has developed significant emotional ties with the prospective adoptive parents while in their care.

b) Special Needs Criteria

For purposes of this Section, a child shall not be considered a child with special needs unless the Department has first determined that:

1) The child cannot or should not be returned to the home of his or her parents, as determined by:
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

A) a judicial determination, for which the Department has received prior notice, that the child is abused, neglected or dependent, as defined in the Juvenile Court Act [705 ILCS 405];

B) where a full hearing was conducted by the court and the court order states the factual basis supporting its findings or other judicial determinations that there is probable cause to believe that a child is abused, neglected or dependent, and there is a determination by the Department that the child is likely to suffer further abuse or neglect or will not be adequately cared for if returned to the parents; or

C) the adoption has been dissolved through involuntary termination of parental rights, or voluntary termination of the adoption when the Department concurs, or upon the death of the adoptive parents; and

2) The child meets one of the following criteria:

A) has an irreversible or non-correctable physical, mental or emotional disability; or

B) has a physical, mental, or emotional disability correctable through surgery, treatment, or other specialized services; or

C) is one year of age or older; or

D) is a member of a sibling group being adopted together where at least one child meets one of the criteria in subsection (b)(2)(A) through (C) above; or

E) is a child being adopted by adoptive parents who have previously adopted, with adoption assistance, another child born of the same mother or father; and

c) a reasonable, but unsuccessful, effort has been made to place the child with adoptive parents without providing adoption assistance, and the prospective adoptive parents are either unwilling or unable to adopt the child without adoption assistance, as evidenced by a written statement from the adoptive parents. A documented search for alternative adoptive placements without adoption assistance shall be made unless the Department determines that such a search
NOTICE OF ADOPTED AMENDMENTS

would not be in the best interests of the child because the child has developed significant emotional ties with the prospective adoptive parents while in their foster care.

d) A child who meets the special needs criteria specified in (b) above is adoption assistance eligible. In order for the child to receive ongoing monthly payments and/or medical assistance, he or she must meet one of the following conditions:

1) was eligible at the time he or she was removed from the home and at the time the adoption petition was filed for Aid to Families with Dependent Children (AFDC) under the provisions of Title IV-A of the Social Security Act in effect as of July 16, 1996; or

2) is a child of a minor parent receiving Title IV-E foster care maintenance payments that include the child, although the child is a non-ward of the Department; or

3) was eligible for Supplemental Security Income (SSI) at the time the adoption proceedings were initiated; or

4) is a child for whom adoptive parents were previously receiving adoption assistance; or

5) is a child for whom the Department of Children and Family Services was responsible for placement and care when the adoption petition was filed.

e) An AFDC-eligible child who was voluntarily relinquished to a public or private/not-for-profit agency and who meets the special needs criteria as specified in subsection (b) above, shall be considered judicially removed in the following circumstances:

1) a petition to remove the child from the home was filed within 6 months of living with a specified relative; and

2) there is a subsequent judicial determination, for which the Department has received prior notice, that remaining in the home is contrary to the child’s welfare, as defined in the Juvenile Court Act [705 ILCS 405] where a full hearing was conducted by the court and the court order states the factual basis supporting its findings.
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

|  (c)(f)  | Types of Adoption Assistance

The types of adoption assistance that a family may apply for include:

1) Non-recurring Expenses
   Payment for non-recurring adoption expenses incurred by or on behalf of the adoptive parents in connection with the adoption of a special needs child, up to a maximum of $1500 for each adopted child.

2) Monthly Payments
   A) An ongoing monthly payment is to be determined through the discussion and negotiation process between the adoptive parents and the Department based on the needs of the child and the circumstances of the family. This payment should combine with the parent's resources to cover the ordinary and special needs of the child. This payment shall not exceed the amount the child receives in his or her current foster family upon entry of the final order of adoption unless the child is an unlicensed relative placement. In such a case, upon entry of a final order of adoption, the adoptive family may receive up to the applicable licensed foster family home rate. The ongoing monthly payment shall only be issued to one custodial caregiver identified as payee in the adoption assistance agreement, and this person shall be the designated authority for the purpose of service provision. In the event that there is a change in the custodial status of the child, the Department shall be notified. If a change in payee is necessary, notification shall be sent to the Department in writing with the supporting legal documentation attached. A non-custodial parent may request notice of periodic reviews or subsequent amendments to the adoption assistance agreement regarding their children.

   B) The Department shall make an initial determination whether to provide ongoing monthly payments and the amount of the payment in each individual case by taking into consideration the circumstances of the adoptive parents and the needs, age, and type of placement of the child being adopted, which may be adjusted for any benefits the child will be receiving, such as Social Security, Veteran's benefits, railroad retirement or black lung benefits. Supplemental Security Income (SSI) benefits shall not be considered in the determination of the ongoing monthly payment.
NOTICE OF ADOPTED AMENDMENTS

When a child is SSI eligible following the adoption, the adoptive parents shall tell the Social Security Administration the amount of the ongoing monthly adoption assistance payment that they are receiving. The Social Security Administration may reduce the SSI payment dollar for dollar as the receipt of SSI is based on income.

3) A Medicaid card.

4) Needs Not Payable Through Other Sources
Payment may be made for physical, emotional and mental health needs not payable through insurance or public resources (e.g., other State or community funded programs) that are associated with, or result from, a condition whose onset has been established as occurring prior to the entry of the final order of adoption. Payment shall not be made until the Department has been notified in writing that such services will begin and has approved the requested services, and a contract (when applicable) has been executed. The Department's reimbursement shall be limited to what is usual, customary, and reasonable based on Medicaid-eligible service rates in the community as determined by the Department.

5) Therapeutic Day Care
Therapeutic day care is available only for children who are determined to have a disability that requires special educational services through an Individualized Education Plan (IEP), or an Individual Family Service Plan (IFSP), or a 504 Educational Special Needs Plan and is not fundable through another source. Specific therapeutic interventions must be provided as an integral part of the day care programming. Payment for therapeutic day care shall not be made until the Department has been notified in writing that such services will begin, has approved the requested services, and a contract has been executed (when applicable).

6) Employment Related Day Care
Payment may be made for day care for children under the age of three years if the adoptive parent is employed or in a training program that will lead to employment. Payment for day care services shall end on the child's third birthday. This day care payment cannot be used in addition to therapeutic day care.

7) Respite Care for Medically Fragile/Technology Dependent Care

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Additional annotations may be added here if necessary.
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

A) The Department may make payment for care for children who have a pre-existing condition that meets the medical eligibility guidelines used by the Department of Healthcare and Family Services (HFS) for the Home and Community Based Services (HCBS) Waiver program for Children who are Medically Fragile/Technology Dependent. Payment may be made for respite care for a child the Department determines to meet certain conditions. Such payment shall not exceed 10 days per State fiscal year. Unused days from one fiscal year cannot be carried over to a new State fiscal year or donated to another family. The child must meet the medical eligibility guidelines used by the Department of Public Aid (DPA) for the Home and Community Based Services (HCBS) Waiver program for Children who are Medically Fragile/Technology Dependent. This program is operated by the Division of Specialized Care for Children (DSCC) for HFS DPA. DCFS regional nurses shall assist in making this determination of whether the child meets the eligibility requirements for the waiver program.

B) Respite care shall be provided by an authorized provider licensed by the Department of Public Health as a children's respite care center under the Alternative Health Care Delivery Act [210 ILCS 3]. The provider must accept the Medicaid nursing hourly rate as the payment rate for the respite care. DCFS shall select and contract directly with the authorized provider to pay for this service. The adoptive parents must not already be receiving respite care from another source.

i) For existing adoptive cases: If the adoptive parents agree to apply, the parents should apply for the HCBS waiver program. As part of this application process, medical eligibility and cost neutrality calculations shall be determined. If determined eligible and the adoptive parents agree to accept HCBS waiver program services, then the respite care shall be provided through that program (if respite care is available as part of the service package resulting from these determinations and there is available capacity in the waiver program).
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

ii) For new adoptive cases, the adoptive parents must apply for the HCBS waiver program. As part of this application process, medical eligibility and cost neutrality calculations shall be determined. If determined eligible, the adoptive parents must agree to accept HCBS waiver program services, and the respite care shall be provided through that program (if respite care is available as part of the service package resulting from these determinations and there is available capacity in the waiver program).

8) College Scholarships
Children who are adopted and receiving adoption assistance may apply for a 4-year college scholarship awarded by the Department to high school or high school equivalent graduates.

9) Conditional Adoption Assistance
Conditional adoption assistance is available to children adopted before February 1, 2004. To be eligible for conditional adoption assistance, the child must meet all of the eligibility requirements for adoption assistance and have a documented disability or risk factor not evident at the time of the adoption but that may require intervention, treatment or services in the future.

10) Adoption Incentive
The Department will pay an incentive payment for children who are 14 to 18 years of age when adopted during the time period of March 15, 2001 through January 31, 2003. The Department will provide a payment of $3000 to be awarded to an adopted child under the following circumstances in the manner described:

A) In order to assist youth who have been adopted to make the transition to adulthood, the Department will provide a payment of $3000 directly to the youth upon termination of his or her adoption subsidy.

B) The payment is intended to assist the child's transition to adulthood by helping pay for education, housing, or other forms of vocational training or employment assistance.

C) In order to be eligible for this payment, the child:
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

i) must have been the legal responsibility of the Department prior to the adoption; and

ii) must have been 14 to 18 years of age when adopted, during the time period of March 15, 2001 through January 31, 2003.

D) Children in adoptive placements within this time period who do not have their adoptions finalized by January 31, 2003 will not be eligible for this grant award.

E) The payment will be awarded directly to the child.

g) Conditional Adoption Assistance
Conditional adoption assistance is available for those children who meet all of the other eligibility criteria for adoption assistance who were adopted prior to the effective date of this Section when it had been determined that the children may eventually require care for documented disabilities or risk factors that have not yet exhibited at the time of the adoptions.

d) Adoption Assistance Agreement
The adoption assistance agreement shall be signed prior to the entry of the final order of adoption. The types, amount and duration of adoption assistance shall be agreed to in writing by the Department and the adoptive parents prior to the entry of the final order of adoption, and shall be set forth in the adoption assistance agreement, which shall be binding on the parties to the agreement. This payment shall not exceed the amount the child received in his or her current foster family home upon entry of the final order of adoption unless the child is in an unlicensed relative placement. In such a case, upon entry of the final order of adoption, the adoptive family may receive up to the applicable licensed foster family home rate. The adoption assistance agreement shall remain in effect, regardless of where the adoptive parents currently reside and shall contain provisions for the protection of the interests of the child in cases where the adoptive parents and child move. The adoptive parents may request a change in their child's subsidy due to a change in the family or child's circumstances.

e) Notification Requirement by Adoptive Parents
The adoptive parent shall notify the Department no later than 30 days after any of the following occurrences:
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) the child is no longer the legal responsibility of the adoptive parents;
2) the adoptive parents no longer financially support the child;
3) the child graduates from high school or equivalent;
4) there is a change of residential address or mailing address of the adoptive parents or the child;
5) the child dies;
6) the child becomes an emancipated minor;
7) the child marries;
8) the child enlists in the military; or
9) the child's custodial status changes.

Periodic Reviews

Periodic reviews are required for children in adoptive homes to maintain their eligibility for the Title XIX Medicaid Program. The Department will conduct periodic reviews to confirm that the child remains eligible for a Medicaid card. The adoptive parents, including non-custodial parents, will receive written notice of the review. Non-custodial parents may request notice of periodic reviews.

Suspension of Payments

Ongoing monthly payments may be suspended when:

1) Adoptive parents request an end to payments from the Department.
2) The child has moved from the home for a planned short duration with the concurrence of the Department and the adoptive parents.
3) Adoptive parents are no longer providing any financial support to the child.
Termination of Adoption Assistance
The adoption assistance shall terminate when the Department has determined that one of the following has occurred:

1) When the terms of the adoption assistance agreement are fulfilled.

2) The adoptive parents have requested that the adoption assistance permanently stop.

3) The adoptive parents are no longer legally or financially responsible for the child.

4) The child becomes an emancipated minor.

5) The child marries.

6) The child enlists in the military.

7) The child reaches age 18; a child 18 years of age graduates from high school or equivalent or reaches age 19, whichever occurs first; or a child who has a physical, mental or emotional disability associated with a condition or risk factor that existed prior to the finalization of the adoption and that was documented prior to the child's 18th birthday reaches age 21.

8) The adoptive parents die.

9) The adoptive parents' parental rights are terminated.

10) The child dies.

Title IV-E Demonstration Waiver
The Department has received a Title IV-E demonstration waiver from the Department of Health and Human Services (DHHS) to operate a subsidized legal guardianship program. The Title IV-E terms and conditions allow reinstatement of the child's IV-E eligibility status that was in place prior to the establishment of the guardianship in situations where the guardianship disrupts. Therefore, if a guardianship disrupts and the child returns to foster care or is going to be adopted, the State shall apply the eligibility criteria in section 473 of the Social Security Act for the child as if the legal guardianship had never occurred.
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Appeal of Department Decisions
Adoptive parents may appeal the following Department decisions in accordance with 89 Ill. Adm. Code 337, Service Appeal Process:

1) The Department failed to advise the potential adoptive parents about the availability of adoption assistance to children under the care of the Department;

2) The adoptive parents disagree with the Department's determination that a child is ineligible for adoption assistance;

3) The Department's denial of Title IV-E adoption assistance eligibility to a child for whom it does not have placement and care responsibility;

4) Inaction on the part of the Department on a Title IV-E adoption assistance eligibility determination request;

5) Adoption assistance or a specific component of adoption assistance was denied;

6) Relevant facts regarding the child were known by the Department and were not presented to the adoptive parents prior to the finalization of the adoption;

7) The Department denies the adoptive parents request to modify the adoption assistance agreement; or

8) An adoption assistance agreement has been amended, suspended or terminated without the concurrence of the adoptive parent.

(Source: Amended at 30 Ill. Reg. 2323, effective February 2, 2006)

Section 302.405 Subsidized Guardianship Program

a) General Provisions
Subsidized guardianship is a program for which the Department has received waivers from the federal Department of Health and Human Services (DHHS) under Section 1130 of the Social Security Act to operate a child welfare demonstration project. The program offers a subsidized private guardianship
arrangement for children for whom the permanency goals of return home and adoption have been ruled out. Guardianship is governed by the Illinois Probate Act [755 ILCS 5] and the Illinois Juvenile Court Act [705 ILCS 405]. A relative caregiver or licensed foster parent caring for a child determined to be eligible for the subsidized guardianship program shall be made aware of the availability of subsidized guardianship and the types of assistance available. The subsidized guardianship agreement must be signed prior to the transfer of guardianship.

b) Subsidized Guardianship Agreement
The type, amount and duration of subsidized guardianship shall be agreed to in writing by the Department and the subsidized guardian prior to the transfer of guardianship, and shall be set forth in the subsidized guardianship agreement, which shall be binding on the parties to the agreement. The agreement shall also stipulate that the agreement shall remain in effect regardless of the state where the subsidized guardian resides currently or in the future and shall contain provisions for the protection of the interests of the child in cases where the subsidized guardian and child move to another state while the agreement is in effect. The amounts of ongoing subsidized guardianship payments are subject to change based on changes in State or Federal law regarding adoption assistance payments. Subsidized guardians may refuse any or all payments offered by the Department. The child for whom guardianship is transferred and for whom the guardian is receiving a subsidy shall receive only those services and/or payments specified in the subsidized guardianship agreement.

c) Eligibility Criteria

1) For a child to qualify for subsidized guardianship, the following criteria must be met:

A) the child is not a member of the control group; and

B) the child has been in the custody of the State for one year or more immediately prior to establishing subsidized guardianship and is likely to remain in care, and the parent has consented to the subsidized guardianship arrangement or the Department has good cause to seek a private guardian without consent and will give notice to the parent of the guardianship hearing; and

C) the child has a strong attachment to the potential guardian and the guardian has a strong commitment to the child; and
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

D) the permanency goals of return home and adoption have been ruled out for this child and documented in the case record.

2) In addition to the requirements of subsection (c)(1), in order for a child to qualify for subsidized guardianship, at least one of the following criteria must be met:

A) the child has lived with a relative for at least one year immediately prior to establishing subsidized guardianship; or

B) the child is 12 years of age or older and has lived with a non-relative for at least one year immediately prior to establishing subsidized guardianship; or

C) the child is a member of a sibling group for whom guardianship will be transferred together, of which at least one child has resided with the prospective subsidized guardian for at least one year and meets all subsidized guardianship criteria; or

D) the guardianship of the child will be transferred to a prospective guardian who has previously taken subsidized guardianship of another child born of the same mother or father; or

E) the child is under 12 years of age, is living with a non-relative, and has no older sibling for whom subsidized guardianship is being considered but is eligible due to the fact that:

   i) subsidized guardianship has been determined to be in the child's best interests; and

   ii) the basis for the decision is documented and approved by the Department Guardianship Administrator or designee; or

F) the child was previously in subsidized guardianship, but the guardian has died; or

G) the child was previously in subsidized guardianship, but due to the mental or physical incapacity of the guardian, the guardian can no
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

longer discharge the responsibilities necessary to protect and care for the child, and guardianship was or will be vacated; or

H) the child who had been adopted who was eligible for subsidized guardianship prior to the adoption, continues to be eligible for subsidized guardianship in the event his or her adoptive parent is unable to care for him or her due to the death or total mental or physical incapacity of the adoptive parent.

d) Determination Whether Subsidized Guardianship is in the Best Interests of the Child

1) Prior to approving a subsidized guardianship arrangement for a child, the Department shall determine whether subsidized guardianship is in the best interests of the child. In making this determination, the Department shall consider all relevant factors including but not limited to:

A) the wishes of the child's prospective subsidized guardian;
B) the wishes of the child under the age of 14 or the consent of the child, if over age 14;
C) the interaction and interrelationship of the child with the prospective subsidized guardian;
D) the child's adjustment to the present home, school, and community;
E) the child's need for stability and continuity or relationship with the prospective subsidized guardian; and
F) the mental and physical health of all individuals involved.

2) The Department shall ensure that the subsidized guardianship arrangement is a safe and suitable placement by means of a safety check, which shall include a CANTS/SACWIS and LEADS check.

e) Types of Assistance
The types of assistance that a family may apply for include:

1) Non-recurring Expenses
NOTICE OF ADOPTED AMENDMENTS

Payment for non-recurring expenses for reasonable and necessary miscellaneous costs, and legal fees related to subsidy review, that are directly related to the transfer of guardianship, subject to the maximum set by the Department of $500 per child.

2) Ongoing Monthly Payments

A) An ongoing monthly payment to be determined through the discussion and negotiation process between the prospective guardian and the Department based on the needs of the child and the circumstances of the family. This payment should combine with the guardian's resources to cover the ordinary and special needs of the child. This payment shall not exceed the amount the child receives in his or her current foster family home upon transfer of guardianship unless the child is in an unlicensed relative placement. In such a case, upon transfer of guardianship the guardian may receive up to the applicable licensed foster family home rate. The ongoing monthly payment shall only be issued to one custodial caregiver identified as payee in the assistance agreement, and this person shall be the designated authority for the purpose of service provision. In the event that there is a change in the custodial status of the child, the Department shall be notified. If a change in payee is necessary, notification shall be sent to the Department in writing with the supporting legal documentation attached. A non-custodial parent may request notice of periodic reviews or subsequent amendments to the assistance agreement regarding their children. The ongoing monthly payment may be adjusted for any benefits the child will continue to receive, such as Social Security, Veteran's benefits, railroad retirement or black lung benefits. Supplemental Security Income (SSI) benefits shall not be considered in determining the ongoing monthly payment amount. When the child is SSI-eligible following the transfer of guardianship, the guardian shall tell the Social Security Administration the amount of the ongoing monthly payment that they are receiving. The Social Security Administration may reduce the SSI payment dollar for dollar as the receipt of SSI is based on income.

