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April 10, 2020 Volume 44, Issue 15

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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2020

	Issue#	Rules Due Date	Date of Issue	
	1	December 23, 2019	January 3, 2020	
	2	December 30, 2019	January 10, 2020	
	3	January 6, 2020	January 17, 2020	
	4	January 13, 2020	January 24, 2020	
	5	January 21, 2020	January 31, 2020	
	6	January 27, 2020	February 7, 2020	
	7	February 3, 2020	February 14, 2020	
	8	February 10, 2020	February 21, 2020	
	9	February 18, 2020	February 28, 2020	
	10	February 24, 2020	March 6, 2020	
	11	March 2, 2020	March 13, 2020	
	12	March 9, 2020	March 20, 2020	
	13	March 16, 2020	March 27, 2020	
	14	March 23, 2020	April 3, 2020	
	15	March 30, 2020	April 10, 2020	
	16	April 6, 2020	April 17, 2020	
	17	April 13, 2020	April 24, 2020	
	18	April 20, 2020	May 1, 2020	
	19	April 27, 2020	May 8, 2020	
	20	May 4, 2020	May 15, 2020	
	21	May 11, 2020	May 22, 2020	
	22	May 18, 2020	May 29, 2020	

	23	May 26, 2020	June 5, 2020	
	24	June 1, 2020	June 12, 2020	
	25	June 8, 2020	June 19, 2020	
	26	June 15, 2020	June 26, 2020	
	27	June 22, 2020	July 6, 2020	
	28	June 29, 2020	July 10, 2020	
	29	July 6, 2020	July 17, 2020	
	30	July 13, 2020	July 24, 2020	
	31	July 20, 2020	July 31, 2020	
	32	July 27, 2020	August 7, 2020	
	33	August 3, 2020	August 14, 2020	
	34	August 10, 2020	August 21, 2020	
	35	August 17, 2020	August 28, 2020	
	36	August 24, 2020	September 4, 2020	
	37	August 31, 2020	September 11, 2020	
	38	September 8, 2020	September 18, 2020	
	39	September 14, 2020	September 25, 2020	
	40	September 21, 2020	October 2, 2020	
	41	September 28, 2020	October 9, 2020	
	42	October 5, 2020	October 16, 2020	
	43	October 13, 2020	October 23, 2020	
	44	October 19, 2020	October 30, 2020	
	45	October 26, 2020	November 6, 2020	
	46	November 2, 2020	November 13, 2020	
	47	November 9, 2020	November 20, 2020	
	48	November 16, 2020	November 30, 2020	
	49	November 23, 2020	December 4, 2020	
	50	November 30, 2020	December 11, 2020	
	51	December 7, 2020	December 18, 2020	
	52	December 14, 2020	December 28, 2020	

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Information, Rulemaking, Organization and Personnel
- 2) Code Citation: 2 Ill. Adm. Code 600
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
600.610	Amendment
600.662	Amendment
600.678	Amendment
600.686	Amendment
600.Appendix B	Amendment
- 4) Statutory Authority: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and Section 2-10 of the Illinois State Auditing Act [30 ILCS 5/2-10] and authorized by Section 2-12 (a) of the Illinois State Auditing Act [30 ILCS 5/2-12(a)].
- 5) Effective Date of Rules: April 1, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Auditor General's Springfield office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: As this is a Title 2 internal rulemaking, First Notice publication was not required.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: As this is a Title 2 internal rulemaking, First Notice publication was not required.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreement letter was issued.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

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15) Summary and Purpose of Rulemaking: This rulemaking will update the Auditor General's internal rules governing personnel to conform to changes in law and current practices.

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

Rebecca Patton
Office of the Auditor General
740 E. Ash St.
Springfield IL 62703

217/782-6046
888/261-2887 (TTY)

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

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE C: CONSTITUTIONAL OFFICERS
CHAPTER V: AUDITOR GENERAL

PART 600

PUBLIC INFORMATION, RULEMAKING, ORGANIZATION AND PERSONNEL

SUBPART A: PUBLIC INFORMATION

Section
600.10 Procedures for the Public to Obtain Information

SUBPART B: RULEMAKING PROCEDURES

Section
600.110 Introduction
600.120 Rulemaking Procedures

SUBPART C: ORGANIZATION

Section
600.210 Introduction
600.220 Description of Organization of Office of the Auditor General