B) Although eligibility for a subsidy under the subsidized guardianship program shall be determined regardless of the
NOTICE OF ADOPTED AMENDMENTS

financial circumstances of the prospective subsidized guardian, the types and amounts of assistance under each subsidized guardianship agreement shall be determined by the Department in the same manner as described for adoption assistance in Section 302.310(ef) of this Part.

3) A Medicaid card.

4) Needs Not Payable Through Other Sources
Physical, emotional and mental health needs not payable through insurance or public resources (e.g., other State or community funded programs) that are associated with, or result from, a condition whose onset has been established as occurring prior to the transfer of guardianship. Payment shall not be made until the Department has been notified in writing that such services will begin and has approved the requested services, and a contract (when applicable) has been executed. The Department's reimbursement shall be limited to what is usual, customary, and reasonable based on Medicaid-eligible service rates in the community as determined by the Department.

5) Therapeutic Day Care
Therapeutic day care is available only for children who are determined to have a disability that requires special educational services through an Individualized Education Plan (IEP), or an Individual Family Service Plan (IFSP), or a 504 Educational Special Needs Plan and is not fundable through another source. Specific therapeutic interventions must be provided as an integral part of the day care programming. Payment for therapeutic day care shall not be made until the Department has been notified in writing that such services will begin and has approved the requested services, and a contract has been executed (when applicable).

6) Employment Related Day Care
Payment may be made for day care for children under the age of three years if the guardian is employed or in a training program that will lead to employment. Payment for day care services shall end on the child’s third birthday. This day care payment cannot be used in addition to therapeutic day care.

7) Respite Care for Medically Fragile/Technology Dependent Children

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proofs
A) The Department may make payment for care for children who have a pre-existing condition that meets the medical eligibility guidelines used by the Department of Healthcare and Family Services (HFS) for the Home and Community Based Services (HCBS) Waiver program for Children who are Medically Fragile/Technology Dependent. Payment may be made for respite care for a child the Department determines to meet certain conditions. Such payment is not to exceed 10 days per State fiscal year. Unused days from one fiscal year cannot be carried over to a new State fiscal year or donated to another family. The child must meet the medical eligibility guidelines used by the Department of Public Aid (DPA) for the Home and Community Based Services (HCBS) Waiver program for Children who are Medically Fragile/Technology Dependent. This program is operated by the Division of Specialized Care for Children (DSCC) for HFS DPA. DCFS regional nurses shall assist in making this determination of whether the child meets the eligibility criteria for the waiver program.

B) Respite care shall be provided by an authorized provider licensed by the Department of Public Health as a children's respite care center under the Alternative Health Care Delivery Act [210 ILCS 3]. The provider must accept the Medicaid nursing hourly rate as the payment rate for the respite care. DCFS shall select and contract directly with the authorized provider to pay for this service. The subsidized guardians must not already be receiving respite care from another source.

i) For existing subsidized guardianship cases, if the subsidized guardian agrees to apply, the guardian should apply for the HCBS waiver program. As part of this application process, medical eligibility and cost neutrality calculations shall be determined. If determined eligible and the subsidized guardian agrees to accept HCBS waiver program services, then the respite care shall be provided through that program (if respite care is available as part of the service package resulting from these determinations and there is available capacity in the waiver program).
ii) For new subsidized guardianship cases, the subsidized guardian must apply for the HCBS waiver program. As part of this application process, medical eligibility and cost neutrality calculations shall be determined. If determined eligible, the subsidized guardian must agree to accept HCBS waiver program services, and the respite care shall be provided through that program (if respite care is available as part of the service package resulting from these determinations and there is available capacity in the waiver program).

8) College Scholarships
   Children who are receiving subsidized guardianship assistance may also apply for a 4-year college scholarship awarded by the Department to high school or high school equivalent graduates.

9) Guardianship Adoption Incentive
   The Department will pay an incentive payment for children who are 14 to 18 years of age when guardianship with subsidized guardianship was awarded during the time period of March 15, 2001 through January 31, 2003. The Department will provide a payment of $3000 to be awarded to a child placed in subsidized guardianship under the following circumstances in the manner described:

   A) In order to assist youth who have been receiving subsidized guardianship to make the transition to adulthood, the Department will provide a payment of $3000 directly to the youth upon termination of his or her subsidized guardianship subsidy.

   B) The payment is intended to assist the child's transition to adulthood by helping pay for education, housing, or other forms of vocational training or employment assistance.

   C) In order to be eligible for this payment, the child:

      i) must have been the legal responsibility of the Department prior to the subsidized guardianship; and
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

ii) must have been 14 to 18 years of age when the guardianship was awarded to the private guardian during the time period of March 15, 2001 through January 31, 2003.

D) Children in subsidized guardianship within this time period who do not have their private guardianship finalized by January 31, 2003 will not be eligible for this grant award.

E) The payment will be awarded directly to the child.

f) Responsibilities of the Subsidized Guardian

Subsidized guardians are responsible for the following:

1) ensuring that parents have the opportunity to visit their children in accordance with the provisions/orders of the court; and

2) notifying the Department no later than 30 days after any one of the following occurrences:

A) The child is no longer the legal responsibility of the guardian.

B) The guardian no longer financially supports the child.

C) The child graduates from high school or equivalent.

D) There is a change of residential address or mailing address of the guardian or the child.

E) The child dies.

F) The child becomes an emancipated minor.

G) The child marries.

H) The child enlists in the military.

I) The mental or physical incapacity of the guardian prevents the guardian from discharging the responsibilities necessary to protect and care for the child.
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

J) The custodial status of the child changes.

K) The guardianship is vacated.

g) Department Responsibilities

1) The Department shall ensure that members of sibling groups are placed together, unless there is an explicit determination that they should not be placed together for the reasons described in 89 Ill. Adm. Code 301 (Placement and Visitation Services).

2) The Department shall offer short-term support services for foster care and relative home providers prior to and during subsidized guardianship. Services will include preliminary screening, assessment, assistance in applying for subsidized guardianship, and payment of one time only court costs and legal fees, if required.

3) The Department shall ensure that an orientation is provided to the family to ensure that all family members understand the benefits and responsibilities of all the participants in the subsidized guardianship arrangement.

4) The Department shall ensure that each guardian has access to a caseworker who will respond to requests for information and assistance.

5) The Department shall ensure that all guardians are aware of their right to appeal service decisions with which they may disagree under 89 Ill. Adm. Code 337 (Service Appeal Process).

6) The Department shall accept custody of the child in accordance with the Abused and Neglect Child Reporting Act [325 ILCS 5] if the guardian does not care for him or her to the extent the child's health or well-being is endangered.

h) Periodic Reviews

Periodic reviews are required for children in guardianship homes to maintain their eligibility for the Title XIX Medicaid Program. The Department shall conduct periodic reviews to confirm that the child remains eligible for a Medicaid card. The guardian and, when applicable, parents, including non-custodial parents, will
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

receive written notice of the review, determine whether the guardian remains legally and financially responsible for the child. The guardian is required to participate and cooperate with the review.

i) Suspension of Payments
Ongoing monthly payments may be suspended when the following come to the attention of the Department:

1) Guardian requests an end to payments from the Department.

2) The child has moved from the home for a planned short duration with the concurrence of the Department and the guardian.

3) Guardian is no longer financially supporting the child.

ii) Termination of Payments
Payments for Subsidized Guardianship Assistance shall terminate when the Department has determined that any one of the following has occurred:

1) When the terms of the subsidized guardianship agreement are fulfilled.

2) The guardian has requested that the payment permanently stop.

3) The guardian is no longer financially supporting the child, as determined through the periodic review process in concurrence with the adoptive parents.

4) The child becomes an emancipated minor.

5) The child marries.

6) The child enlists in the military.

7) The child reaches age 18; a child 18 years of age graduates from high school or equivalent or reaches age 19, whichever occurs first; or a child who has a physical, mental or emotional disability that was documented prior to the 18th birthday reaches age 21.

8) The guardian dies.
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

9) The guardianship is vacated.

10) The child dies.

jk) Title IV-E Waiver
The Department has a Title IV-E demonstration waiver from the Department of Health and Human Services to operate a subsidized legal guardianship program. The Title IV-E terms and conditions allow reinstatement of the child's IV-E eligibility status that was in place prior to the establishment of the guardianship in situations where the guardianship disrupts. Therefore, if a guardianship disrupts and the child returns to foster care or is going to be adopted, the state would apply the eligibility criteria in section 473 of the Social Security Act for the child as if the legal guardianship had never occurred.

kl) Appeal of Department Decisions
A guardian has a right to file a service appeal in accordance with 89 Ill.Adm. Code 337 (Service Appeal Process) when:

1) The guardian disagrees with the Department's determination that a child is ineligible for subsidized guardianship assistance;

2) Subsidized guardianship assistance or a specific subsidized guardianship assistance component was denied;

3) The Department denies the guardian's request to modify the subsidized guardianship assistance agreement; or

4) When a subsidized guardianship assistance agreement has been amended, suspended or terminated without the concurrence of the guardian.

lm) Demonstration Group
Although participation in the subsidized guardianship program is statewide, for purposes of meeting the cost neutrality, federal funding, and evaluation requirements of the federal waiver demonstrations, clients will be randomly assigned in three geographical areas of the State to a demonstration group or a cost neutrality group. The demonstration group will be subject to the waiver provisions of the demonstration, and the cost neutrality group will be subject to the regular treatment services according to the Department's rules and procedures. The three areas are:
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Cook Central Region.

2) East St. Louis sub-region serving the following counties:
   A) Madison;
   B) St. Clair;
   C) Bond;
   D) Clinton;
   E) Washington;
   F) Monroe; and
   G) Randolph.

3) Peoria sub-region serving the following counties:
   A) Fulton;
   B) Henderson;
   C) Knox;
   D) Warren;
   E) Henry;
   F) LaSalle;
   G) McDonough;
   H) Mercer;
   I) Rock Island;
   J) Tazewell;
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

K) Peoria;

L) Bureau:

M) Marshall;

N) Putnam;

O) Woodford; and

P) Stark.

(Source: Amended at 30 Ill. Reg. 2323, effective February 2, 2006)
DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

1) **Heading of the Part:** Disqualifying Income And Reduced Benefits

2) **Code Citation:** 56 Ill. Adm. Code 2920

3) **Section Number:** Adopted Action: 2920.18 Amendment

4) **Statutory Authority:** 820 ILCS 405/234, 235, 239, 245, 401, 402, 500.1, 600, 605, 606, 610, 611, 1300, 1700 and 1701

5) **Effective Date of the Amendment:** January 31, 2006

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

7) **Does this rulemaking contain an incorporation by reference?** No

8) A statement that 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:** October 21, 2005 at 29 Ill. Reg. 15764.

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

11) **Differences between proposal and final version:** No changes were made.

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

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

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

15) **Summary and purpose of the amendment:** A recent amendment to the Unemployment Insurance Act (P. A. 94-237) requires the Department to offer claimants the option to have monies withheld from their unemployment insurance benefits to cover potential Illinois income tax liability. This rulemaking explains how such withholding will be implemented.

16) **Information and Questions regarding this adopted amendment may be addressed to:**
DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
33 South State Street – Room 937
Chicago, Illinois 60603

(312) 793-2333

The full text of the Adopted Amendment begins on the next page:
DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER g: INELIGIBILITY FOR BENEFITS

PART 2920

DISQUALIFYING INCOME AND REDUCED BENEFITS

Section
2920.1 Definitions
2920.5 Ineligibility To Receive Benefits Due To Performing Full-Time Work Or Due To The Receipt Of Various Income Whose Sum Is Equal To Or Greater Than The Individual's Weekly Benefit Amount
2920.10 Reduction In Benefits Due To Receipt Of Vacation Pay, Holiday Pay, Retirement Pay, And Workers' Compensation Whose Sum Is Less Than The Individual's Weekly Benefit Amount
2920.15 Reduction In Benefits Due To Receipt Of Wages For Less Than Full-Time Work
2920.18 Voluntary Withholding For Federal And/Or State Of Illinois Income Tax
2920.20 Reduced Benefits: Payment Of Dependents' Allowance Or Spouse's Allowance
2920.25 Payments Made During Shutdown For Inventory Or Vacation Purposes
2920.30 Payments Made In Connection With Separation Or Layoff As, Or In The Nature Of Vacation Pay, Vacation Pay Allowance Or As Pay In Lieu Of Vacation
2920.35 Holiday Pay
2920.40 Payments In Lieu Of Notice Of Separation Or Layoff
2920.45 Severance Pay
2920.48 Residual Payments
2920.50 Back Pay Awards
2920.55 Receipt Of Or Filing For Unemployment Insurance Benefits Under The Laws Of Another State, Canada, Or The United States
2920.60 Supplemental Unemployment Benefits (SUB Pay)
2920.65 Retirement Pay
2920.66 Payments To An Election Judge
2920.68 Payments By A Labor Union
2920.69 Jury Service
2920.70 Retirement Pay Considered Disqualifying Income
2920.75 Allocation Of Retirement Pay
2920.80 Miscellaneous Forms Of Retirement Pay
2920.85 Conformity With Federal Unemployment Tax Act

AUTHORITY: Implementing and authorized by Sections 234, 235, 239, 245, 401, 402, 500.1, 600, 605, 606, 610, 611, 1300, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS
DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

405/234, 235, 239, 245, 401, 402, 500.1, 600, 605, 606, 610, 611, 1300, 1700 and 1701].


Section 2920.18 Voluntary Withholding For Federal And/Or State Of Illinois Income Tax

a) Whenever an individual voluntarily elects, pursuant to Section 1300 of the Act [820 ILCS 405/1300], to have monies withheld from his unemployment insurance benefits to cover possible federal and/or State of Illinois income tax liability, the amount of benefits subject to such federal income tax withholding is the sum of the individual's weekly benefit amount (WBA), following any of the mandatory deductions from unemployment benefits set forth in subsections (a)(1), (2), and (3), plus any spouse or dependents' allowance payable under the Act. The following are the mandatory deductions:

1) disqualifying income, including vacation pay, holiday pay, retirement pay, and workers' compensation, under Section 2920.10;

2) wages for less than full time work payable to him with respect to such week which are in excess of 50% of his weekly benefit amount;

3) one-fifth of the individual's WBA for each day that the individual was unable or unavailable for work as required by Section 402 of the Act.

b) Whenever an individual has voluntarily elected, pursuant to Section 1300 of the Act, to have monies withheld for federal and/or State of Illinois income tax from his unemployment benefits for a period covered by a benefit check, the Department shall withhold 10% of the amount of benefits that are subject to withholding under subsection (a) when withholding for federal income tax, rounded (if not already a multiple of one dollar) to the nearest dollar and 3% of
the amount of benefits that are subject to withholding under subsection (a) when withholding for State of Illinois income tax, rounded (if not already a multiple of one dollar) to the nearest dollar. If the product is equally near 2 multiples of one dollar, it shall be rounded to the higher multiple of one dollar. If the individual's benefits for the period, less amounts subject to recoupment under Section 2835.15 and less any involuntary deductions for delinquent child support pursuant to Section 2815.105, are less than the amount that would otherwise be withheld pursuant to this subsection (10% of the amount of benefits subject to withholding under subsection (a) if only federal income tax withholding is elected, 3% if only State of Illinois income tax withholding is elected or 10% plus 3% if both federal and State of Illinois income tax withholding is elected), the entire amount of the benefits remaining shall be withheld. If the individual elects to have both federal and State of Illinois income taxes withheld and the amount remaining is insufficient to cover both taxes, the entire amount of State of Illinois tax shall be withheld before any federal tax is withheld.

1) Example: The individual elects both federal and State of Illinois income tax withholding. The individual's WBA for each of the two weeks covered by the benefit payment is $251. The individual receives a dependents' allowance of $81 for each week. The amount of benefits subject to federal and State of Illinois income tax withholding for the two week period is the sum of $332 and $332, which equals $664. The Department will deduct for federal income tax withholding 10% of $664 which equals $66.40, which, rounded to the nearest dollar, is $66. Additionally, the Department will deduct for State of Illinois income tax withholding 3% of $664, which equals $19.92, which, rounded to the nearest dollar, is $20. Accordingly, the individual will receive $578 in benefits after having $66 deducted for federal income tax withholding and $20 deducted for State of Illinois income tax withholding.

2) Example: The individual elects both federal and State of Illinois income tax withholding. The individual's WBA for each of the two weeks covered by the Department's payment of benefits is $129. The individual receives a dependents' allowance of $42 for each week. For the first week of the payment period, the individual has $90 in disqualifying vacation pay, but in the second week the individual does not have any disqualifying vacation pay.

The amount of benefits subject to federal and State of Illinois income tax
DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

withholding for the first week is $129 less $90 in vacation pay, which equals $39 plus his dependents' allowance of $42, which totals $81. Because the individual did not receive any disqualifying vacation pay for the second week of the period, the amount of benefits subject to federal and State of Illinois income tax withholding attributable to the second week is $129 plus his dependents' allowance of $42, which totals $171.

The amount of benefits subject to federal and State of Illinois income tax withholding for the two week period is the sum of $81 and $171, which equals $252. The Department will deduct for federal income tax withholding 10% of $252, which equals $25.20, which, rounded to the nearest dollar, is $25. The Department will deduct for State of Illinois income tax withholding 3% of $252, which equals $7.56, which, rounded to the nearest dollar, is $8.

The individual will receive $219 for the period after having $25 deducted for federal income tax withholding and $8 deducted for State of Illinois income tax withholding.

3) Example: The individual's WBA for each of the two weeks covered by the Department's payment of benefits is $129. The amount of benefits subject to federal and State of Illinois income tax withholding for each week of the two week period is $129. The amount of benefits subject to federal and State of Illinois income tax withholding for the two week period is $258, the sum of $129 and $129.

10% of $258 equals $25.80, which, rounded to the nearest dollar, is $26. 3% of $258 equals $7.74, which, rounded to the nearest dollar, is $8.

In this example, assume that the individual has elected both federal and State of Illinois income tax withholding, that the individual is also subject to recoupment for both weeks in an amount up to 25% of his WBA, which amount is $32.25 for both weeks, and that the individual is subject to a withholding order of $100 for child support for the first week.

For the first week, the Department will first recoup the entire amount of $32.25 due for that first week. $129 minus $32.25 equals $96.75. Because the individual does not have sufficient benefits to cover the full amount of child support due for that first week, the Department will deduct $96.75, the amount of benefits available for that week. The
DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

individual's payment for the two week period will not include any benefits with respect to that first week.

For the second week of the payment period, the individual is not subject to a withholding order for child support. Accordingly, the individual is eligible to receive $96.75 for the second week, the difference between the benefits payable to him for that week ($129) and the amount recouped ($32.25). Because the individual has elected both federal and State of Illinois income tax withholding for the period covered by the payment, the Department will deduct $26 for federal income tax withholding and $8 for State of Illinois income tax withholding from the individual's benefits and pay the individual the remaining $62.75.

4) Example: Assume the same situation described in subsection (b)(3), except that the individual's withholding for court ordered child support is $90 for each week. The amount of benefits subject to federal and State of Illinois income tax withholding for the two week period remains $258. 10% of $258 equals $25.80, which, rounded to the nearest dollar, is $26. 3% of $258 equals $7.74, which, rounded to the nearest dollar, is $8.

The individual has sufficient benefits for the Department to recoup the maximum amount and to deduct for child support in full for both weeks. If the individual had not elected to withhold federal and State of Illinois income tax, the individual would have received a check for $13.50, the sum of $6.75 and $6.75 for that two week period. Because the individual has elected federal and State of Illinois income tax withholding for this period and because the benefits for the period after recoupment and child support are less than 10% plus 3% of the amount subject to withholding, the Department will deduct the entire $13.50 for federal income tax withholding ($8 for State of Illinois income tax withholding and the remaining $5.50 for federal income tax withholding) and not pay the individual any benefits for this period.

c) An individual's election and his revocation of his election to have monies withheld from his benefits for possible federal and/or State of Illinois income tax liability shall be prospective only. Any decision made by the Department as to whether an individual has, under the Act, elected withholding or revoked a withholding election shall constitute a final administrative decision, subject to review under the Administrative Review Law [735 ILCS 5/AIrt. III].
DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

EXAMPLE: Upon filing an additional claim during his benefit year, an individual elects to have federal and State of Illinois income tax withheld from his unemployment benefits. His first benefit check covers the two-week period beginning January 8, 2006 January 20, 2002, and ending January 21, 2006 February 2, 2002. His WBA is $250, and the amount subject to withholding for the period is $65$50 (10% and 3% of $500). For each week, he is subject to recoupment of 25% of his WBA and a withholding order of $100 for child support. Consequently, his benefit check for the two-week period is for $110$125. When he receives his benefit check, he asks to revoke the election, explaining he thought the income tax withholding would be based on a percentage of his WBA after recoupment and child support. While the Department, if he desires, will revoke his election to withhold with respect to a period that has not yet ended, it will not retroactively revoke his election with respect to January 8 through January 21 January 20 through February 2. Elections and revocations can only operate prospectively.

(Source: Amended at 30 Ill. Reg. 2357, effective January 31, 2006)
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

1) **Heading of the Part**: Effluent Standards

2) **Code Citation**: 35 Ill. Adm. Code 304

3) **Section Number**:
   
   Adopted Action:
   
   304.123    Amend

4) **Statutory Authority**: Implementing Section 9.8 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/9.8, 27 and 28]

5) **Effective Date of Amendment**: February 2, 2006

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

7) **Does this amendment contain incorporations by reference?** No

8) The adopted amendment, including any material incorporated by reference, is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500 and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register**: May 6, 2005; 29 Ill. Reg. 6200

10) **Has JCAR issued a Statement of Objection to this amendment?** Yes

   A) **Statement of Objection**: December 30, 2005; 29 Ill. Reg. 21175

   B) **Agency Response**: February 10, 2006; 30 Ill. Reg. 1922

   C) **Date Agency Response Submitted for Approval to JCAR**: January 26, 2006

11) **Differences between proposal and final version**: In response to public comments received during the first notice period, the Board added a new subsection (k) that specifies that the averaging rules of Section 304.104 do not apply to permit limits established by the phosphorous effluent standards.

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

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

15) Summary and Purpose of Amendments: A more complete description of this proposal may be found in the Board’s opinion and order of January 19, 2006, in Board docket R04-26. The amendments in this rulemaking adopt a monthly average limit of 1 mg/L for total phosphorous for any new or expanded discharges into General Use waters. This limit applies only to discharges from treating works with a design average flow of 1.0 million gallons per day or more receiving primarily municipal or domestic wastewater; or any treatment works, other than those treating primarily municipal or domestic wastewater, with a total phosphorus effluent load of 25 pounds per day or more. Dischargers may be exempt from the permit limits if they can demonstrate that phosphorus from their treatment works is not the limiting nutrient in the receiving water. The amendments allow the Illinois Environmental Protection Agency to impose alternative phosphorus effluent limits where the supporting information shows that alternative limits are warranted by the aquatic environment in the receiving stream.

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

John Knittle  
Illinois Pollution Control Board  
2125 South First St.  
Champaign, Il 61820

(217) 278-3111

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R04-26 in your request. The Board order is also available from the Board’s Web site (www.ipcb.state.il.us).

The full text of the Adopted Amendment begins on the next page.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 304
EFFLUENT STANDARDS

SUBPART A: GENERAL EFFLUENT STANDARDS

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>304.101</td>
<td>Preamble</td>
</tr>
<tr>
<td>304.102</td>
<td>Dilution</td>
</tr>
<tr>
<td>304.103</td>
<td>Background Concentrations</td>
</tr>
<tr>
<td>304.104</td>
<td>Averaging</td>
</tr>
<tr>
<td>304.105</td>
<td>Violation of Water Quality Standards</td>
</tr>
<tr>
<td>304.106</td>
<td>Offensive Discharges</td>
</tr>
<tr>
<td>304.120</td>
<td>Deoxygenating Wastes</td>
</tr>
<tr>
<td>304.121</td>
<td>Bacteria</td>
</tr>
<tr>
<td>304.122</td>
<td>Total Ammonia Nitrogen (as N: STORET number 00610)</td>
</tr>
<tr>
<td>304.123</td>
<td>Phosphorus (STORET number 00665)</td>
</tr>
<tr>
<td>304.124</td>
<td>Additional Contaminants</td>
</tr>
<tr>
<td>304.125</td>
<td>pH</td>
</tr>
<tr>
<td>304.126</td>
<td>Mercury</td>
</tr>
<tr>
<td>304.140</td>
<td>Delays in Upgrading (Repealed)</td>
</tr>
<tr>
<td>304.141</td>
<td>NPDES Effluent Standards</td>
</tr>
<tr>
<td>304.142</td>
<td>New Source Performance Standards (Repealed)</td>
</tr>
</tbody>
</table>

SUBPART B: SITE SPECIFIC RULES AND EXCEPTIONS NOT OF GENERAL APPLICABILITY

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>304.201</td>
<td>Wastewater Treatment Plant Discharges of the Metropolitan Water Reclamation District of Greater Chicago</td>
</tr>
<tr>
<td>304.202</td>
<td>Chlor-alkali Mercury Discharges in St. Clair County</td>
</tr>
<tr>
<td>304.203</td>
<td>Copper Discharges by Olin Corporation</td>
</tr>
<tr>
<td>304.204</td>
<td>Schoenberger Creek: Groundwater Discharges</td>
</tr>
<tr>
<td>304.205</td>
<td>John Deere Foundry Discharges</td>
</tr>
<tr>
<td>304.206</td>
<td>Alton Water Company Treatment Plant Discharges</td>
</tr>
<tr>
<td>304.207</td>
<td>Galesburg Sanitary District Deoxygenating Wastes Discharges</td>
</tr>
<tr>
<td>304.208</td>
<td>City of Lockport Treatment Plant Discharges</td>
</tr>
</tbody>
</table>
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

304.209 Wood River Station Total Suspended Solids Discharges
304.210 Alton Wastewater Treatment Plant Discharges
304.211 Discharges From Borden Chemicals and Plastics Operating Limited Partnership Into an Unnamed Tributary of Long Point Slough
304.212 Sanitary District of Decatur Discharges
304.213 PDV Midwest Refining, L.L.C. Refinery Ammonia Discharge
304.214 Mobil Oil Refinery Ammonia Discharge
304.215 City of Tuscola Wastewater Treatment Facility Discharges
304.216 Newton Station Suspended Solids Discharges
304.218 City of Pana Phosphorus Discharge
304.219 North Shore Sanitary District Phosphorus Discharges
304.220 East St. Louis Treatment Facility, Illinois-American Water Company
304.221 Ringwood Drive Manufacturing Facility in McHenry County
304.222 Intermittent Discharge of TRC

SUBPART C: TEMPORARY EFFLUENT STANDARDS

Section
304.301 Exception for Ammonia Nitrogen Water Quality Violations (Repealed)
304.302 City of Joliet East Side Wastewater Treatment Plant
304.303 Amerock Corporation, Rockford Facility

304.APPENDIX A References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13 and 27].

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT


SUBPART A: GENERAL EFFLUENT STANDARDS

Section 304.123 Phosphorus (STORET number 00665)

a) No effluent discharge within the Lake Michigan Basin shall contain more than 1.0 mg/ℓ of phosphorus as P.

b) No effluent from any source which discharges to a lake or reservoir with a surface area of 8.1 hectares (20 acres) or more, or to any tributary of such a lake or reservoir whose untreated waste load is 2500 or more population equivalents, and which does not utilize a third-stage lagoon treatment system as specified in subsections 304.120(a) and (c), shall exceed 1.0 mg/ℓ of phosphorus as P; however, this subsection shall not apply where the lake or reservoir, including any side channel reservoir or other portion thereof, on an annual basis exhibits a mean hydraulic retention time of 0.05 years (18 days) or less.

c) Pursuant to Section 28.1 of the Environmental Protection Act (Act) [415 ILCS]
5/28.1], the owner or operator of any source subject to subsection (b) of this Section may apply for an adjusted standard. In addition to the proofs specified in Section 28.1(c) of the Act [415 ILCS 5/28.1(c)], such application shall, at a minimum, contain adequate proof that the effluent resulting from grant of the adjusted standard will not contribute to cultural eutrophication, unnatural plant or algal growth or dissolved oxygen deficiencies in the receiving lake or reservoir.

For purposes of this subsection (c), such effluent shall be deemed to contribute to such conditions if phosphorus is the limiting nutrient for biological growth in the lake or reservoir, taking into account the lake or reservoir limnology, morphological, physical and chemical characteristics, and sediment transport. However, if the effluent discharge enters a tributary at least 40.25 kilometers (25 miles) upstream of the point at which the tributary enters the lake or reservoir at normal pool level, such effluent shall not be deemed to contribute to such conditions if the receiving lake or reservoir is eutrophic and phosphorus from internal regeneration is not a limiting nutrient.

d) For the purposes of this Section the term "lake or reservoir" shall not include low level pools constructed in free flowing streams or any body of water which is an integral part of an operation which includes the application of sludge on land.

e) Compliance with the limitations of subsection (b) of this Section shall be achieved by the following dates:

1) Sources with the present capability to comply shall do so on the effective date of this Section;

2) All other sources shall comply as required by NPDES permit.

f) For purposes of this Section, the following terms shall have the meanings specified:

1) "Dissolved oxygen deficiencies" means the occurrence of a violation of the dissolved oxygen standard applicable to a lake or reservoir.


2) "Euphotic zone" means that region of a lake or reservoir extending from
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

the water surface to a depth at which 99% of the surface light has disappeared or such lesser depth below which photosynthesis does not occur.

3) "Eutrophic" means a condition of a lake or reservoir in which there is an abundant supply of nutrients, including phosphorus, accounting for a high concentration of biomass.

4) "Eutrophication" means the process of increasing or accumulating plant nutrients in the water of a lake or reservoir. Cultural eutrophication is eutrophication attributable to human activities.

5) "Internal regeneration" means the process of conversion of phosphorus or other nutrients in sediments of a lake or reservoir from the particulate to the dissolved form and the subsequent return of such dissolved forms to the euphotic zone.

6) "Limiting nutrient" means a substance which is limiting to biological growth in a lake or reservoir due to its short supply or unavailability with respect to other substances necessary for the growth of organisms.

7) "Unnatural plant or algal growth" means the occurrence of a violation of the unnatural sludge standard applicable to a lake or reservoir with respect to such growth.


g) Except as provided in subsection (h) of this Section, any new or expanded discharges into general use waters from the treatment works described in subsection (g)(1) of this Section, not covered by subsections (b) through (f) of this Section, are subject to monthly average permit limits for total phosphorus of 1 mg/ℓ:

1) Treatment works with a Design Average Flow of 1.0 million gallons per day or more receiving primarily municipal or domestic wastewater; or
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

2) Any treatment works, other than those treating primarily municipal or domestic wastewater, with a total phosphorus effluent load of 25 pounds per day or more.

3) For purposes of this subsection:

A) A new discharge means a discharge from a treatment works constructed after February 2, 2006.

B) An expanded discharge means a discharge from any existing treatment works that would be greater than the flowrates permitted prior to February 2, 2006.

h) Discharges qualifying under subsections (g)(1) and (g)(2) of this Section may not be subject to the requirements of subsection (g) of this Section provided the discharger demonstrates that phosphorus from treatment works is not the limiting nutrient in the receiving water. The Agency may impose alternative phosphorus effluent limits where the supporting information shows that alternative limits are warranted by the aquatic environment in the receiving stream.

i) No additional phosphorus limitations are required pursuant to Section 304.105 and 35 Ill. Adm. Code 302.203 for the discharges that comply with the requirements of subsection (g) or (h) of this Section.

j) The provisions of subsections (g), (h), and (i) of this Section apply until such time as the Board adopts a numeric water quality standard for phosphorus and the adopted standard is approved by the USEPA.

k) The averaging rules under subsections (a)(2) and (a)(3) of Section 304.104 do not apply to permit limits established pursuant to subsection (g) or (h) of this Section.

(Source: Amended at 30 Ill. Reg. 2365, effective February 2, 2006)
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** HIV/AIDS Confidentiality and Testing Code

2) **Code Citation:** 77 Ill. Adm. Code 697

3) **Section Numbers:**

   - 697.20 Amendment
   - 697.100 Amendment
   - 697.140 Amendment
   - 697.300 Amendment
   - Appendix A, Illustration A Amendment
   - Appendix C New Section

4) **Statutory Authority:** AIDS Confidentiality Act [410 ILCS 305]; AIDS Registry Act [410 ILCS 310]; Communicable Disease Prevention Act [410 ILCS 315]; and Sections 55, 55.11, 55.41 and 55.45 of the Civil Administrative Code of Illinois [20 ILCS 2310/55, 55.11, 55.41 and 55.45]

5) **Effective Date of Rulemaking:** February 3, 2006

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

7) **Do these amendments contain incorporations by reference?** Yes

8) A copy of the adopted amendments, including any material incorporated by reference, is on file and available for public inspection at the Illinois Department of Public Health, 525 W. Jefferson Street, Springfield, Illinois 62761-0001.

9) **Notice of Proposed Published in the Illinois Register:** 29 Ill. Reg. 14527; September 14, 2005

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

11) **Differences between proposal and final version:** The following changes were made in response to comments received during the first notice or public comment period:

   In Section 697.100, replace (b)(1) through (3) with the following:

   1) For the conventional HIV test, every sample shall be tested with an approved screening test. If the test is found to be reactive (according to the package insert or product circular), a second screening test, in duplicate, shall be conducted as soon as
possible. If the second screening test is also found to be reactive, then a supplemental
test shall be conducted. If the supplemental test is found to be reactive (according to
the package insert or product circular), then the sample shall be considered to indicate
the presence of antibodies to HIV or to be positive.

2) For the rapid HIV test, every sample shall be tested with an approved HIV rapid
antibody screening test. If the test is found to be reactive (according to the package
insert or product circular), it will be considered preliminary positive and a
supplemental test shall be conducted. Before the supplemental test, a second sample
shall be obtained, if necessary, to ensure an adequate sample amount. If the
supplemental test is found to be reactive (according to the package insert or product
circular), then the sample shall be considered to indicate the presence of antibodies to
HIV or to be positive.

3) For both the conventional and rapid HIV tests, if the supplemental test is found to be
indeterminate, then the specimen should be tested with another supplemental test. If
the sample is found to be reactive (according to the package insert or product
circular), then the sample shall be considered to indicate the presence of antibodies to
HIV or to be positive.

In Section 697.100(b)(7), replace "preliminary reactive results" with "preliminary
positive results".

In Section 697.140(a)(2), delete "for HIV information" and strike "the" and insert "HIV".

In Section 697.140(d), replace "a computerized" with "an electronic".

In Section 697.300(d)(1), strike "the natural history of".

In Section 697.ILLUSTRATION A, strike "counseling and".

In Section 697.ILLUSTRATION A, replace "seropositive" with "HIV positive".

In Section 697.ILLUSTRATION A, insert "HIV is spread by sharing needles with
another person during injection of drugs, so all injection drug users are potentially at risk
for HIV infection;".

In Section 697.ILLUSTRATION A, strike "rapid" in the first sentence of the box entitled
"Confidentiality of HIV Information".
Notice of Adopted Amendments

In Section 697.ILLUSTRATION A, insert "preliminary" before "test result in less than 60 minutes." and insert "positive" after "considered preliminary".

In Section 697.ILLUSTRATION A, replace "The meaning of a preliminary HIV rapid test result and how a positive HIV rapid test result is confirmed." with "The meaning of a preliminary positive HIV rapid test result and how a preliminary HIV rapid test result is confirmed.".

In Section 697.Appendix C, insert "HIV is spread by sharing needles with another person during injection of drugs, so all injection drug users are potentially at risk for HIV infection;".

In Section 697.Appendix C, insert "may" before "have HIV infection.".

In Section 697.Appendix C, insert "positive" after "preliminary".

In Section 697.Appendix C, insert "preliminary" after "rapid HIV test result is".

In Section 697.Appendix C, insert "preliminary" after "my rapid HIV test is".

In Section 697.Appendix C, delete "an" insert "a rapid" before "HIV test on that specimen."

The following changes were made in response to comments and suggestions of JCAR:

In Section 697.300(i), strike "law" and add "the Act".

In addition, various typographical, grammatical, and form changes were made in response to the comments from JCAR.

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

13) Will these amendments replace an emergency rulemaking currently in effect? Yes

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

15) Summary and Purpose of Amendments: The amendments provide for the use of rapid testing and release of preliminary results in accordance with the requirements of the US Food and Drug Administration and the Centers for Disease Control and Prevention.
NOTICE OF ADOPTED AMENDMENTS

Provisions for counseling are added. Existing forms for informed consent are updated, and a new form for informed consent for rapid testing is added. A benefit of the rapid test is the ability of a health care provider to provide the results of the test in a rapid time frame.

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

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761

217-782-2043
E-mail: rules@idph.state.il.us

The full text of the Adopted Amendments begins on the next page:
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 697
HIV/AIDS CONFIDENTIALITY AND TESTING CODE

SUBPART A: GENERAL PROVISIONS

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>697.10</td>
<td>Applicability</td>
</tr>
<tr>
<td>697.20</td>
<td>Definitions</td>
</tr>
<tr>
<td>697.30</td>
<td>Incorporated Materials</td>
</tr>
<tr>
<td>697.40</td>
<td>Administrative Hearings</td>
</tr>
</tbody>
</table>

SUBPART B: HIV TESTING

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>697.100</td>
<td>Approved HIV Tests and Testing Procedures</td>
</tr>
<tr>
<td>697.110</td>
<td>HIV Pre-Test Information</td>
</tr>
<tr>
<td>697.120</td>
<td>Written Informed Consent</td>
</tr>
<tr>
<td>697.130</td>
<td>Anonymous Testing</td>
</tr>
<tr>
<td>697.140</td>
<td>Nondisclosure of the Identity of a Person Tested or Test Results</td>
</tr>
<tr>
<td>697.150</td>
<td>Marriage License Testing Requirements (Repealed)</td>
</tr>
<tr>
<td>697.160</td>
<td>HIV Testing for Insurance Purposes</td>
</tr>
<tr>
<td>697.170</td>
<td>Enforcement of the AIDS Confidentiality Act</td>
</tr>
<tr>
<td>697.180</td>
<td>HIV Testing for Blood and Human Tissue Donations</td>
</tr>
</tbody>
</table>

SUBPART C: HIV/AIDS REGISTRY SYSTEM

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>697.200</td>
<td>HIV/AIDS Registry System</td>
</tr>
<tr>
<td>697.210</td>
<td>Reporting Requirements</td>
</tr>
<tr>
<td>697.220</td>
<td>Release of HIV/AIDS Registry Information</td>
</tr>
</tbody>
</table>

SUBPART D: HIV COUNSELING AND TESTING CENTERS

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>697.300</td>
<td>HIV Counseling and Testing Centers</td>
</tr>
</tbody>
</table>
DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

SUBPART E: MISCELLANEOUS PROVISIONS

Section 697.400 Notification of School Principals
697.410 Guidelines for the Management of Chronic Infectious Diseases in School Children
697.420 Testing, Treatment or Counseling of Minors

697.APPENDIX A Sample HIV Testing Forms
  697.ILLUSTRATION A Sample Written Informed Consent for HIV Antibody Testing Form
  697.ILLUSTRATION B Sample Marriage License Testing Certificate (Repealed)
697.APPENDIX B Statutory and Regulatory References to AIDS (Repealed)
697.APPENDIX C Sample Written Informed Consent for Rapid HIV Antibody Testing

AUTHORITY: Implementing and authorized by the AIDS Confidentiality Act [410 ILCS 305]; the AIDS Registry Act [410 ILCS 310]; the Communicable Disease Prevention Act [410 ILCS 315]; the Perinatal HIV Prevention Act [410 ILCS 335]; and Sections 2310-10, 2310-315, 2310-325, and 2310-580 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-10, 2310-315, 2310-325 and 2310-580].