SUBPART D: PERSONNEL

Section
600.610 Introduction
600.614 Position Classification and Compensation
600.618 Application and Appointment
600.622 Work Schedule and Attendance
600.626 Continuous Service
600.630 Personnel Records and Performance Reviews
600.634 Probationary Status
600.638 Promotion
600.642 Employee Transfer
600.646 Demotion
600.650 Layoff
600.654 Voluntary Reduction

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600.658	Resignation and Reinstatement
600.662	Employee Conduct
600.666	Discipline and Discharge
600.670	Grievance Procedure
600.674	Sick Leave
600.678	Vacation Leave
600.680	Repayment of Benefit Time
600.682	Leave for Personal Business
600.686	Leaves of Absence
600.690	Holidays
600.694	Overtime
600.698	Interpretation and Application of Rules
600.699	Savings Clause
600.APPENDIX A	Internal Office Rulemaking Procedures – Flow Chart
600.APPENDIX B	Organization Chart

AUTHORITY: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100] and Section 2-10 of the Illinois State Auditing Act [30 ILCS 5] and authorized by Section 2-12(a) of the Illinois State Auditing Act.

SOURCE: Personnel rules filed effective July 27, 1976; amended at 2 Ill. Reg. 52, p. 237, effective December 28, 1978; amended at 3 Ill. Reg. 41, p. 138, effective October 11, 1979; amended at 4 Ill. Reg. 1, p. 20, effective December 30, 1979; amended at 4 Ill. Reg. 12, p. 526, effective March 6, 1980; amended at 5 Ill. Reg. 8625, effective August 12, 1981; amended at 6 Ill. Reg. 7780, effective June 18, 1982; amended at 6 Ill. Reg. 11837, effective September 12, 1982; amended at 7 Ill. Reg. 9983, effective August 8, 1983; codified as Subpart D at 8 Ill. Reg. 1968; amended at 8 Ill. Reg. 3576, effective March 12, 1984; Procedures to be Followed by the Public in Obtaining Information (Article 3) adopted at 4 Ill. Reg. 26, p. 144, effective June 13, 1980; Internal Office Rulemaking Procedures adopted at 4 Ill. Reg. 26, p. 147, effective June 13, 1980; Agency Organization adopted at 4 Ill. Reg. 26, p. 151, effective June 13, 1980; Public Information, Rulemaking and Organization codified at 8 Ill. Reg. 18070; amended at 9 Ill. Reg. 7889, effective May 13, 1985; amended at 9 Ill. Reg. 18439, effective November 20, 1985; amended at 11 Ill. Reg. 10857, effective May 29, 1987; former Part repealed and new Part adopted at 18 Ill. Reg. 6440, effective May 1, 1994; amended at 21 Ill. Reg. 12434, effective August 27, 1997; amended at 28 Ill. Reg. 14457, effective December 1, 2004; amended at 33 Ill. Reg. 1704, effective March 10, 2009; amended at 44 Ill. Reg. 5873, effective April 1, 2020.

SUBPART D: PERSONNEL

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Section 600.610 Introduction

- a) General
 - 1) Subject
This Subpart establishes the basic policies governing personnel in the Office of the Auditor General.
 - 2) Equal Employment
The Office of the Auditor General does not discriminate against any individual on any unlawful basis, including race, color, religion, sex, sexual orientation, age, marital status, physical or mental disability, national origin, citizenship status, arrest record, political affiliation, ancestry, military status or unfavorable discharge from military service.
 - 3) Scope
All payroll employees of the Office of the Auditor General are subject to the provisions of this Subpart.
- b) ~~References~~
 - 1) ~~Authority~~
~~This Subpart is promulgated under the authority Sections 2-10 and 2-12(a) of the Illinois State Auditing Act (Ill. Rev. Stat. 1991, Ch. 15, pars. 302-10 and 302-12(a)) [30 ILCS 5/2-10 and 2-12(a)].~~
 - 2) ~~Incorporations~~
~~The following materials are incorporated by reference and made a part of this Subpart:~~
 - A) ~~Standards of Construction for Rules, 74 Ill. Adm. Code 440.Subpart A; and~~
 - B) ~~Definitions, 74 Ill. Adm. Code 440.Subpart B.~~
- be) Definitions

"Auditor General" means the Auditor General of the State of Illinois.

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"Certified Employee" means an employee who has satisfactorily completed a required period of probation and attained certified status in any position during the employee's most recent period of continuous service with the Office.

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

"Deputy Auditor General" means the Deputy Auditor General of the State of Illinois.

"Director" means a designated head of an organizational unit as reflected in the organizational chart in Appendix B. ~~When~~Where appropriate, the term "director" includes the Auditor General and Deputy Auditor General.

"Executive Employee" means a Director, a Legal Counsel, the Assistant to the Auditor General, and other employees as designated in their position descriptions.

"Gift Ban Law" means Article 10 of the State Officials and Employees Ethics Act [5 ILCS 430].

"Immediate Family" means spouse, civil union partner, domestic partner, parents, mother-in-law, father-in-law, stepparents, children, stepchildren, siblings, grandparents, grandchildren, and other persons who abide~~abiding~~ within the same household. For bereavement purposes, the term also includes niece, nephew, aunt, uncle, brother-in-law,~~parents-in-law, ~~brother~~ ~~or~~ sister-in-law, son-in-law and daughter-in-law~~children-in-law~~.~~

"Office" means Office of the Auditor General.

"Probationary Employee" means an employee serving a probationary period after initial hiring from outside the Office.

"Probationary Period" means a period of approximately ~~six~~ calendar months preceding receipt of notice of certification and after initial hiring from outside the Office or of approximately ~~four~~ (4) months after appointment to a position within the Office in which the employee has not

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previously been certified. Probationary periods of longer duration may be imposed as provided in this Subpart.

"State Auditor" means a State payroll employee of the Office who has been authorized by the Auditor General to conduct audits, investigations and studies and who has been appointed State Auditor in accordance with this Subpart.

(Source: Amended at 44 Ill. Reg. 5873, effective April 1, 2020)

Section 600.662 Employee Conduct

- a) **Standards of Conduct:**
Employees of the Office shall obey the rules of conduct of ~~the~~this Office and shall be aware that the absence of a specific published rule of conduct covering an act tending to discredit an employee, ~~the~~this Office or the State of Illinois does not mean the act is condoned or permissible or would not call for, and result in, disciplinary action.
- b) **Conflicts of Interest**
 - 1) **General Provisions**
No employee shall violate any law, rule, regulation, policy or standard concerning conflicts of interest, nor shall any employee engage in any conduct in which the employee's private interests or involvements are, or may reasonably be construed to be, in conflict with or detrimental to the objective performance of his or her official duties and responsibilities.
 - 2) **Disclosure Statement to the Auditor General**
 - A) The purpose of the Disclosure Statement required by this ~~subsection (b)(2)~~Subsection is to aid the Auditor General in maintaining the objectivity and impartiality of the conduct of the activities of the Office and, ~~when~~where a potential conflict is unavoidable, to provide for the full disclosure of the facts and circumstances involved.
 - B) Disclosure Statements shall be confidential. The Auditor General shall designate a custodian who shall be responsible for the

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safekeeping of Disclosure Statements. The Auditor General, a Deputy Auditor General, the custodian, and others designated by the Auditor General on an as-needed basis may review Disclosure Statements.

- C) Each employee shall file with the custodian a Disclosure Statement ~~indicating which~~ indicates involvements or relationships ~~that which~~ could affect the employee's performance of his or her official duties.
 - D) Employees shall file their Disclosure Statements with the custodian immediately upon employment and shall refile their Statements by May 1st annually ~~thereafter~~. Employees shall be under a continuing duty to advise the custodian promptly, in writing, of any change ~~that which~~ would affect an answer given on their current Disclosure Statements or ~~that which~~ might affect the objective or efficient performance of their duties.
- c) Political Activities
- 1) Participation in Public Campaigns
An employee may participate in public campaigns while in the employment of the Office provided that the employee's official position is not used, shown, or advertised in connection with the campaign and that the employee does not violate any prohibitions of this subsection ~~(c)~~Subsection.
 - 2) Prohibited Activity
Employees shall not, at any time, engage in the following actions:
 - A) Use, threaten to use, or offer to use the influence or authority of his or her position to coerce or to persuade any person to follow any course of political action or to make any contribution to a political cause.
 - B) Use State time, position, money, or property for the purposes of political activity.
 - C) Hold an elective or appointive office in any political party or other

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organization whose primary function is to promote and encourage the election of certain individuals to public office.