SUBPART A: GENERAL PROVISIONS

Section 697.20 Definitions

The following are definitions of terms used in this Part:

"Act" or "AIDS Confidentiality Act" means the AIDS Confidentiality Act [410 ILCS 305].
"AIDS" means acquired immunodeficiency syndrome, as defined by the Centers for Disease Control or the National Institutes of Health. (Section 3(a) of the AIDS Registry Act) Similar definitions appear in the Act. Current definition can be found in 1993 Revised Classification System for HIV Infection and Expanded Surveillance Case Definition for AIDS Among Adolescents and Adults, Centers for Disease Control and Prevention (CDC). Morbidity and Mortality Weekly Report (MMWR), December 18, 1992; vol. 41, no. RR-17; and in 1994 Revised Classification System for HIV Infection for Children Less Than 13 Years of Age. Morbidity and Mortality Weekly Report (MMWR), vol. 43 RR-12.

"AIDS Registry Act" means the AIDS Registry Act [410 ILCS 310].

"Blood Bank" means any facility or location at which blood or plasma is procured, furnished, donated, processed, stored or distributed.

"Department" means the Illinois Department of Public Health. (Section 3(a) of the AIDS Confidentiality Act)

"Designated Agency" means a health care organization under a service agreement with the Department to function in the capacity of a Local Health Authority for the purposes of this Part, in a jurisdiction not covered by a Local Health Authority.

"Health Care Provider" means any physician, nurse, paramedic, psychologist or other person providing medical, nursing, psychological, or other health care services of any kind. (Section 3(f) of the AIDS Confidentiality Act)

"Health Facility" means a hospital, nursing home, blood bank, blood center, sperm bank, or other health care institution, including any "Health Facility" as that term is defined in the Illinois Finance Health Facilities Authority Act [20 ILCS 3501]. (Section 3(e) of the AIDS Confidentiality Act)

"HIV" means the human immunodeficiency virus. (Section 3(c) of the AIDS Confidentiality Act)

"HIV Infection" or "Mortality" means infected with HIV, as evidenced by a confirmed laboratory test for antibodies to HIV as specified in Section 697.100, viral culture or positive antigen test or a clinical diagnosis of AIDS.

"Laboratory" means any facility or location, other than blood banks, at which tests
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

are performed to determine the presence of antibodies to HIV, other than blood banks.

"Legally Authorized Representative" means an individual who is authorized to consent to HIV testing and/or disclosure of HIV test results for an individual who is:

Under the age of 12,

Deceased,

Declared incompetent by a court of law, or

Otherwise not competent to consent (for reasons other than age, such as the apparent inability to understand or communicate with the health care provider) as determined by the health care provider seeking such consent.

The following individuals shall be authorized to consent, in the stated order of priority:

For a living or deceased child under the age of 18:

Parent, except as limited by the AIDS Confidentiality Act [410 ILCS 305/9(k)] providing limitations on the ability of a parent or legal guardian to receive the child's test results, and the Consent by Minors to Medical Procedures Act [410 ILCS 210/4 and 5] regarding release of test results involving a sexually transmitted disease,

Legal guardian or other court-appointed personal representative,

Adult next-of-kin.

For a living or deceased adult age 18 or over:

Agent authorized by durable power of attorney for health care,

Legal guardian or other court-appointed personal
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

representative,

Spouse,

Adult children,

Parent,

Adult next-of-kin.

"Local Health Authority" means the full-time official health department or board of health, having jurisdiction over a particular area. (Section 3(2) of the Illinois Sexually Transmissible Disease Control Act [410 ILCS 325])

"Person" includes any natural person, partnership, association, joint venture, trust, governmental entity, public or private corporation, health facility or other legal entity. (Section 3(h) of the AIDS Confidentiality Act)

"Physician" means a physician licensed to practice medicine under the Medical Practice Act of 1987 [225 ILCS 60].

"Rapid HIV Antibody Test" means a federal Food and Drug Administration approved screening test to detect antibodies to HIV that can be collected and processed within a short interval of time (under 60 minutes).

"Screening Test" is any test for antibody or antigen to HIV virus approved by the FDA for use as a screening or diagnostic test.

"Supplemental Test" is any test for antibody or antigen to HIV virus approved by the FDA for use as a supplemental or confirmatory test.

"Test" or "HIV Test" means a test to determine the presence of the antibody or antigen to HIV, or of HIV infection. (Section 3(g) of the AIDS Confidentiality Act)

"Written Informed Consent" means an agreement in writing executed by the subject of a test or the subject's legally authorized representative without undue inducement such as any element of force, fraud, deceit, duress or other form of constraint or coercion (See Appendix A, Illustration A), which entails at least the
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

following:

A fair explanation of the test, including its purpose, potential uses, limitations and the meaning of its results; and

A fair explanation of the procedures to be followed, including the voluntary nature of the test, the right to withdraw consent to the testing process at any time prior to the completion of the laboratory tests, the right to anonymity to the extent provided by law with respect to participation in the test and disclosure of test results, and the right to confidential treatment of information identifying the subject of the test and the results of the test, to the extent provided by law. (Section 3(d) of the AIDS Confidentiality Act)

(Source: Amended at 30 Ill. Reg. 2373, effective February 3, 2006)

SUBPART B: HIV TESTING

Section 697.100 Approved HIV Tests and Testing Procedures

a) Any person, laboratory, blood bank, hospital or other entity that conducts laboratory tests to detect the evidence of infection with HIV shall use tests approved by the FDA. United States Food and Drug Administration. The following tests are currently approved for such purpose:

1) Enzyme-linked Immunosorbent Assay (ELISA);
2) Rapid HIV-antibody test;
3) Western-blot assay;
4) Indirect fluorescent antibody test (IFA);
5) Radioimmune precipitation assay (RIPA);
6) Nucleic acid test.

b) Testing for the presence of antibodies to the HIV virus shall consist of the following:
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) For the conventional HIV test, every sample shall be tested with an approved screening test. If the test is found to be reactive (according to the package insert or product circular), then a second screening test, in duplicate, shall be conducted as soon as possible. If the second screening test is also found to be reactive, then a supplemental confirmatory test shall be conducted. If the supplemental test is found to be reactive (according to the package insert or product circular), then the sample shall be considered to indicate the presence of antibodies to HIV or to be positive.

2) For the rapid HIV test, every sample shall be tested with an approved HIV rapid antibody screening test. If the test is found to be reactive (according to the package insert or product circular), it will be considered preliminary positive and a supplemental test shall be conducted. Before the supplemental test, a second sample shall be obtained, if necessary, to ensure an adequate sample amount. If the supplemental test is found to be reactive (according to the package insert or product circular), then the sample shall be considered to indicate the presence of antibodies to HIV or to be positive. Every sample found to be repeatedly reactive using an approved screening test shall be tested using a confirmatory test. If the sample is found to be positive according to the package insert (product circular) using the Western blot assay, or reactive according to the manufacturer's recommendations using the IFA test, then the sample shall be considered to indicate the presence of antibodies to HIV or to be positive.

3) For both the conventional and rapid HIV tests, if the supplemental confirmatory test is found to be indeterminate, then the specimen should be tested with another supplemental confirmatory test. If the sample is found to be reactive (according to the package insert or product circular) or manufacturer's recommendations for that test, then the sample shall be considered to indicate the presence of antibodies to HIV or to be positive.

4) All phases of testing required by this Section shall be completed before HIV test results are released to the physician or other individuals authorized to receive the results as described and limited in Section 697.140, except that, as allowed under subsection (b)(6), reactive results from rapid HIV antibody tests may be released to individuals authorized to receive the results under the following circumstances: when immediate
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

medical treatment is necessary to prevent further transmission of HIV as follows:

A) when immediate medical treatment is necessary to prevent further transmission of HIV to a newborn infant in labor, delivery and postpartum settings. For the purposes of this subsection (b)(4), immediate medical treatment, for a newborn infant, means upon delivery or within 48 hours after the infant's birth. (Section 10 of the Perinatal HIV Prevention Act [410 ILCS 335]) Treatment shall be conducted as provided by the guidelines of the U.S. Public Health Service for reducing perinatal HIV transmission in the United States (see Section 697.30); or

B) in instances of occupational exposure, as provided by Section 697.140(a)(8) and (9); or

C) at the time of testing, or immediately thereafter, provided that the subject of the test or the subject's legally authorized representative has received counseling that includes the limitations of the test and the need for supplemental testing, as well as appropriate risk reduction measures and referrals, and that the individual has consented to a rapid HIV antibody test and to the receipt of preliminary result.

5) Before testing is conducted under subsection (b)(4)(A), or (B) or (C), the test subject of the test or the subject's legally authorized representative shall have been counseled and shall have provided specific written informed consent to be tested and to receive a preliminary test result in accordance with Sections 697.110 and 697.120, except in the case of a newborn infant as provided in the Perinatal HIV Prevention Act.

6) In such cases as the exceptions described in subsections (b)(4)(A), and (B) or (C), a preliminary (unconfirmed) test result may be released to persons specified in Section 697.140(a)(1), (2), (3), (8), or (9).

7) Any release of preliminary positive results from rapid HIV antibody tests shall include a disclaimer that an HIV positive diagnosis has not been made and cannot be made without supplemental testing.

8) Any subject or subject's legally authorized representative receiving test
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

results will receive counseling that includes the limitations of the test, appropriate risk reduction measures, appropriate referrals, and, if the test result is reactive, information on partner notification programs prior to being informed of the results.

(Source: Amended at 30 Ill. Reg. 2373, effective February 3, 2006)

Section 697.140 Nondisclosure of the Identity of a Person Tested or Test Results

a) No person may disclose or be compelled to disclose the identity of any person upon whom a test is performed, or the results of such a test in a manner which permits identification of the subject of the test, except to the following persons (Section 9 of the AIDS Confidentiality Act):

1) The subject of the test or the subject's legally authorized representative (Section 9(a) of the AIDS Confidentiality Act).

2) Any person designated in a legally effective release of the test results executed by the subject of the test or the subject's legally authorized representative. (Section 9(b) of the AIDS Confidentiality Act) A legally effective release means a written release of medical information specific to HIV test results signed by the test subject. A general release is not sufficient. A single form may be used to authorize the release of medical records including HIV information provided such form specifically authorizes the release of any HIV information. Any such release, under this subsection (a)(2), for HIV information must not reveal whether or not HIV information exists.

3) An authorized agent or employee of a health facility or health care provider or referring, treating or consulting physician, dentist, or podiatrist of the test subject, if:

A) The health facility or health care provider itself is authorized to obtain the test results (Health facility or health care provider, for the purposes of this subsection (a)(3)(A), include the medical records or similar personnel who handle and process medical records for that health facility or health care provider.)

B) The agent or employee or referring, treating or consulting
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

physician, dentist, or podiatrist of the test subject provides patient care or handles or processes specimens of body fluids or tissues; and

C) The agent or employee or referring, treating or consulting physician of the test subject has a need to know such information. (Section 9(c) of the AIDS Confidentiality Act) An authorized agent or employee of a health facility or health care provider or referring, treating or consulting physician, dentist, or podiatrist has a need to know the identity of the patient or the test results revealing the identity of the patient under the following circumstances:

i) When involved in direct patient care or handling or processing blood or bodily fluids for which this information is necessary in order to meet the medical needs of the patient, as certified by a physician, dentist, or podiatrist; or

ii) When involved in an accidental direct skin or mucous membrane contact with the blood or bodily fluids of a patient which is of a nature likely to transmit HIV, such as needle stick or percutaneous exposure, as certified by a physician, dentist, or podiatrist.

4) The Department or the local health authority, in accordance with rules for reporting and controlling the spread of disease, or as otherwise provided by State law. (See 77 Ill. Adm. Code 690, 693, 250, 300, 330, 350, 370, 390, and 840.). Neither the Department nor its authorized representatives shall disclose information and records held by them relating to known or suspected cases of AIDS or HIV Infection, publicly or in any action of any kind in any court or before any tribunal, board or agency. AIDS and HIV Infection shall be protected from disclosure in accordance with the provisions of Sections 8-2101 through 8-2105 of the Code of Civil Procedure. (Section 9(d) of the AIDS Confidentiality Act)

5) A health facility or health care provider which procures, processes, distributes or uses:

A) A human body part from a deceased person with respect to
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

medical information regarding the person; or

B) Semen provided prior to September 21, 1987, for the purpose of artificial insemination. (Section 9(e) of the AIDS Confidentiality Act);

6) Health facility staff committees for the purpose of conducting program monitoring, program evaluation or service reviews. (Section 9(f) of the AIDS Confidentiality Act);

7) A school principal in accordance with the provisions of Section 697.400 of this Part.

8) Any health care provider or employee of a health facility, and any firefighter or any EMT-A, EMT-I, EMT-P involved in an accidental direct skin or mucous membrane contact with the blood or bodily fluids of an individual which is of a nature that may transmit HIV, as determined by a physician in his medical judgment. (Section 9(h) of the AIDS Confidentiality Act)

9) Any law enforcement officer, as defined in subsection (c) of Section 7 of the Act, involved in the line of duty in a direct skin or mucous membrane contact with the blood or bodily fluids of an individual which is of a nature that may transmit HIV, as determined by a physician in his medical judgment. (Section 9(i) of the AIDS Confidentiality Act)

10) A temporary caretaker of a child taken into temporary protective custody by the Department of Children and Family Services pursuant to Section 5 of the Abused and Neglected Child Reporting Act, as now or hereafter amended. (Section 9(j) of the AIDS Confidentiality Act)

b) HIV test results may be disclosed to health care providers and researchers when done in a manner that does not reveal the identity of the subject of the test. Any test results cannot be revealed without identifying the subject of the test shall only be disclosed in accordance with the provisions of subsection (a) specified above. The Department shall disclose test results and demographic data without identifying information to researchers, in accordance with Section 697.220.

c) No person may disclose unconfirmed reactive results from rapid HIV antibody

tests in a manner that permits the identification of the subject of the test, except in accordance with Section 697.100(b)(4).

de) The written informed consent form and HIV test results may be maintained, documented, and transmitted in a confidential manner in an electronic medical record system, medical record and/or confidential fax that allows disclosure only to persons authorized to receive the information under the provisions of subsection (a) specified above.

1) The written informed consent form and HIV test results may be maintained in a patient's medical record provided these materials are maintained in such a manner that does not permit disclosure to persons who may review the patient's medical record, but are not authorized to receive this information.

2) Any procedure utilized to maintain this information in a patient's medical record must be uniform and consistent for all patient records, in order to prevent revealing the existence or contents of this information. A procedure is uniform if medical records containing written informed consent forms and HIV test results cannot be distinguished from medical records which do not contain such information, unless the medical record is accessed and read. An example of such a procedure is one which establishes a segregated or separate confidential sealed portion of the medical record in every patient record with access restricted to persons authorized to receive the contents.

d4) Liability and Sanctions

1) Nothing in this Act or this Part shall be construed to impose civil liability or criminal sanction for disclosure of a test result in accordance with any reporting requirement of the Department for a diagnosed case of HIV infection, AIDS or a related condition. (Section 15 of the AIDS Confidentiality Act)

2) Nothing in this Act or this Part shall be construed to impose civil or criminal sanction for performing a test without written informed consent pursuant to the provisions of subsection (b) or (c) of Section 7 of the AIDS Confidentiality Act. (Section 15 of the AIDS Confidentiality Act)

3) The intentional or reckless violation of the AIDS Confidentiality Act or
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

any regulation issued under that Act shall constitute a Class A misdemeanor. (Section 12 of the AIDS Confidentiality Act)

Sections 697.110, 697.120, 697.130 and 697.140 shall not apply to eligibility and coverage requirements established by a health maintenance organization nor to any insurance company, fraternal benefit society, or other insurer regulated under the Illinois Insurance Code. (Section 15.1 of the AIDS Confidentiality Act)

(Source: Amended at 30 Ill. Reg. 2373, effective February 3, 2006)

SUBPART D: HIV COUNSELING AND TESTING CENTERS

Section 697.300  HIV Counseling and Testing Centers

a) The Department shall establish alternative blood and HIV test services, known as "HIV Counseling and Testing Centers". (Section 2310-315 of the Civil Administrative Code of Illinois) These facilities shall be operated by the Department or Designated Agencies. These facilities shall provide services in accordance with the provisions of this Part and the applicable provisions of the Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693, specifically Sections 693.40, 693.70, 693.80, 693.90, 693.100, 693.120, 693.130 and 693.140.)

1) These facilities shall not be operated by blood banks, plasma centers or hospitals. (Section 2310-315.5 of the Civil Administrative Code of Illinois)

2) Physicians and other health care providers may refer HIV-infected persons to these facilities for counseling.

3) Any person twelve years of age or older may consent to testing and counseling at an HIV Counseling and Testing Center.

b) No person may be subjected to an HIV antibody test at HIV Counseling and Testing Centers, unless written informed consent is first obtained from the test subject or the test subject's legally authorized representative. (See Appendix A, Illustration A for a Sample Written Informed Consent Form.)

c) All persons seeking counseling and testing at an HIV Counseling and Testing Center shall be offered the option of confidential or remain anonymous services
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

and shall provide written informed consent using a coded system. All patient records shall be maintained using this code system.

d) The HIV Counseling and Testing Centers shall provide counseling to the test subject prior to performing the test. The counseling shall include, but not necessarily be limited to, information about:

1) information about the natural history of HIV infection and HIV transmission;

2) the difference between confidential and anonymous HIV testing; information about the meaning of the test and test results, such as the purpose, potential uses, and limitations of the test and test results and the statutory rights to anonymous testing and to confidentiality; and information about the availability of supplemental additional or confirmatory testing;

3) information about the availability of referrals for further information, or counseling; and

4) methods for prevention of transmission of HIV.

e) Contact interview and investigation services shall be provided only by counselors who have completed a course of training that included instruction in the following:

1) The etiology and transmission of HIV, including associated risk behaviors and activities and patient profiles of persons at significant risk of HIV infection;

2) The natural history and progression of HIV infection;

3) Methods for preventing transmission of HIV infection;

4) Principles and techniques of counseling, including demonstration of interviewing and counseling skills needed for epidemiologic management of HIV infected persons, critiqued role-playing, psychological assessment and crisis intervention;

5) Principles and techniques of contact investigation and referral; and
6) Principles of communicable diseases.

f) It shall be the duty of every person providing results of an HIV antibody test to provide the subject of the test with an explanation of the test results, methods for prevention of HIV transmission, and referrals for medical and psychological follow-up appropriate to the needs of the test subject. These referrals shall include appropriate referrals to physicians who will provide services to HIV positive/seropositive individuals, tuberculosis and sexually transmissible disease services facilities for psychological counseling; and crisis intervention and substance abuse treatment facilities, as available.

g) All persons with a positive HIV antibody test shall be offered the assistance of health professionals in locating and referring sexual/sex and needle-sharing contacts for counseling and testing, with the consent of the infected person. All persons refusing such assistance shall be strongly encouraged to notify their previous sexual/sex and needle-sharing contacts of their possible exposure to HIV, and to refer such contacts for counseling and possible testing.

1) HIV infected persons shall be asked to identify their sexual/sex and needle-sharing contacts for the preceding 12-twelve-month period. The counselor shall discuss the specific nature of each contact with the client to determine the likelihood of HIV transmission based on the type of sexual or needle-sharing practice involved and the counselor's knowledge of risk factors.

2) Those contacts determined to be at significant risk of infection, in the professional judgment of the counselor based on the type of sexual or needle-sharing practice involved and the counselor's knowledge of risk factors, shall be investigated. Investigation shall be conducted for contacts for whom sufficient information to identify the person is available, such as first and last name, street address, or telephone number.

3) The counselor may prioritize the order in which contacts are to be investigated. The counselor shall provide first priority to those contacts who (based again on the counselor's professional judgment), except for contact notification, may not have reason to suspect they may be infected because the counselor has no information that the contacts:
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

A) are aware of having engaged in behavior likely to result in exposure; and/or

B) are knowledgeable about the type of behavior carrying such risks.

4) Persons choosing to self-refer their contacts shall receive intensive individualized instruction and counseling in methods to provide this notification and referral.

5) Contacts to persons with HIV infection, identified through the contact interview and investigative process, shall be counseled, confidentially and in person, regarding the possibility of infection, methods to prevent the spread of the infection, and services available from public health agencies. Such persons shall also be offered testing to determine infection.

6) If such person is legally unable to agree to counseling because of due to age or legal incompetence, consent and participation in counseling shall be requested of the individual's parent or legal guardian. If such person is legally able to agree to but appears to be incapable of understanding and competently acting on such counseling, in the professional judgment of the counselor, participation in counseling shall be requested of a parent or other person chosen by the client.

h) It shall be the duty of every person conducting an HIV test in an a HIV Counseling and Testing Center to provide results of the test only to the individual upon whom the test was performed. Such results are to be provided only in an individual face-to-face interview. The test subject may elect to have other persons present during the interview. It shall be the duty of the person providing the counseling to determine that the presence of a second party during the interview is not the result of undue inducement such as any element of force, fraud, deceit or other constraint or coercion.

i) It shall be the duty of every person with access to an individual's HIV antibody test results to maintain strict confidentiality of those results and the test subject's identity as required by the Actlaw and as specified in Section 697.140.

(Source: Amended at 30 Ill. Reg. 2373, effective February 3, 2006)
Section 697. APPENDIX A  Sample HIV Testing Forms

Section 697. ILLUSTRATION A  Sample Written Informed Consent for HIV Antibody Testing Form

**WRITTEN INFORMED CONSENT FOR HIV ANTIBODY TESTING**

*(Conventional Testing – Not for Use with a Rapid HIV Test)*

<table>
<thead>
<tr>
<th>Test Subject or Number:</th>
<th>Date:</th>
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<tbody>
<tr>
<td></td>
<td>Time:</td>
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<tr>
<td></td>
<td>(AM)(PM)</td>
</tr>
</tbody>
</table>

I hereby grant my permission for a test to detect whether I have antibodies to HIV (Human Immunodeficiency Virus) in my body.

HIV Testing is voluntary and requires your consent in writing. The purpose of HIV antibody testing is to show whether you are infected with HIV, the virus that causes AIDS.

Any test result that indicates that antibodies for HIV are present is considered positive for HIV infection.

Before you consent to be tested for HIV, your healthcare provider should speak to you about:

6) How HIV is passed from person to person and mother to baby;
7) Steps to take that may prevent the transmission of HIV; and
8) The meaning of an HIV antibody test result.

If you agree with the following statements and want to consent to HIV testing, please sign this form.

I have been counseled about the benefits of having an HIV test and understand that:

310  Human immunodeficiency virus (HIV) is the virus that causes AIDS;
     HIV is spread by sexual intercourse, so all sexually active persons are potentially at risk for HIV infection;
     HIV is spread by sharing needles with another person during injection of drugs, so all injection drug users are potentially at risk for HIV infection;
311  HIV can be passed from a mother to her baby during pregnancy, at delivery, and through breastfeeding; and
HIV antibody test results are confidential, and the law protects me from discrimination.

I understand that a positive result does not mean I have AIDS, but indicates that I have HIV infection. I understand that if my test results are positive, I will be offered HIV counseling.

I understand that test results may indicate that a person has HIV antibodies when the person does not have the antibodies (a false positive result) or the test may fail to detect that a person has antibodies to the virus when the person does in fact have these antibodies (a false negative result).

If my HIV antibody test result is negative, no further testing will be done at this time. A negative HIV antibody test result most likely means that I am not infected with HIV, but it may not detect recent infection.

If my HIV antibody test result is positive, this means that antibodies to the virus were detected and that I am HIV infected.

Confidentiality of HIV Information:

If you take the HIV test, your test results are confidential. Under Illinois law, confidential HIV information can be given only to people to whom you allow it to be given by your written approval, to people who need to know your HIV status in order to provide medical care and services, including: an authorized agent or employee of a health facility or a healthcare provider if the health facility or provider is authorized to obtain test results; those who are exposed to blood/body fluids in the course of their employment; and organizations that review the services you receive.

The law also allows your confirmed HIV test results to be released: to public health officials as required by law; for payment for care and treatment; to a temporary caretaker of children taken into protective custody by the Illinois Department of Children and Family Services; and to any other entity permitted by the AIDS Confidentiality Act.

I understand that my test results will be kept confidential to the extent provided by law. In addition, I understand that I may withdraw from the testing at any point in time prior to the completion of laboratory tests. I understand that my testing is voluntary.

I agree to be tested and I agree that I may be told my test results.
I agree that if the result of my HIV test is positive I may be referred to another healthcare provider for follow-up testing and care.

I have been advised about the purpose, potential uses, limitations and meaning of the test results; the voluntary nature of the test; the right to withdraw consent at any time prior to the completion of laboratory tests; and the confidentiality protections under the law. The information presented above has been completely and clearly explained to me, and all of my questions have been answered. I hereby authorize my physician or facility to collect an oral or blood specimen and perform an HIV antibody test on that specimen.

Patient/Client Signature or Signature of Legally Authorized Representative

Date

Facility/Provider Witness

Date

WRITTEN CONSENT FOR HIV ANTIBODY TESTING

Test Subject or Number: __________________________ Date: ____________________

Time: __________ (AM)  __________ (PM)

I am giving my permission for a blood test in order to detect whether I have antibodies to the HIV virus (Human Immunodeficiency virus) or any other identified causative agent of AIDS in my blood. I understand that the test results will be utilized for the purposes of my medical care and treatment.

I understand that the test is performed by withdrawing a sample of my blood and conducting laboratory tests to determine the presence of antibodies to HIV. I understand that the results of the blood tests considered to be positive will be reported to the Illinois Department of Public Health.
I further understand that a positive result does not mean I have AIDS, but that my blood has been exposed to the AIDS virus and antibodies to that virus are present in my blood. I understand that counseling concerning AIDS will be offered to me if my test results are found to be positive.

I have been informed and understand that test results, in a percentage of cases, may indicate that a person has antibodies to the virus when the person does not have the antibodies (a false positive result) or that the test may fail to detect that a person has antibodies to the virus when the person does in fact have these antibodies (a false negative result).

I understand that my test results will be released to my physicians and other health care providers providing my care. In addition, I understand that the law allows my identity and test results to be disclosed to specific persons, such as the physicians and health care providers involved in the use of any donated organs or tissue, and the Illinois Department of Public Health, health care facility staff committees and research studies (without name). I understand that my test results will be kept confidential to the extent provided by law. I understand further that upon my request and when permitted by law, my written consent and test result, will be coded so as not to connect the written consent form and the test results. In addition, I understand that I may withdraw from the testing at any point in time, prior to the completion of laboratory tests.

My physician has advised me about the purpose, potential uses, limitations and meaning of the test results; the voluntary nature of the test; the right to withdraw at any time, prior to the completion of laboratory tests; the right to anonymity; and the confidentiality protections under the law. With the information presented above having been completely and clearly explained to me and all of my questions having been answered, I hereby authorize (Physician and/or Hospital or health care facility) to test my blood for HIV infection.

[Signature or Notarization of the Test Subject or Signature of Legally Authorized Representative]  [Signature of Physician]

(Source: Amended at 30 Ill. Reg. 2373, effective February 3, 2006)
Section 697. Appendix C  Sample Written Informed Consent for Rapid HIV Antibody Testing

WRITTEN INFORMED CONSENT FOR RAPID HIV ANTIBODY TEST

Test Subject or Number: ___________________________  Date: ________________
Time: __________ (AM)(PM)

I hereby grant my permission for a rapid HIV test to detect whether I have antibodies to HIV (Human Immunodeficiency Virus) in my body.

HIV Testing is voluntary and requires your consent in writing. The purpose of rapid HIV testing is to show whether you are infected with HIV, the virus that causes AIDS.

Rapid HIV testing will allow you to receive a preliminary test result in less than 60 minutes. Any test result that indicates that antibodies for HIV are present is considered preliminary positive and must be confirmed.

Before you consent to be tested for HIV, your healthcare provider should speak to you about:

___ How HIV is passed from person to person and mother to baby;
___ Steps to take that may prevent the transmission of HIV; and
___ The meaning of a preliminary positive HIV rapid test result and how a preliminary HIV rapid test result is confirmed.

If you agree with the following statements and want to consent to rapid HIV testing, please sign this form.

I have been counseled about the benefits of having a rapid HIV test and understand that:

___ Human immunodeficiency virus (HIV) is the virus that causes AIDS;
___ HIV is spread by sexual intercourse, so all sexually active persons are potentially at risk for HIV infection;
___ HIV is spread by sharing needles with another person during injection of drugs, so all injection drug users are potentially at risk for HIV infection;
___ HIV can be passed from a mother to her baby during pregnancy, at delivery, and through breastfeeding; and
___ HIV antibody test results are confidential, and the law protects me from discrimination.
I understand that a preliminary positive result does not mean I have AIDS, but indicates that I may have HIV infection.

I understand that preliminary positive test results may indicate that a person has HIV antibodies when the person does not have the antibodies (a false positive result) or the test may fail to detect that a person has antibodies to the virus when the person does in fact have these antibodies (a false negative result).

The rapid HIV test that I am consenting to take will provide me and my health care provider with preliminary HIV test results:

- If my rapid HIV test result is negative, no further testing will be done at this time.
- If my rapid HIV test result is negative, it most likely means that I am not infected with HIV, but it may not detect recent infection.
- If my rapid HIV test result is preliminary positive, this means there is a possibility that I am HIV infected. A second test, to confirm a preliminary positive HIV test result, will be done.
- I understand that if my rapid HIV test result is preliminary positive, I still may not have HIV infection, since a false positive test result can occur. A second test, to confirm a preliminary positive HIV test result, will be done.
- I understand that if my rapid HIV test result is preliminary positive, I will be offered HIV counseling.

Confidentiality of HIV Information:

If you take the rapid HIV test, your test results are confidential. Under Illinois law, confidential HIV information can be given only to people to whom you allow it to be given by your written approval, to people who need to know your HIV status in order to provide medical care and services, including: an authorized agent or employee of a health facility or a healthcare provider if the health facility or provider is authorized to obtain test results; those who are exposed to blood/body fluids in the course of their employment; and organizations that review the services you receive.

The law also allows your confirmed HIV test results to be released: to public health officials as required by law; for payment for care and treatment; to a temporary caretaker of children taken into protective custody by the Illinois Department of Children and Family Services; and to any other entity permitted by the AIDS Confidentiality Act.
I understand that my rapid HIV test results will be kept confidential to the extent provided by law. In addition, I understand that I may withdraw from the testing at any point in time prior to the completion of laboratory tests. I understand that my testing is voluntary.

I agree to be tested using a rapid HIV test and I agree that I may be told my test results.

I have been counseled that if the result of the rapid HIV test is preliminary positive, then I must undergo additional testing to confirm whether I am HIV positive. I consent to that additional testing.

I agree that if the result of my rapid HIV test is preliminary positive or if the result of my rapid HIV test is confirmed positive, I may be referred to another health care provider for follow-up testing and care.

I have been advised about the purpose, potential uses, limitations and meaning of the test results; the voluntary nature of the test; the right to withdraw consent at any time, prior to the completion of laboratory tests; and the confidentiality protections under the law. The information presented above has been completely and clearly explained to me, and all of my questions have been answered. I hereby authorize my physician or facility to collect an oral or blood specimen and perform a rapid HIV test on that specimen.

Patient/Client Signature or Signature of Legally Authorized Representative

Date

Facility/Provider Witness

Date

(Source: Added at 30 Ill. Reg. 2373, effective February 3, 2006)
NOTICE OF PEREMPTORY AMENDMENT

1) Heading of the Part: Meat and Poultry Inspection Act

2) Code Citation: 8 Ill. Adm. Code 125

3) Section Numbers: Proposed Action:
   125.260  Amend
   125.380  Amend

4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act [225 ILCS 650]; the Federal Meat Inspection Act (21 USCA 661); the Federal Poultry Products Inspection Act (21 USCA 454); and 71 FR 1683

5) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650]

6) Effective Date: February 6, 2006

7) A Complete Description of the Subjects and Issues Involved: In order to maintain an "equal to" status with the federal meat and poultry products inspection program as required by the Federal Meat Inspection Act and the Poultry Products Inspection Act and in accordance with Section 16 of the Meat and Poultry Inspection Act, the Department is adopting amendments to the federal meat and poultry products inspection rules.

   The Food Safety and Inspection Service (FSIS) is announcing that its regulations will continue to provide that individual meat and poultry products bearing the claim "healthy" (or any other derivative of the term "health") must contain no more than 480 milligrams (mg) of sodium; and that meal-type products bearing the claim "healthy" (or any other derivative of the term "health") must contain no more than 600 mg of sodium. FSIS is deferring indefinitely, until further notice, implementation of the requirements that individual meat and poultry products bearing the claim "healthy" (or any other derivative of the term "health") contain no more than 360 mg of sodium and that meal-type products bearing the claim "healthy" (or any other derivative of the term "health") contain no more than 480 mg of sodium.

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

9) Date Filed with the Index Department: February 6, 2006

10) A copy of the peremptory amendments, including any material incorporated by reference, is on file in the agency’s principal office and is available for public inspection.
DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

11) These peremptory amendments are in compliance with Section 5-150 of the Illinois Administrative Procedure Act.

12) Are there any other proposed amendments pending on this Part? No

13) Statement of Statewide Policy Objectives: These peremptory amendments do not affect units of local government.

14) Information and questions regarding these peremptory amendments shall be directed to:

    Linda Rhodes
    Department of Agriculture
    State Fairgrounds, P.O. Box 19281
    Springfield IL 62794-9281

    Telephone: 217/785-5713
    Facsimile: 217/785-4505

The full text of the Peremptory Amendments begins on the next page:
DEPARTMENT OF AGRICULTURE  
NOTICE OF PEREMPTORY AMENDMENT  

TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACT  

PART 125  
MEAT AND POULTRY INSPECTION ACT  

SUBPART A: GENERAL PROVISIONS FOR BOTH  
MEAT AND/OR POULTRY INSPECTION  

<table>
<thead>
<tr>
<th>Section</th>
<th>provisions</th>
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<tbody>
<tr>
<td>125.10</td>
<td>Definitions</td>
</tr>
<tr>
<td>125.20</td>
<td>Incorporation by Reference of Federal Rules</td>
</tr>
<tr>
<td>125.30</td>
<td>Application for License; Approval</td>
</tr>
<tr>
<td>125.40</td>
<td>Official Number</td>
</tr>
<tr>
<td>125.50</td>
<td>Inspections; Suspension or Revocation of License</td>
</tr>
<tr>
<td>125.60</td>
<td>Administrative Hearings; Appeals (Repealed)</td>
</tr>
<tr>
<td>125.70</td>
<td>Assignment and Authority of Program Employees</td>
</tr>
<tr>
<td>125.80</td>
<td>Schedule of Operations; Overtime</td>
</tr>
<tr>
<td>125.90</td>
<td>Official Marks of Inspection, Devices and Certificates</td>
</tr>
<tr>
<td>125.100</td>
<td>Records and Reports</td>
</tr>
<tr>
<td>125.110</td>
<td>Exemptions</td>
</tr>
<tr>
<td>125.120</td>
<td>Disposal of Dead Animals and Poultry</td>
</tr>
<tr>
<td>125.130</td>
<td>Reportable Animal and Poultry Diseases</td>
</tr>
<tr>
<td>125.140</td>
<td>Detention; Seizure; Condemnation</td>
</tr>
<tr>
<td>125.141</td>
<td>Sanitation Standard Operating Procedures (SOP's)</td>
</tr>
<tr>
<td>125.142</td>
<td>Hazard Analysis and Critical Control Point (HACCP) Systems</td>
</tr>
<tr>
<td>125.143</td>
<td>Imported Products</td>
</tr>
<tr>
<td>125.144</td>
<td>Preparation and Processing Operations</td>
</tr>
<tr>
<td>125.145</td>
<td>Control of Listeria Monocytogenes in Ready-to-Eat Meat and Poultry Products</td>
</tr>
<tr>
<td>125.146</td>
<td>Consumer Protection Standards: Raw Products</td>
</tr>
<tr>
<td>125.147</td>
<td>Rules of Practice</td>
</tr>
</tbody>
</table>

SUBPART B: MEAT INSPECTION  

<table>
<thead>
<tr>
<th>Section</th>
<th>provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>125.150</td>
<td>Livestock and Meat Products Entering Official Establishments</td>
</tr>
<tr>
<td>125.160</td>
<td>Equine and Equine Products</td>
</tr>
<tr>
<td>125.170</td>
<td>Facilities for Inspection</td>
</tr>
<tr>
<td>125.180</td>
<td>Sanitation (Repealed)</td>
</tr>
</tbody>
</table>
DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

125.190  Ante-Mortem Inspection
125.200  Post-Mortem Inspection
125.210  Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220  Humane Slaughter of Animals
125.230  Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240  Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250  Marking Products and Their Containers
125.260  Labeling, Marking and Containers
125.270  Entry into Official Establishment; Reinspection and Preparation of Product
125.280  Meat Definitions and Standards of Identity or Composition
125.290  Transportation
125.295  Imported Products (Repealed)
125.300  Special Services Relating to Meat and Other Products
125.305  Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section
125.310  Application of Inspection
125.320  Facilities for Inspection
125.330  Sanitation
125.340  Operating Procedures
125.350  Ante-Mortem Inspection
125.360  Post-Mortem Inspection; Disposition of Carcasses and Parts
125.370  Handling and Disposal of Condemned or Inedible Products at Official Establishments
125.380  Labeling and Containers
125.390  Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
125.400  Definitions and Standards of Identity or Composition
125.410  Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act [225 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT


SUBPART B: MEAT INSPECTION

Section 125.260 Labeling, Marking and Containers


b) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3) and (k)(3), (4), (5) and (9) of the Act.

c) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.

d) The Department shall approve temporary labeling as stated in 9 CFR 317.4(f). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the labels before the expiration
DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

of the temporary approval.

e) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act [225 ILCS 470] and the rules adopted thereto (8 Ill. Adm. Code 600).

f) Any Type I establishment is authorized to use generically approved labeling for meat and poultry products as defined in subsection (h) of this Section without the labeling being submitted for approval to the Department, provided the labeling is in accordance with this Section and shows all mandatory features in a prominent manner as required in 9 CFR 317.2 and 381 and is not otherwise false or misleading.

g) The Department shall select samples of generically approved labeling from the records maintained by official establishments to determine compliance with labeling requirements. Any finding of false or misleading labeling shall institute the proceedings prescribed in 225 ILCS 650/13.

h) Generically approved labeling is labeling that complies with the following:

1) Labeling for a product that has a product standard as specified in 9 CFR 319 and 381 or the Standards and Labeling Policy Book and does not contain any special claims such as quality claims, nutrient content claims, health claims, negative claims, geographical origin claims or guarantees, or is not a domestic product labeled in a foreign language;

2) Labeling for single-ingredient products, such as beef steak or lamb chops, that does not contain any special claims such as quality claims, nutrient content claims, health claims, negative claims, geographical origin claims or guarantees or is not a domestic product labeled with a foreign language;

3) Labeling for containers of products sold under contract specifications to federal government agencies that the product is not offered for sale to the general public, provided that the contract specifications include specific requirements with respect to labeling and are made available to the inspector-in-charge;

4) Labeling for shipping containers that contain fully labeled immediate containers, provided that the labeling complies with 9 CFR 316.13 and 381.127;
DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

5) Labeling for products not intended for human food, provided it complies with 9 CFR 325, 381.152(c) and 381.193;

6) Meat inspection legends;

7) Inserts, tags, liners, pasters and similar devices containing printed or graphic matter and for use or to be placed within containers and coverings of products, provided the devices contain no reference to product and bear no misleading feature;

8) Labeling for consumer test products not intended for sale;

9) Labeling that was previously approved by the Department as sketch labeling, and the final labeling was prepared without modification or with the following modifications:

   A) All features of the labeling are proportionately enlarged or reduced provided that all minimum size requirements specified in applicable regulations are met and the labeling is legible;

   B) The substitution of any unit of measurement with its abbreviation or the substitution of any abbreviation with its unit of measurement, e.g., "lb." for "pound" or "oz." for "ounce" or of the word "pound" for "lb." or "ounce" for "oz."