- D) Participate in or contribute to any public campaign ~~that~~^{which} involves a candidate who is running for, ~~or~~ currently employed by, or on leave from, an office or agency over which the Auditor General has audit authority.
- E) Hold any elective or appointive office that would require attention to duties during the Office's working hours.
- d) Official Conduct
- 1) Criticism of Agencies
No employee shall make use of any information gained in the course of his or her employment with the Office to publicly criticize any State, local, or private agency.
 - 2) Handling Antagonism or Refusals
When an employee is faced with a situation in which the agency's representative appears antagonistic or refuses to release information or documentation, the employee shall report ~~that~~^{the} fact to his or her supervisor. Employees shall at no time threaten or coerce any person.
 - 3) Self-disqualification ~~from~~^{From} Certain Assignments
When an employee receives an assignment involving a person acting as a representative for any public or private agency with whom he or she has had business or other relationships of a nature that might impair, or give the appearance of impairing, the employee's impartiality or independence, the employee ~~shall~~^{will} discuss with his or her supervisor the possible need to have the matter reassigned.
 - 4) Agencies Under Audit
If an audit team member is approached about possible employment with an agency under audit, he or she will notify his or her supervisor promptly. An employee may not initiate or pursue employment activities with an agency ~~for which~~^{that} the employee is currently participating in an audit ~~of~~.
 - 5) Use of Identification

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Credentials issued to employees are for use only in establishing identity or authority in connection with official duties. Employees shall not allow the use of their credentials by any other person.

- e) Use of State Time, Position and Property
 - 1) Personal Use Prohibited
Employees are forbidden to use State time, position or property for personal purposes.
 - 2) Protection and Inspection of Property
Employees have a responsibility to protect and conserve all State property. Consistent with applicable laws, the Office retains the right to control or inspect property that it owns or maintains, including, but not limited to, items such as desks, lockers, desk and cabinet drawers, vehicles, and computers.
 - 3) Liability for Damage or Loss
Employees may be held financially liable for damage to or loss of State property resulting from their negligent, willful ~~wilful~~ or wanton acts, or omissions. Costs for damage to or loss of State property may be deducted from the responsible employee's pay.
 - 4) Reporting Damage or Loss
Employees shall promptly report any loss, theft, or damage to State property or documents in their custody to their supervisor.
 - 5) Return of Equipment
Upon leaving their position with the Office, employees shall return all property and credentials assigned to them. At its option, the Office may withhold an employee's final paycheck pending return of State property and credentials assigned to or in the possession of that employee or may deduct the value of any unreturned State property from the departing employee's final paycheck.
- f) Disclosure of Official or Confidential Information
 - 1) Testifying and Responding to Subpoenas
When requested or subpoenaed to testify or produce documentation

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pertaining to confidential information before an executive or legislative commission or a court of law, employees shall notify the Auditor General prior to giving the testimony or producing documentation.

2) Engagements to Speak or Write

A) No employee may accept invitations for public addresses or submit articles for publication ~~that~~which concern the official activities of the Office without obtaining the prior approval of the Auditor General.

B) An employee may not accept compensation from, or permit his or her expenses to be paid by sources other than the State of Illinois, for speaking engagements or writings performed as official duties, except with the prior approval of the Auditor General.

g) Secondary Employment:

Employees may not hold secondary employment or be involved in a private enterprise if the employment or enterprise actually does or has the potential to interfere or conflict with his or her State position, or reasonably may be viewed by others as interfering with or conflicting with his or her State position.

Employees who engage in secondary employment or private enterprise shall avoid any action ~~that~~which might result in:

1) Any activities that take the employee's time and attention during official working hours or adversely affect job performance;

2) Use of State equipment, facilities, supplies, prestige or one's office of employment for personal use or private gain;

3) Use of any information identified as confidential by the agency or by, State or federal law~~;~~ or; the use of any information not available to the public ~~that~~which is gained by being a State employee, for direct or indirect personal advantage or private gain; and

4) Any activity ~~that~~which reflects unfavorably on the Office.

h) Educational Materials and Missions:

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For purposes of further defining exceptions to the Gift Ban ~~Law [5 ILCS 430/10-15]~~, "educational materials and missions" shall mean those materials and missions that:

- 1) have a close connection to the recipient officer's or employee's State employment or the mission of the Office;
 - 2) predominately benefit the public and not the employee or officer; and
 - 3) are approved by the Office's ethics officer in advance of the mission or receipt of the materials, if practicable. If it is not practicable to obtain advance approval, the mission and materials shall be reported to the Office's ethics officer as soon as practicable and shall contain a detailed explanation of why approval could not be obtained in advance. The following items may be accepted without ethics officer approval:
 - A) Single copies of academic or professional publications or software in the employee's or officer's area of responsibility or field of study; and
 - B) Waiver of conference registration fees for officers or employees serving as conference speakers, committee members or invitees of the conference host.
- i) **Travel Expenses for a Meeting to Discuss State Business:**
For purposes of further defining exceptions to the Gift Ban ~~Law [5 ILCS 430/10-15]~~, "travel expenses for a meeting to discuss State business" shall mean travel that:
- 1) has a close connection to the recipient officer's or employee's State employment;
 - 2) predominately benefits the public and not the employee or officer;
 - 3) is for travel in a style and manner in character with the conduct of State business; and
 - 4) is approved by the Office's ethics officer in advance of the travel, if practicable. If it is not practicable to obtain advance approval, the travel

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shall be reported to the Office's ethics officer as soon as practicable and shall contain a detailed explanation of why approval could not be obtained in advance.