   C) A master or stock label has been approved where the name and address of the distributor are omitted and the name and address are applied before being used (in that case, the words "prepared for" or similar statement must be shown together with the blank space reserved for the insertion of the name and address when the labels are offered for approval);

   D) Wrappers or other covers bearing pictorial designs, emblematic designs or illustrations, e.g., floral arrangements, illustrations of animals, fireworks, etc., are used with approved labeling (The use of the designs will not make necessary the application of labeling not otherwise required).
DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

E) A change in the language or the arrangement of directions pertaining to the opening of containers or the serving of the product;

F) The addition, deletion or amendment of a dated or undated coupon, a cents-off statement, cooking instructions, packer product code information or the UPC product code information;

G) Any change in the name or address of the packer, manufacturer or distributor that appears in the signature line;

H) Any change in the net weight, provided the size of the net weight statement complies with CFR 317.2 and 318.121;

I) The addition, deletion or amendment of recipe suggestions for the product;

J) Any change in punctuation;

K) Newly assigned or revised establishment numbers for a particular establishment that has been approved by the Department;

L) The addition or deletion of open dating information;

M) A change in the type of packaging material on which label is printed;

N) Brand name changes, provided that there are no design changes, the brand name does not use a term that connotes quality or other product characteristics, the brand name has no geographic significance, and the brand name does not affect the name of the product;

O) The deletion of the word "new" on new product labeling;

P) The addition, deletion or amendment of special handling statements, provided that the change is consistent with CFR 317.2(k) and 318.125(a);
DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

Q) The addition of safe handling instructions as required by CFR 317.2(1) and 381.125(b);

R) Changes reflecting a change in the quantity of an ingredient shown in the formula without a change in the order of predominance shown on the label, provided that the change in quantity of ingredients complies with any minimum or maximum limits for the use of the ingredients prescribed in CFR 318, 319 and 381.147;

S) Changes in the color of the labeling, provided that sufficient contrast and legibility remain;

T) A change in the product vignette, provided that the change does not affect mandatory labeling information or misrepresent the content of the package;

U) A change in the establishment number by a corporation or parent company for an establishment under its ownership;

V) Changes in nutrition labeling that only involve quantitative adjustments to the nutrition labeling information, except for serving sizes, provided the nutrition labeling information maintains its accuracy and consistency;

W) Deletion of any claim, and the deletion of non-mandatory features or non-mandatory information; and

X) The addition or deletion of a direct translation of the English language into a foreign language for products marked "for export only".

i) With regard to the incorporated language in 9 CFR 317.6, the extension of time for exhausting existing stocks of labels is not applicable since all labels presently in use are in compliance with the rules of this Part.

j) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 9 CFR 317.24 (2004)).

k) Labels to be used for the relabeling of inspected and passed product shall be
NOTICE OF PEREMPTORY AMENDMENT

The Department of Agriculture permits to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.

l) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 317.13 so that the inspector can notify the inspector at the destination point.

m) Labeling of custom slaughter and/or custom processed meat and/or meat products and the containers containing custom slaughtered and/or custom processed meat and/or meat products shall be as set forth in Section 5 of the Act.

n) References in the incorporated language to 9 CFR 312 shall be interpreted to mean in accordance with Section 125.90.

(Source: Amended at 30 Ill. Reg. 2400, effective February 6, 2006)

SUBPART C: POULTRY INSPECTION

Section 125.380 Labeling and Containers

a) The Department incorporates by reference 381.115 through 381.127, 381.129 through 381.132(f), 381.134, 381.136 through 381.140, 381.144(a) through 381.144(d), 381.400, 381.402, 381.408, 381.409, 381.412, 381.413, 381.443; 381.444; 381.445; 381.454; 381.456, 381.460, 381.461, 381.462, 381.463, 381.469, 381.480, 381.500 (2004; 69 FR 28042, effective July 31, 2004; 69 FR 57899, effective November 30, 2004; 69 FR 4405, effective January 13, 2005; 71 FR 1683, effective January 11, 2006).

b) Each shipping container and each immediate container containing inspected and passed poultry and/or poultry products shall be identified in accordance with the labeling provisions of this Section.

c) Immediate containers of poultry products packed in, bearing or containing any chemical additive shall bear a label naming the additive and the purpose of its use.
DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

d) Labels for consumer packages shall be approved if the label is not misbranded in accordance with Section 2.20 of the Act and is in compliance with this Section.

e) The specific statements listed in 9 CFR 381.121 may be added to the label for the shipping container at the option of the licensee.

f) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act and the rules adopted thereto (8 Ill. Adm. Code 600).

g) No labeling or containers that have not been approved shall be used until a final decision is rendered at an administrative hearing in accordance with Section 19 of the Act.

h) The Department shall approve the manufacture of a device or label containing an official mark of inspection provided the device or label is in compliance with Section 125.90.

i) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.

j) The Department shall approve temporary labeling as stated in 9 CFR 381.132(f). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the permanent labels before the expiration of the temporary approval.

k) A copy of each label submitted for approval shall be accompanied by a statement showing the common or usual names, the kinds and percentages of the ingredients comprising the poultry product and a statement indicating the method or preparation of the product with respect to which the label is to be used. Laboratories used for chemical analysis shall be any approved laboratory as defined in 8 Ill. Adm. Code 20.1.

l) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.

m) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S.
DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

Department of Agriculture (see 9 CFR 317.24 (2004)).

n) Labels and devices approved for use pursuant to Section 125.90 and this Section shall be disposed of only when such labels or devices have been mutilated or damaged or when the establishment ceases to do business. Such labels and devices shall be given to the inspector for disposition.

o) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 381.138 so that the inspector can notify the inspector at the destination point.

p) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.

q) Labeling of custom slaughtered and/or custom processed poultry and/or poultry products and the containers containing custom slaughtered and/or custom processed poultry products shall be as set forth in Section 5 of the Act.

r) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3), (4), (5) and (9) of the Act.

(Source: Amended at 30 Ill. Reg. 2400, effective February 6, 2006)
DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT

1) **Heading of Part:** Definitions

2) **Code Citation:** 8 Ill. Adm. Code 20

3) **Register Citation to Notice of Proposed Amendment:** 30 Ill. Reg. 697; January 20, 2006

4) **Date, Time and Location of Public Hearing:**

   Thursday, March 2, 2006 at 10:00 a.m.
   Illinois Department of Agriculture
   Agriculture Building, State Fairgrounds
   8th & Sangamon Avenue
   Springfield, IL 62794-9281

5) **Other Pertinent Information:**

   Each person presenting oral testimony shall provide a written copy of such testimony at the time the oral testimony is presented.

   Individuals who are unable to attend the public hearing but wish to comment on the proposed amendment should submit written comments to:

   Department of Agriculture
   Attention: Linda Rhodes
   P.O. Box 19281
   Springfield, IL 62794-9281

   217/785-5713
   217/785-4505 (FAX)

   In order for mailed comments to be available for consideration at the public hearing, please mail no later than February 27, 2006. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.
DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) **Heading of Part:** Animal Welfare Act

2) **Code Citation:** 8 Ill. Adm. Code 25

3) **Register Citation to Notice of Proposed Amendments:** 30 Ill. Reg. 704; January 20, 2006

4) **Date, Time and Location of Public Hearing:**

   Thursday, March 2, 2006 at 10:00 a.m.
   Illinois Department of Agriculture
   Agriculture Building, State Fairgrounds
   8th & Sangamon Avenue
   Springfield, IL  62794-9281

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DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) **Heading of Part:** Livestock Auction Markets

2) **Code Citation:** 8 Ill. Adm. Code 40

3) **Register Citation to Notice of Proposed Amendments:** 30 Ill. Reg. 713; January 20, 2006

4) **Date, Time and Location of Public Hearing:**

   Thursday, March 2, 2006 at 10:00 a.m.
   Illinois Department of Agriculture
   Agriculture Building, State Fairgrounds
   8th & Sangamon Avenue
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   Springfield, IL 62794-9281

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DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) **Heading of Part:** Hatcheries, Poultry Flocks, and Produce Thereof

2) **Code Citation:** 8 Ill. Adm. Code 55

3) **Register Citation to Notice of Proposed Amendments:** 30 Ill. Reg. 719; January 20, 2006

4) **Date, Time and Location of Public Hearing:**

   Thursday, March 2, 2006 at 10:00 a.m.
   Illinois Department of Agriculture
   Agriculture Building, State Fairgrounds
   8th & Sangamon Avenue
   Springfield, IL  62794-9281

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   Attention:  Linda Rhodes
   P.O. Box 19281
   Springfield, IL 62794-9281

   217/785-5713
   217/785-4505 (FAX)

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DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) **Heading of Part:** Bovine Brucellosis

2) **Code Citation:** 8 Ill. Adm. Code 75

3) **Register Citation to Notice of Proposed Amendments:** 30 Ill. Reg. 724; January 20, 2006

4) **Date, Time and Location of Public Hearing:**

   Thursday, March 2, 2006 at 10:00 a.m.
   Illinois Department of Agriculture
   Agriculture Building, State Fairgrounds
   8th & Sangamon Avenue
   Springfield, IL  62794-9281

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       Attention: Linda Rhodes
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       Springfield, IL 62794-9281

       217/785-5713
       217/785-4505 (FAX)

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DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) **Heading of Part:** Illinois Bovidae and Cervidae Tuberculosis Eradication Act

2) **Code Citation:** 8 Ill. Adm. Code 80

3) **Register Citation to Notice of Proposed Amendments:** 30 Ill. Reg. 732; January 20, 2006

4) **Date, Time and Location of Public Hearing:**

   Thursday, March 2, 2006 at 10:00 a.m.
   Illinois Department of Agriculture
   Agriculture Building, State Fairgrounds
   8th & Sangamon Avenue
   Springfield, IL  62794-9281

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   Attention: Linda Rhodes
   P.O. Box 19281
   Springfield, IL 62794-9281

   217/785-5713
   217/785-4505 (FAX)

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DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) **Heading of Part:** Diseased Animals

2) **Code Citation:** 8 Ill. Adm. Code 85

3) **Register Citation to Notice of Proposed Amendments:** 30 Ill. Reg. 737; January 20, 2006

4) **Date, Time and Location of Public Hearing:**

   Thursday, March 2, 2006 at 10:00 a.m.
   Illinois Department of Agriculture
   Agriculture Building, State Fairgrounds
   8th & Sangamon Avenue
   Springfield, IL  62794-9281

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   P.O. Box 19281
   Springfield, IL 62794-9281

   217/785-5713
   217/785-4505 (FAX)

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   considered by the agency and the Advisory Board of Livestock Commissioners. The
   public hearing on the proposed rulemaking will run concurrently with a public meeting of
   the Advisory Board of Livestock Commissioners.
DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) **Heading of Part:** Animal Disease Laboratories Act

2) **Code Citation:** 8 Ill. Adm. Code 110

3) **Register Citation to Notice of Proposed Amendments:** 30 Ill. Reg. 769; January 20, 2006

4) **Date, Time and Location of Public Hearing:**

   Thursday, March 2, 2006 at 10:00 a.m.
   Illinois Department of Agriculture
   Agriculture Building, State Fairgrounds
   8th & Sangamon Avenue
   Springfield, IL  62794-9281

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   Attention: Linda Rhodes
   P.O. Box 19281
   Springfield, IL 62794-9281

   217/785-5713
   217/785-4505 (FAX)

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NOTICE OF REQUEST FOR EXPEDITED CORRECTION

DEPARTMENT OF CORRECTIONS

1) **Heading of the Part:** Transitional Housing Licensure for Sex Offenders on Parole, Probation, or Supervision

2) **Code Citation:** 20 Ill. Adm. Code 800

3) **Section Numbers:**
   - 800.50
   - 800.120
   - 800.130
   - 800.210

4) **Date Proposal published in Illinois Register:** September 23, 2005; 29 Ill. Reg. 14145

5) **Date Adoption published in Illinois Register:** January 6, 2006; 30 Ill. Reg. 149

6) **Summary and Purpose of Expedited Correction:** In Section 800.50, the rule is being corrected to reflect that the licensing applicant "must certify its compliance with federal, State, and local laws, as well as all applicable federal, State, and (the filed copy said "or") local building, zoning, planning, land use, health, and sanitation regulations". In Section 800.120(c), "thereafter its" is being corrected to read "thereafter, of its". In Section 800.130(f), the adopted rule said "10 calendar days of", which is being corrected to "10 calendar days after". All 3 of these changes represent technical Second Notice Agreements that the Department inadvertently omitted when it filed its adopted rule. In Section 800.210(f), "exparte" is being corrected to "ex parte". This corrects a typographical error.

7) **Information and questions regarding this request shall be directed to:**

   Beth Kiel
   Department of Corrections
   1301 Concordia Court
   PO Box 19277
   Springfield IL 62794-9277
   217/522-2666, extension 6511
NOTICE OF REQUEST FOR EXPEDITED CORRECTION

DEPARTMENT OF CORRECTIONS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER h: MISCELLANEOUS STANDARDS

PART 800
TRANSITIONAL HOUSING LICENSURE FOR SEX OFFENDERS
ON PAROLE, PROBATION, OR SUPERVISION

SUBPART A: LICENSING PROCEDURES

Section
800.10 Applicability
800.20 Designees
800.30 Definitions
800.40 Transitional Housing, Treatment, and Referral Criteria
800.50 Licenses Required
800.60 Application Fees
800.70 Application for Licensure
800.80 Licensing Requirements
800.90 Responsibilities of the Governing Body
800.100 On-site Inspection of Programs, Security, and Operations
800.110 Background Investigations
800.120 Required Notices
800.130 Change of Ownership or Management or Corporate Dissolution
800.140 Application for Renewal of License
800.150 Grounds for Revocation, Termination, or Refusal to Issue or Renew a License
800.160 Complaints Concerning Licensees
800.170 Investigation of Potential Deficiencies or Violations Concerning Licensees
800.180 Disposition of Potential Deficiencies or Violations Concerning Licensees
800.190 Closure Order
800.200 Procedure for Revocation or Refusal to Renew a License
800.210 Licensing Hearing
800.220 Operation Without a License

SUBPART B: OPERATING STANDARDS

Section
800.300 Administration
800.310 Reports and Correspondence
800.320 Records of Sex Offenders
NOTICE OF REQUEST FOR EXPEDITED CORRECTION

DEPARTMENT OF CORRECTIONS

800.330 Security Procedures
800.340 Searches
800.350 Safety and Emergency Procedures

AUTHORITY: Implementing and authorized by Sections 3-2-2, 3-3-7, 3-3-9, 3-14-2, 3-17-1, 3-17-5, 3-6-3, 5-6-3.1 and 5-6-4 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-3-7, 3-3-9, 3-14-2, 3-17-1, 3-17-5, 5-6-3, 5-6-3.1 and 5-6-4], Section 16.2 of the Probation and Probation Officers Act [730 ILCS 110/16.2], Section 120 of the Sex Offender and Child Murderer Community Notification Law [730 ILCS 152/120], and the Sex Offender Management Board Act [20 ILCS 4026].


SUBPART A: LICENSING PROCEDURES

Section 800.50 Licenses Required

a) No person on parole, probation, or supervision for a sex offense shall reside in a building or premises in which another person known to be a sex offender or known to have been placed on supervision for a sex offense resides, except in a Department licensed Transitional Housing facility. Any person, group of persons, corporation, or other entity who desires to develop, establish, maintain, or operate a Transitional Housing facility for sex offenders who are on parole, probation, or supervision must obtain a license from the Department prior to commencing operations. Transitional Housing licenses shall be issued for the specific level of the facility.

1) Level I licenses shall be issued to facilities that may house more than one but not more than 20 sex offenders on parole, probation, or supervision.

2) Level II licenses shall be issued to facilities that have a Department of Human Services license under 77 Ill. Adm. Code 2060 and that have fewer than ten sex offender residents, or no more than ten percent of the total residency be sex offenders on parole, probation, or supervision, whichever is less.

b) Before a Transitional Housing license may be granted, the licensing applicant must certify its compliance with federal, State, and local laws, as well as all
NOTICE OF REQUEST FOR EXPEDITED CORRECTION

DEPARTMENT OF CORRECTIONS

applicable federal, State, and local building, zoning, planning, land use, health, and sanitation regulations, and fire safety requirements of the State Fire Marshal.

(Source: Expedited correction at 30 Ill. Reg. _______, effective January 1, 2006)

Section 800.120 Required Notices

a) Facility Postings

1) Upon initial licensure and during the period of licensure, the licensee shall maintain at the main entrance a visible and conspicuous exterior sign in at least four inch high letters identifying the facility as a "Department of Corrections Licensed Transitional Housing Facility".

2) The license issued by the Department shall be publicly displayed at the facility at all times.

b) Facility Filing and Publication

1) Upon initial licensure, the licensee shall file with the office of the county clerk of the county in which the facility is located a certificate setting forth the name the facility is operating under and the true or real full names of persons or entities operating the facility.

2) The licensee shall publish the filing of the notice of licensure in a newspaper of general circulation published in the county in which the certificate is filed. The notice shall be published once per week for three consecutive weeks with the first publication within 15 days after the certificate is filed with the county clerk.

3) Proof of publication shall be filed with the county clerk within 50 days from the date of filing the certificate. Unless proof of publication is made to the county clerk, the notification is void.

c) The licensee shall notify the police department, public and private elementary and secondary schools, public libraries, and each residential home and apartment complex located within 500 feet of the Transitional Housing facility of its initial licensing as a Transitional Housing facility and, annually thereafter, of its continuing operation as a Transitional Housing facility.
NOTICE OF REQUEST FOR EXPEDITED CORRECTION

DEPARTMENT OF CORRECTIONS

d) The Department shall, within one week of issuance of a Transitional Housing license, submit written notification to the Illinois State Police of the licensure, the address of the facility, and the maximum number of sex offenders that can be housed at the facility for inclusion on the Illinois State Police Offender Registry website.

(Source: Expedited correction at 30 Ill. Reg. ______, effective January 1, 2006)

Section 800.130 Change of Ownership or Management or Corporate Dissolution

a) Each Transitional Housing license issued shall be valid only for the premises and persons named in the application. Licensure is not transferable. A license shall become null and void when:

1) A change in ownership occurs involving more than 25% of the aggregate ownership interest within a one year period or a significant change in management occurs; or

2) A change in 50% or more in the board of directors of a not-for-profit corporation occurs within a one year period.

b) In order to obtain a new license reflective of the change in ownership, the licensee shall submit an application and fees to the Department in accordance with Sections 800.60 and 800.70.

c) Failure to notify the Department within ten calendar days after the changes in ownership listed in subsection (a) will result in the imposition of a license fee of $350 for each affected license.

d) A license shall become null, void, and of no further effect when there is any dissolution of a corporate licensee. Written notification shall be given to the Department within ten calendar days after the dissolution.

e) A license issued to a corporation that is subsequently dissolved shall not be reactivated upon reinstatement of the corporation and the license is also subject to sanctions as provided in this Part. Such corporation shall reapply for licensure.

f) In order to obtain a new license relative to reinstatement of a corporation, an application for initial licensure and the license application fee of $250 per license shall be submitted to the Department. If the Department was not notified within
NOTICE OF REQUEST FOR EXPEDITED CORRECTION

DEPARTMENT OF CORRECTIONS

ten calendar days after the dissolution of the corporation, the license fee will be $350 for each affected license.

(Source: Expedited correction at 30 Ill. Reg. _____, effective January 1, 2006)

Section 800.210 Licensing Hearing

a) At the date, time, and place designated, the Director, or an individual authorized in writing by the Director to function as the hearing officer, shall conduct a hearing regarding the revocation of a license or the refusal to renew a license to operate a Transitional Housing facility. The hearing shall be governed by the provisions contained in Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art.10], unless otherwise provided in this Section.

b) Both the Department and the licensee, also referred to as parties, shall be allowed to present written and oral statements, testimony, and evidence that may be pertinent to the charges or to the defense. A person may appear and be heard on his or her own behalf or through an attorney at law authorized to practice in the State of Illinois.

c) An attorney appearing in a representative capacity shall file a written notice of appearance identifying him or herself by name, address, and telephone number and identifying the party represented.

d) Any pleadings, motions, affidavits in support of motions, and notices shall be served by the filing party upon all parties to the proceeding. Proof of service upon all parties shall be filed with the Department at the address listed in Section 800.160.

1) Service shall be made by delivering in person or by depositing in the United States mail, properly addressed with postage prepaid, one copy to each party entitled to the material. When any party has appeared by attorney, service upon the attorney shall be deemed service upon the party.

2) Proof of service of any paper shall be by a certificate of attorney, affidavit, or acknowledgement.

e) The hearing officer may direct parties or their attorneys to appear at a specified date, time, and place for a conference prior to the date set for the hearing or during the course of the hearing for the purpose of considering:
NOTICE OF REQUEST FOR EXPEDITED CORRECTION

DEPARTMENT OF CORRECTIONS

1) The simplification of issues;

2) The necessity or desirability of amending the pleadings for the purpose of clarification, amplification, or limitation with respect to matters alleged in any pleading;

3) The possibility of making admissions or stipulations of fact to the end of avoiding the unnecessary introduction of evidence;

4) The procedure at the hearing;

5) The limitation of the number of witnesses;

6) The propriety of prior mutual exchange between or among parties of prepared testimony or exhibits; and

7) Such other matters as may aid in the simplification of the evidence and disposition of the proceeding.

f) All hearings conducted in any proceeding shall be open to the public, except that the hearing officer may close portions of the hearing based on considerations concerning the welfare and safety of the participants or witnesses. In the event of failure to appear at the hearing upon proper notice, the hearing may be held ex parte immediately.

g) The hearing officer shall have full authority to:

1) Rule upon all motions made in the course of a hearing;

2) Rule upon all other matters arising in the course of the hearing; and

3) Require, upon reasonable notice, any party to present further material or relative evidence upon any issue.

h) If the respondent believes the hearing officer is biased against the respondent or if there is a conflict of interest, he or she shall petition the Director in writing at least five days prior to the date set for the hearing to appoint another hearing officer to hear the matter. The petition shall be accompanied by an affidavit setting forth the facts upon which the claim of bias or conflict of interest is based.
NOTICE OF REQUEST FOR EXPEDITED CORRECTION

DEPARTMENT OF CORRECTIONS

The Director shall make a determination whether bias or conflict of interest exists, and may remove any hearing officer he or she finds biased or if a determination has been made that a conflict of interest exists.

i) The technical rules of evidence shall not apply at any hearing. Any evidence having probative value and force, relevant and material to the facts at issue, shall be admitted in the proceedings, subject only to objections to the weight of the evidence as distinguished from admissibility per se. When the admissibility of evidence is in dispute and depends upon fairly arguable interpretations of law, the evidence shall be admitted.

j) A party may conduct examinations or cross-examinations without rigid adherence to formal rules. The hearing officer before whom a matter is pending may, in his or her discretion, examine any of the witnesses at a hearing.

k) Parties may by stipulation agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding.

l) The Department shall record the hearing via methods such as tape or stenography.

1) The record of the hearing shall be transcribed upon request of any party provided that the party pays the cost of the transcript.

2) Suggested corrections to the transcript may be offered within ten days after the transcript is filed in the proceeding, unless the hearing officer permits suggested corrections to be official at a later time.

m) Subpoenas for the attendance of witnesses from any place in the State of Illinois, or for the production of relevant books and papers for a hearing in a pending proceeding, may be issued by the Department or the hearing officer upon the motion of any party. Service of subpoenas and payment of witness fees shall be as provided in the Civil Practice Act [735 ILCS 5].

n) After initiation of a statement of charges, any party, upon written request made to the other party at least three business days prior to the hearing or within five business days after service of an additional pleading, shall be entitled to:

1) Obtain the names and addresses of witnesses the other party intends to call to testify at the hearing; and
NOTICE OF REQUEST FOR EXPEDITED CORRECTION

DEPARTMENT OF CORRECTIONS

2) Obtain all writings and documents the party proposes to offer in evidence.

o) A party may serve on any other party a written request for the admission by the latter of the truth of any specified relevant fact set forth in the request or for the admission of genuineness of any relevant documents described in the request. Copies of the documents shall be served with the request unless copies have already been furnished.

p) The hearing officer may continue the hearing from time to time, but not to exceed a single period of 30 days, unless special extenuating circumstances make further continuance feasible.

q) Within 30 business days after the close of all proofs in the hearing, the hearing officer shall cause to be prepared and filed with the Department originals of findings of fact, conclusions of law, and a recommendation to the Director, together with the entire record in the proceeding.

r) At any time prior to the entering of findings of facts, conclusions of law, and recommendations by the hearing officer, the parties may seek to terminate the matter by presenting to the Director an agreed order to which they all acknowledge their consent by affixing their respective signatures. Upon the Director's signing of such an order, the entire proceeding shall cease and each party shall be deemed to have waived administrative review.

s) Within 30 business days after receipt of the findings of fact, conclusions of law, recommendations to the Director, and the entire record of the proceeding, the Director shall issue a final administrative decision. A copy of the decision shall be served on each party personally or by certified mail and shall include the findings of fact and conclusions of law. Final administrative decisions of the Department may be judicially reviewed pursuant to the Administrative Review Law [735 ILCS 5/A3rt. III].

(t) The time within which any act under this Section is to be done shall be computed by excluding the first business day and including the last business day.

(Source: Expedited correction at 30 Ill. Reg. ______, effective January 1, 2006)
JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PUBLICATION ERROR

ILLINOIS WORKERS' COMPENSATION COMMISSION

1) **Heading of the Part:** Miscellaneous

2) **Code Citation:** 50 Ill. Adm. Code 7110

3) **Register citation of emergency rulemaking and other pertinent action:** 30 Ill. Reg. 1912; February 10, 2006

4) **Explanation:** When this emergency rulemaking was published, the effective date was incorrectly stated as January 27, 2006, rather than February 1, 2006, the actual effective date. The filing date and effective date were mistakenly transposed. JCAR regrets the errors.
The following second notices were received by the Joint Committee on Administrative Rules during the period of January 31, 2006 through February 6, 2006 and have been scheduled for review by the Committee at its February 14, 2006 or March 14, 2006 meetings in Springfield. 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.

<table>
<thead>
<tr>
<th>Second Notice Expires</th>
<th>Agency and Rule</th>
<th>Start Of First Notice</th>
<th>JCAR Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/11/06</td>
<td>Department of Central Management Services, State Vehicles and Garages (44 Ill. Adm. Code 5040)</td>
<td>3/11/05</td>
<td>2/14/06</td>
</tr>
<tr>
<td></td>
<td></td>
<td>29 Ill. Reg. 3393</td>
<td></td>
</tr>
<tr>
<td>3/17/06</td>
<td>Department of Central Management Services, Financial Incentive for Non-Medicare State Employees Retirement System Annuity Annuitants Who Opt Out of the State Employees Group Health Plan (80 Ill. Adm. Code 2106)</td>
<td>10/21/05</td>
<td>2/14/06</td>
</tr>
<tr>
<td></td>
<td></td>
<td>29 Ill. Reg. 15753</td>
<td></td>
</tr>
<tr>
<td>3/15/06</td>
<td>Department of Corrections, Rules of Conduct (20 Ill. Adm. Code 120)</td>
<td>11/28/05</td>
<td>3/14/06</td>
</tr>
<tr>
<td></td>
<td></td>
<td>29 Ill. Reg. 19009</td>
<td></td>
</tr>
<tr>
<td>3/17/06</td>
<td>Department of Professional Regulation-Division of Insurance, Life Reinsurance Agreements (50 Ill. Adm. Code 1103)</td>
<td>6/24/05</td>
<td>3/14/06</td>
</tr>
<tr>
<td></td>
<td></td>
<td>29 Ill. Reg. 8669</td>
<td></td>
</tr>
<tr>
<td>3/17/06</td>
<td>Department of Revenue, Income Tax (86 Ill. Adm. Code 100)</td>
<td>12/16/05</td>
<td>3/14/06</td>
</tr>
<tr>
<td></td>
<td></td>
<td>29 Ill. Reg. 20318</td>
<td></td>
</tr>
<tr>
<td>3/18/06</td>
<td>Illinois Racing Board, Pick(N)Pools (11 Ill. Adm. Code 308)</td>
<td>11/28/05</td>
<td>3/14/05</td>
</tr>
<tr>
<td></td>
<td></td>
<td>29 Ill. Reg. 19125</td>
<td></td>
</tr>
</tbody>
</table>
## JOINT COMMITTEE ON ADMINISTRATIVE RULES
### ILLINOIS GENERAL ASSEMBLY

**SECOND NOTICES RECEIVED**

<table>
<thead>
<tr>
<th>Date</th>
<th>Agency</th>
<th>Description</th>
<th>Date</th>
<th>Issued Rule</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/18/06</td>
<td>Illinois Racing Board</td>
<td>Discretionary Rules (11 Ill. Adm. Code 323)</td>
<td>3/14/06</td>
<td>29 Ill. Reg. 20310</td>
</tr>
<tr>
<td>3/18/06</td>
<td>Illinois Racing Board</td>
<td>Racing Rules (11 Ill. Adm. Code 1318)</td>
<td>3/14/06</td>
<td>29 Ill. Reg. 19130</td>
</tr>
<tr>
<td>3/18/06</td>
<td>Illinois Racing Board</td>
<td>Discretionary Rules (Repealer) (11 Ill. Adm. Code 1425)</td>
<td>3/14/06</td>
<td>29 Ill. Reg. 20314</td>
</tr>
<tr>
<td>3/19/06</td>
<td>State Universities Retirement System</td>
<td>Universities Retirement (80 Ill. Adm. Code 1600)</td>
<td>3/14/06</td>
<td>29 Ill. Reg. 15781</td>
</tr>
<tr>
<td>3/19/06</td>
<td>State Universities Retirement System</td>
<td>Universities Retirement (80 Ill. Adm. Code 1600)</td>
<td>3/14/06</td>
<td>29 Ill. Reg. 15509</td>
</tr>
<tr>
<td>3/22/06</td>
<td>Department of Financial and Professional Regulation-Division of Insurance</td>
<td>Registration of Workers' Compensation Utilization Review</td>
<td>3/14/06</td>
<td>29 Ill. Reg. 15389</td>
</tr>
<tr>
<td>3/22/06</td>
<td>Department of Financial and Professional Regulation-Division of Insurance</td>
<td>Managed Care Reform and Patient Rights (50 Ill. Adm. Code 5420)</td>
<td>3/14/06</td>
<td>29 Ill. Reg. 15403</td>
</tr>
<tr>
<td>3/22/06</td>
<td>Department of Financial and Professional Regulation-Division of Insurance</td>
<td>Viatical Settlement Provider Reporting Requirements</td>
<td>3/14/06</td>
<td>29 Ill. Reg. 16138</td>
</tr>
</tbody>
</table>
DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Pursuant to the provisions of 20 ILCS 1605/7.1, the Illinois Department of the Lottery 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 Department during the previous year. Following is the list of game-specific materials published by the Lottery during calendar year 2005.

Directive #05-05: "Special Game Designation: Mac's Ask for the Sale Program"
Directive #06-01: "End of Game: Numbers Now"
Standard Instant Game Rules
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 Flyer
Big Ticket to Universal Orlando Resort Winner List
Big Ticket to the Billboard Latin Music Awards Promotion Official Rules & Procedures
Big Ticket to the Billboard Latin Music Awards Promotion Official Drawing Procedures
Big Ticket to the Billboard Latin Music Awards Promotional Flyer
Shamrock Shuffle Double Draw Promotion Official Rules & Procedures
Road to Riches Promotion Official Rules & Procedures
Road to Riches Promotion Official Rules & Procedures Amendment #1
Road to Riches Promotion Drawing Procedures
Road to Riches Promotion Grand Prize Drawing Procedures
Road to Riches Promotional Flyer
Road to Riches Promotion Fact Sheet
Road to Riches Winner Lists
Mega Tripler Promotion Official Rules & Procedures
New Mega Millions" Flyer
State Fair Concert Ticket Second Chance" Promotion Official Drawing Procedures
Little Lotto Fantasy Football Promotion Official Rules & Procedures
Revised Little Lotto Fantasy Football Promotion Official Rules & Procedures (early termination)
Little Lotto Fantasy Football Promotional Flyer
Little Lotto Fantasy Football Winning Number List
Holiday Green Ball Double Draw Promotion Official Rules & Procedures
On-Line Drawing Procedures Supplemental Instructions for Green Ball Double Draw
Maui Money Instant Game Promotional Flyer
On Line Game Rules revised as of January 2005 and August 2005
Instant Game Prize List
2005 Winning Numbers Lists (Pick 3, Pick 4, Little Lotto, Lotto, Mega Millions)
2005 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)
NOTICE OF PUBLIC INFORMATION

Chances of Winning Lotto, Little Lotto or Mega Millions
Lotto and Little Lotto Subscription Forms
The Illinois Lottery: A History
The Illinois Lottery: The Condensed History
Chronological Events to Remember
The Illinois Lottery: How to Play and Win
Lotto, Little Lotto and Mega Millions Unclaimed Grand Prizes
Mega Millions Unclaimed 2nd Prizes
Record North American Jackpots
Top Big Game/Mega Millions Jackpots
Top Lotto Jackpots
Top Illinois Jackpots

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
PROCLAMATION

2006-22

LUNAR NEW YEAR CELEBRATION DAY

WHEREAS, January 29 is the first day of the Lunar New Year, also known as Chinese New Year or Spring Festival. The Chinese calendar has been in continuous use for centuries, predating the international calendar that we use at the present day, which goes back only some 425 years; and

WHEREAS, the Chinese calendar measures time from short durations of minutes and hours to intervals of time measured in months, years, and centuries that are entirely based on the astronomical observations of the movement of the sun, the moon, and the stars; and

WHEREAS, New Year’s Eve and New Year’s Day are celebrated as a family affair, a time of reunion and thanksgiving. Traditionally, the celebration was highlighted with a religious ceremony given in honor of Heaven and Earth, the gods of the household and the family ancestors; and

WHEREAS, the sacrifice to the ancestors, the most vital of all the rituals, united the living members with those who had passed away. Departed relatives are remembered with great respect because they were responsible for laying the foundations for the fortune and glory of the family; and

WHEREAS, today, the presence of the ancestors is acknowledged on New Year’s Eve with a dinner arranged for them at the family banquet table. The spirits of the ancestors, together with the living, celebrate the onset of the New Year as one great community. The communal feast, called “surrounding the stove” or weilu, symbolizes family unity and honors the past and present generations; and

WHEREAS, many Chinese began immigrating to America during the 1850’s, and this began a new era of Asian immigration in the United States:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim January 29, 2006 as LUNAR NEW YEAR CELEBRATION DAY in Illinois in recognition of this important holiday for Asian-Americans, who have made significant contributions to our great State, and encourage all citizens to join their wonderful cultural tradition by celebrating the Lunar New Year with friends and family.

Issued by the Governor on January 27, 2006.
Filed with the Secretary of State January 31, 2006.
PROCLAMATION

AFRICAN-AMERICAN VETERANS RECOGNITION DAY

WHEREAS, in the face of great adversity, African-American men and women have displayed a history of patriotism by courageously serving in all branches of the United States Armed Forces; and

WHEREAS, African-American men and women have served and distinguished themselves in times of peace as well as during every major conflict since the birth of our nation; and

WHEREAS, certain African-American groups such as: Company E, 4th United States Colored Infantry; the Tuskegee Airmen; the Montford Point Marines; the 555th Airborne Battalion; the 761st Tank Battalion; and the “Golden Thirteen” have become historical icons in American military history; and

WHEREAS, African-American men and women continue to bravely serve in all branches of the United States Armed Forces and carry on a great legacy of patriotism; and

WHEREAS, the State of Illinois is proud to participate in the “Salute to African-American Veterans’ on February 18, 2006, to acknowledge the numerous accomplishments made by these brave men and women who have served their country through military service:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 18, 2006 as AFRICAN-AMERICAN VETERANS RECOGNITION DAY in Illinois, and encourage all citizens to honor those veterans who have courageously served their country.

Issued by the Governor on January 30, 2006.
Filed with the Secretary of State January 31, 2006.

2006-24
COLORECTAL CANCER AWARENESS MONTH

WHEREAS, colorectal cancer, cancer of the colon or rectum, is the second leading cause of cancer-related deaths in the United States for both men and women combined. The disease surpasses both breast and prostate cancer in mortality, second only to lung cancer in numbers of cancer deaths; and

WHEREAS, Merle Rosenberg from Northbrook, Illinois was one victim of colorectal cancer. Although he underwent a sigmoidoscopy, the disease went undetected, and
Merle passed away in 1998 after suffering a protracted battle with the insidious disease; and

WHEREAS, sadly, there are thousands of Americans like Merle who die from colorectal cancer every year. An estimated 56,000 men and women died from the disease just in 2005, and it is estimated that more than 145,000 Americans will be diagnosed with colorectal cancer this year; and

WHEREAS, today, approximately 90 percent of colorectal cancers and deaths are thought to be preventable thanks to a procedure called a colonoscopy, which, unlike a sigmoidoscopy, allows doctors to look inside the entire large intestine; and

WHEREAS, most cases of colorectal cancer begin as non-cancerous polyps, which are grape-like growths on the lining of the colon and rectum. These polyps can become cancerous. Consequently, their removal can prevent colorectal cancer from ever developing; and

WHEREAS, because there are often no symptoms related to polyps, it is important to get screened regularly. Men and women at an average risk for the disease should start getting screened after the age of 50. Recent research has shown that African Americans are more frequently diagnosed at a younger age. Experts suggest they begin screening after the age of 45; and

WHEREAS, colorectal cancer screening tests can even save lives when they detect polyps that have become cancerous. When discovered early, the disease can be cured in most cases. Unfortunately, less than 50 percent of Americans over the age of 50 receive regular screenings for colorectal cancer; and

WHEREAS, a number of organizations throughout the country will sponsor activities and events this March that educate the public about the importance of getting screened regularly, as well as other ways to reduce the risk of colorectal cancer, such as adopting a healthy lifestyle and diet:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2006 as COLORECTAL CANCER AWARENESS MONTH in Illinois to raise awareness about colorectal cancer, and to promote colonoscopies so that others can avoid the same fate as Merle Rosenberg or any of the victims of this terrible disease.

Issued by the Governor on January 31, 2006.
Filed with the Secretary of State January 31, 2006.
PROCLAMATION

BURN AWARENESS WEEK

WHEREAS, severe burn injuries are a leading cause of death in the United States. Sadly, children, the elderly, and those with disabilities are most likely to become victims of serious burns. Young children are particularly vulnerable; and

WHEREAS, although approximately 75 percent of all burn injuries and deaths are preventable, more than one million Americans suffer burn injuries of some kind every year. Of those burn victims, more than one of every three are children; and

WHEREAS, there are care centers throughout the country that treat burn victims, including four Shriners Hospitals that provide medical aid and assistance totally and completely free of charge to burned children; and

WHEREAS, the Shriners of North America built the first Shriners Hospital in 1922 in Shreveport, Louisiana to treat crippled children. Three decades later, in 1963, they opened the first Shriners burn facility at the University of Texas Medical Branch in Galveston; and

WHEREAS, while children with burns over 45 percent of their body were considered fatal in 1968, many children with burns over 95 percent of their bodies survive today thanks to care centers such as Shriners Hospitals; and

WHEREAS, by being vigilant, we can even prevent most burn injuries. Consequently, educators and professionals promote burn prevention and safety every year during Burn Awareness Week, which is observed the first full week in February:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 5-11, 2006 as BURN AWARENESS WEEK in Illinois to raise awareness about the problem of burn injuries and deaths, and to recognize the Shriners Hospitals and all care centers that treat burn victims for their commitment and dedication to them.

Issued by the Governor on January 31, 2006.
Filed with the Secretary of State January 31, 2006.

2006-26
STUDENT COUNCIL WEEK

WHEREAS, Student Council is a terrific opportunity for our leaders of tomorrow; and
PROCLAMATION

WHEREAS, Student Council is a hands-on experience that teaches students the fundamentals of leading. The first ingredient of leadership is establishing a vision that others share and are willing to invest their personal resources for; and

WHEREAS, once a vision is established, it is important to determine how to get there, and essential to that success is communication, teamwork, and perseverance. Finding common ground, building consensus, and inspiring cooperation to achieve a goal is what leadership is all about; and

WHEREAS, the good leaders are those who know that, and the best leaders are those whose results support their vision; and

WHEREAS, Student Council is a civics lesson in motion, and in the process, members also promote school spirit, raise money for charity, and volunteer their time to community service. Indeed, Student Council is a wonderful organization that benefits students, schools, and the entire community; and

WHEREAS, this year, Woodstock High School will host the 72nd Annual Illinois Association of Student Councils State Convention at the Springfield Hilton and Renaissance Hotels from May 4-6. The conference will attract students from all across the state. There, they will participate in seminars and workshops to exchange event ideas and to help them become better leaders:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 30-May 7, 2006 as STUDENT COUNCIL WEEK in Illinois in support of Student Council, and to encourage our future leaders attending the Illinois Association of Student Councils State Convention to share and apply what they learn there.

Issued by the Governor on January 31, 2006.
Filed with the Secretary of State January 31, 2006.

2006-27
UNIMIN CORPORATION CONSERVATION AWARENESS DAY

WHEREAS, the Illinois Endangered Species Protection Act states that the Illinois Department of Natural Resources, with the advice of the Illinois Endangered Species Protection Board, shall actively plan and implement a program for the conservation of endangered and threatened species; and

WHEREAS, the official Illinois Endangered and Threatened Species List currently contains the names of 144 endangered and threatened animals, as well as 339
endangered and threatened plants. Among the animals named are the Indiana Bat, the Timber Rattlesnake, and the Southeastern Bat; and

WHEREAS, the Illinois Department of Natural Resources recognizes that only through partnership between public and private sectors can we truly achieve restoration and responsible management of our native flora and fauna; and

WHEREAS, the Unimin Corporation’s Tamms/Elco Plant is one facility that has consistently demonstrated excellence in the realms of wildlife habitat enhancement and endangered and threatened species restoration. They are located in southern Illinois and distinguished themselves by winning the coveted Wildlife Habitat Council’s 2005 Corporate Habitat of the Year award, which goes to one recertified program each year. Employees and volunteers take advantage of the opportunities created by the site’s mining and reclamation program to incorporate wildlife management projects for an incredible diversity of native species across 1,950 acres; and

WHEREAS, extensive education efforts are also undertaken by Unimin employees to teach school children about the components of the wildlife program. The site has been certified by the Wildlife Habitat Council for habitat since 1997 and Corporate Lands for Learning since 2004; and

WHEREAS, this is the second time the facility has been presented with the honor, and representatives from the Department of Natural Resources will join them for a celebration on February 11:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 11, 2006 as UNIMIN CORPORATE CONSERVATION AWARENESS DAY in recognition of UNIMIN for their unwavering commitment and numerous contributions to environmental stewardship and native biodiversity, and in support of the efforts of all our corporate partners as we strive towards preservation through action, education, and leadership.

Issued by the Governor on January 31, 2006.
Filed with the Secretary of State January 31, 2006.

2006-28
MYRA AND JOHN REILLY DAY

WHEREAS, the Midwest Eye-Banks makes the Gift of Sight possible by providing corneal tissue from donors to the people for whom a corneal transplant is a second chance for sight; and
PROCLAMATION

WHEREAS, the Midwest Eye-Banks accomplishes its mission through public and professional education, donor coordination, and distribution of eye tissue for transplantation, research, and training; and

WHEREAS, this year, the Midwest Eye-Banks will be presenting its Gift of Sight Gala 2006 on March 24, at the Ritz-Carlton in Chicago; and

WHEREAS, this year, the Midwest Eye-Banks will honor Myra and John Reilly as the “2006 Woman and Man of Vision” for their outstanding community involvement and strong civic leadership in the City of Chicago; and

WHEREAS, Myra and John Reilly have served as chairperson and/or committee members for many Chicago civic and charitable causes including Service Club of Chicago, Lincoln Park Zoo, Parkways Foundation, Chicago Historical Society, Catholic Charities, Project Exploration, Hubbard Street Dance Company, Northwestern Memorial’s Women’s Board, Rush-St. Luke’s Women’s Board, and Board of Directors of Hinsdale Hospital:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 24, 2006 as MYRA AND JOHN REILLY DAY in Illinois in recognition of their significant contributions to our great State.

Issued by the Governor on January 31, 2006.  
Filed with the Secretary of State January 31, 2006.

2006-29  
CONGENITAL HEART DEFECT AWARENESS WEEK &  
A DAY FOR HEARTS: CONGENITAL HEART DEFECT AWARENESS DAY

WHEREAS, congenital heart defects, the most common type of major birth defect and the leading cause of birth defect related deaths, develop during pregnancy when a baby’s heart fails to form properly, resulting in structural abnormalities; and

WHEREAS, every year, approximately 40,000 babies in the United States, including about 2,000 in Illinois, are born with congenital heart defects, resulting in thousands of families across America facing the challenge and hardship of raising children with this birth defect; and

WHEREAS, congenital heart defects are still a little known problem and, as a result, congenital heart defects may not be diagnosed until months or years after birth; and
PROCLAMATION

WHEREAS, those born with congenital heart defects are usually not diagnosed and treated until later, which creates complications and concerns; and

WHEREAS, many deaths of young athletes due to cardiac arrest are attributed to treatable congenital heart defects that go undiagnosed, and

WHEREAS, the proper treatment for those with a congenital heart defect can mean living a healthy life well into adulthood, and

WHEREAS, by raising awareness about congenital heart defects and the importance of early detection and treatment, we can save countless lives:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 7-14, 2006 as CONGENITAL HEART DEFECT AWARENESS WEEK and February 14, 2006 as A DAY FOR HEARTS: CONGENITAL HEART DEFECT AWARENESS DAY in Illinois to promote early detection and treatment of the problem.

Issued by the Governor on February 1, 2006.
Filed by the Secretary of State February 1, 2006.

2006-30
CAREER AND TECHNICAL EDUCATION WEEK

WHEREAS, a commitment to career and technical education helps to ensure that Illinois has a strong, well-trained workforce that enhances productivity in business and industry, and solidifies the state’s leadership in the national and international marketplaces; and

WHEREAS, providing citizens with career and technical education can stimulate the growth and vitality of businesses and industries by preparing workers for the occupations forecasted to experience the largest and fastest growth in the next decade; and

WHEREAS, individual citizens benefit from a career and technical education because it enables them to find satisfying careers suited to their own skills and interests, provides technical skills that allow them to excel in their chosen careers and teaches leadership skills that serve them on the job, at home and in the community; and

WHEREAS, for over 60 years, the Illinois Association for Career and Technical Education (IACTE), the only association in Illinois dedicated to the support and service of career and technical educators, has been committed to the betterment of the
PROCLAMATION

profession, and to providing visibility and assistance for vocational and technical education; and

WHEREAS, each year, the IACTE celebrates Career and Technical Education Week to promote the advancement of the career and technical education profession in this state. The theme for this year’s week is “Career Tech: Education for Success”:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 12-18, 2006 as CAREER AND TECHNICAL EDUCATION WEEK in Illinois, and encourage all citizens to become familiar with the services and benefits offered by career and technical education programs in our state, and to support and participate in these programs to enhance individual work skills and productivity.

Issued by the Governor on February 2, 2006.
Filed by the Secretary of State February 2, 2006.

2006-31
NATIONAL LULAC WEEK

WHEREAS, 77 years ago, the founders of the League of United Latin American Citizens, better known as LULAC, joined together to establish an organization that would become the largest, oldest and most successful Hispanic civil rights and service organization in the United States; and

WHEREAS, since its inception on February 17, 1929 in Corpus Christi, Texas, LULAC has championed the cause of Hispanic Americans in education, employment, economic development and civil rights; and

WHEREAS, LULAC has developed a comprehensive set of nationwide programs fostering educational attainment, job training, housing, scholarships, citizenship, and voter registration; and

WHEREAS, LULAC members throughout the nation have developed a tremendous track record of success advancing the economic condition, educational attainment, political influence, health and civil rights of the Hispanic population of the United States; and

WHEREAS, LULAC has adopted a legislative platform that promotes humanitarian relief for immigrants, increased educational opportunities for our youth, and equal treatment for all Hispanics in the United States and its territories including the Commonwealth of Puerto Rico; and
WHEREAS, this year, the League of United Latin American Citizens will celebrate seventy-seven years of community service to increase educational opportunities and improve the quality of life for Hispanic Americans:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 13-19, 2006 as NATIONAL LULAC WEEK in Illinois, and encourage all citizens to recognize this organization’s seventy-five years of service and outstanding contributions LULAC has made to our state and country.

Issued by the Governor on February 2, 2006.
Filed by the Secretary of State February 2, 2006.

2006-32
CORETTA SCOTT KING DAY

WHEREAS, born on April 27, 1927 in Marion, Alabama, Coretta Scott graduated from Lincoln High School as valedictorian. She then went on to Antioch College in Yellow Springs, Ohio to receive a B.A. in music and education; and

WHEREAS, Coretta Scott moved to Boston to study voice and violin at the New England Conservatory of Music. It was in Boston that she met Martin Luther King, Jr, a young Baptist minister studying systematic theology at Boston University. They were married on June 18, 1953 in a ceremony that took place in her parent's house in Marion, Alabama performed by Dr. King’s father; and

WHEREAS, in September 1954, the couple moved to Montgomery, Alabama where Dr. King became pastor of the Dexter Avenue Baptist Church. Most of Coretta Scott’s time was spent as a devoted mother to four children: Yolanda Denise (1955), Martin Luther, III (1957), Dexter Scott (1961), and Bernice Albertine (1963); and

WHEREAS, over the years, Mrs. King would balance her time as a mother by speaking before church, civic, college, fraternal and peace groups. She would also be at Dr. King’s side during his finest hours, including when he received the Nobel Peace Prize in 1964, and during his historic march for voting rights in Selma, Alabama in 1965; and

WHEREAS, only days after Dr. King’s assassination in 1968, Coretta Scott King flew to Memphis with her children to lead thousands marching in honor of her slain husband and to plead for his cause. Throughout the years after his death, Mrs. King continuously devoted her time and talent to developing programs and
PROCLAMATION

building the Atlanta-based Martin Luther King, Jr. Center for Nonviolent Social Change as a living memorial to her husband's life and dream; and

WHEREAS, besides being the founding President, Chair, and Chief Executive Officer of the King Center (1968-1995), Mrs. King lead the way to establish Dr. King's birthday as a national holiday. She chaired the Martin Luther King, Jr. Federal Holiday Commission after it was instituted by an act of Congress in 1983. And in January 1986, Mrs. King oversaw the first legal holiday in honor of her husband—a holiday which has come to be celebrated by millions of people world-wide; and

WHEREAS, Corretta Scott King passed away on January 30, 2006. She leaves behind a legacy of courage and compassion, and her message of equal rights and peace for all will continue to make our world a better place:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 7, 2006 as CORETTA SCOTT KING MEMORIAL DAY in Illinois, and order all State facilities to fly their flags at half-staff from sunrise until sunset on this day, the day of her interment, in honor and remembrance of her incredible contributions to civil rights and peace.

Issued by the Governor on February 2, 2006.
Filed by the Secretary of State February 2, 2006.

2006-33
DESERT STORM REMEMBRANCE DAY

WHEREAS, since the birth of this great nation, millions of brave American men and women have courageously answered the call to defend their country’s ideals of freedom and democracy; and

WHEREAS, fifteen years ago, over 600,000 members of the United States Armed Forces risked their lives in the Persian Gulf to liberate Kuwait during Operation Desert Storm, some making the ultimate sacrifice for their country; and

WHEREAS, the men and women who served in the United States Armed Forces during Operation Desert Storm have earned the gratitude and respect of their nation; and

WHEREAS, the observance of the 15th anniversary of Operation Desert Storm allows citizens throughout Illinois, and across the country, the opportunity to honor those who served during this conflict for their valor and selflessness:
ILLINOIS REGISTER

06

PROCLAMATION

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 28, 2006 as DESERT STORM REMEMBRANCE DAY in Illinois, and urge all citizens to honor those who courageously served their country during Operation Desert Storm.

Issued by the Governor on February 3, 2006.
Filed by the Secretary of State February 3, 2006.

2006-34
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 182,000 men and women from across the United States, including almost seven thousand from Illinois, have served as Peace Corps volunteers in 138 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

WHEREAS, this year, the Peace Corps is celebrating 45 years 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 27 through March 5, 2006 as PEACE CORPS WEEK in Illinois, and encourage all citizens to recognize and appreciate the significant and lasting impact that these volunteers have made across the world.

Issued by the Governor on February 3, 2006.
Filed by the Secretary of State February 3, 2006.
PROCLAMATION

2006-35
RONALD MCDONALD HOUSE DAY

WHEREAS, in 1974, the Ronald McDonald House was established as a temporary “home away from home” that gives parents a place to stay overnight while their seriously ill children are receiving medical treatment at a nearby hospital; and

WHEREAS, since its inception, approximately ten million families have benefited from the Ronald McDonald House programs; now, with over 250 Ronald McDonald Houses located in twenty-five countries, that number will undoubtedly continue to rise as the number of Houses continue to increase; and

WHEREAS, the Ronald McDonald House programs have given $400 million in grants and program services around the world to have a direct and positive impact on countless families with ill children; and

WHEREAS, the program is supported by more than 30,000 volunteers, who prepare meals, clean and do anything than can simplify the parents’ lives; and

WHEREAS, services have been offered to over 9,000 families in the state of Illinois and February 15, 2006, will mark twenty years of service for the Ronald McDonald House Charities of Central Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 15, 2006 as RONALD MCDONALD HOUSE DAY in Illinois in recognition of Ronald McDonald House programs, and valuable support they provide to families in their time of need.

Issued by the Governor on February 3, 2006.
Filed by the Secretary of State February 3, 2006.
ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 30, Issue 7 are listed in the Issues Index by Title number, Part number, Volume and Issue.
Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES
80 - 310 ........................................1937
35 - 365 ........................................2002
23 - 3060 ........................................2093
80 - 150 ........................................2109
23 - 2700 ........................................2119
23 - 2730 ........................................2142
23 - 2731 ........................................2151
23 - 2732 ........................................2158
23 - 2733 ........................................2165
23 - 2735 ........................................2174
23 - 2736 ........................................2181
23 - 2755 ........................................2186
23 - 2761 ........................................2194
23 - 2763 ........................................2198
23 - 2764 ........................................2207
23 - 2765 ........................................2217
23 - 2768 ........................................2225
23 - 2769 ........................................2234
23 - 2770 ........................................2243
80 - 650 ........................................2248

ADOPTED RULES
8 - 260 02/06/2006..............................2253
74 - 420 02/20/2006..............................2260
74 - 440 02/20/2006..............................2280
80 - 310 02/20/2006..............................2289
89 - 302 02/02/2006..............................2323
56 - 2920 01/31/2006..............................2357
35 - 304 02/02/2006..............................2365
77 - 697 02/03/2006..............................2373

PEREMPTORY RULES
8 - 125 02/06/2006..............................2400

PUBLIC HEARINGS ON PROPOSED RULES
8 - 20 ........................................2414
8 - 25 ........................................2415
8 - 40 ........................................2416
8 - 55 ........................................2417
8 - 75 ........................................2418
8 - 80 ........................................2419
8 - 85 ........................................2420
8 - 110 ........................................2421

REQUEST FOR EXPEDITED CORRECTION
20 - 800 01/01/2006..............................2422

EXECUTIVE ORDERS AND PROCLAMATIONS
06 - 22 01/27/2006..............................2436
06 - 23 01/30/2006..............................2436
06 - 24 01/31/2006..............................2437
06 - 25 01/31/2006..............................2438
<table>
<thead>
<tr>
<th>Date</th>
<th>Notices Required by Law to Be Published in the Illinois Register</th>
</tr>
</thead>
<tbody>
<tr>
<td>06-26</td>
<td>01/31/2006                      ..................................2439</td>
</tr>
<tr>
<td>06-27</td>
<td>01/31/2006                      ..................................2440</td>
</tr>
<tr>
<td>06-28</td>
<td>01/31/2006                      ..................................2441</td>
</tr>
<tr>
<td>06-29</td>
<td>02/01/2006                      ..................................2442</td>
</tr>
<tr>
<td>06-30</td>
<td>02/02/2006                      ..................................2443</td>
</tr>
<tr>
<td>06-31</td>
<td>02/02/2006                      ..................................2444</td>
</tr>
<tr>
<td>06-32</td>
<td>02/02/2006                      ..................................2445</td>
</tr>
<tr>
<td>06-33</td>
<td>02/03/2006                      ..................................2446</td>
</tr>
<tr>
<td>06-34</td>
<td>02/03/2006                      ..................................2447</td>
</tr>
<tr>
<td>06-35</td>
<td>02/03/2006                      ..................................2448</td>
</tr>
<tr>
<td>50-7110</td>
<td>..................................................................2431</td>
</tr>
</tbody>
</table>
## ORDER FORM

<table>
<thead>
<tr>
<th>Description</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subscription to the Illinois Register (52 Issues)</td>
<td>$290.00</td>
</tr>
<tr>
<td>New</td>
<td></td>
</tr>
<tr>
<td>Renewal</td>
<td></td>
</tr>
<tr>
<td>Electronic Version of the Illinois Register (E-mail Address Required)</td>
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</tr>
<tr>
<td>New</td>
<td></td>
</tr>
<tr>
<td>Renewal</td>
<td></td>
</tr>
<tr>
<td>Back Issues of the Illinois Register (Current Year Only)</td>
<td>$10.00</td>
</tr>
<tr>
<td>Volume #________ Issue#________ Date________</td>
<td></td>
</tr>
<tr>
<td>Microfiche sets of the Illinois Register 1977 – 2001</td>
<td>$200.00</td>
</tr>
<tr>
<td>Specify Year(s)</td>
<td></td>
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<tr>
<td>Cumulative/Sections Affected Indices 1990 - 2002</td>
<td>$5.00</td>
</tr>
<tr>
<td>Specify Year(s)</td>
<td></td>
</tr>
</tbody>
</table>

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