- j) Harassment/Discrimination/Incivility
Employees are expressly prohibited from engaging in conduct they know or reasonably should know is harassment or discrimination against any person on the basis of his or her actual or perceived race, sex, religion, national origin, color, ancestry, citizenship status, physical or mental disability, age, sexual orientation, marital status, military status, pregnancy and childbirth or related medical conditions, or any other legally protected classification, as well as behavior that a reasonable person would view as incivility or bullying. Employees engaging in harassing, discriminatory or uncivil behaviors may be disciplined and, depending upon the circumstances, may be discharged.

(Source: Amended at 44 Ill. Reg. 5873, effective April 1, 2020)

Section 600.678 Vacation Leave

- a) Accrual:
- 1) Full-time employees shall earn vacation leave, accrued ~~daily~~monthly on a pro-rated basis, in accordance with the following schedule:
 - A) From the date of hire until the completion of ~~five~~(5) years of continuous service: ~~ten~~(10) days annually.
 - B) From the completion of ~~five~~(5) years of continuous service until the completion of ~~nine~~(9) years of continuous service: ~~fifteen~~(15) days annually.
 - C) From the completion of ~~nine~~(9) years of continuous service until the completion of ~~fourteen~~(14) years of continuous service: ~~seventeen~~(17) days annually.
 - D) From the completion of ~~fourteen~~(14) years of continuous service until the completion of ~~nineteen~~(19) years of continuous service: ~~twenty~~(20) days annually.

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- E) From the completion of ~~nineteen (19)~~ years of continuous service until the completion of ~~twenty five (25)~~ years of continuous service: ~~twenty two (22)~~ days annually.
- F) From the completion of ~~twenty five (25)~~ years of continuous service: ~~Twenty five (25)~~ days annually.
- 2) No employee shall accrue vacation leave while remaining on the payroll to collect accrued vacation prior to the effective date of his or her termination.
- 3) Employees who work less than ~~nineteen (19)~~ hours per week do not earn vacation leave. Permanent part-time employees shall earn vacation in accordance with the schedule set forth in subsection (a)(1) ~~above~~ on a prorated basis determined by a fraction the numerator of which shall be the hours worked by the employee and the denominator of which shall be normal working hours in the year required by the position.
- b) Use:
Vacation leave may be used in ~~one half (1/2)~~ hour increments. Employees may use vacation leave only upon the approval of a Director or his or her designee or, if the employee is a Director, upon the approval of the Auditor General or his ~~or her~~ designee. No employee may approve his or her own request for vacation leave.
- c) Continuous Service:
Computation of vacation leave of State employees who have interrupted continuous State service shall be determined as though all previous State service ~~that which~~ qualified for earning of vacation benefits is continuous with present service.
- d) Accumulation:
An employee who is employed by the Office on or prior to the effective date of this Part (May 1, 1994) shall be allowed to carry over accumulated vacation leave from year to year provided that the accumulation does not exceed ~~seventy five (75)~~ days carry over in any calendar year. Calculation of time will be made on December 31 of each year and, if the employee's total vacation leave exceeds ~~seventy five (75)~~ days at that time, only ~~seventy five (75)~~ days will be carried into the next year. An employee who is employed by the Office after May 1, 1994 (the effective date of this Part) ~~will shall~~ not be allowed to accumulate vacation

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time for more than ~~twenty-four (24)~~ months after the end of the calendar year in which it is earned. If that employee does not request and take accrued vacation within the 24 month period, vacation earned during that calendar year shall be lost.

- e) **Payout:**
Upon termination of employment by means of resignation, retirement, indeterminate layoff, or discharge, provided the employee is not employed in another position in ~~State~~ service within ~~four (4)~~ calendar days ~~after~~ his or her termination, ~~the~~ employee is entitled to be paid for any vacation earned but not taken or forfeited, up to a maximum of 75 days. No other payment in lieu of vacation shall be made except as provided by subsection (f), ~~below~~. This payment shall not be deemed to extend the effective date of termination by the number of days represented by the payment. Payment shall be computed by multiplying the number of days (hours) of accumulated vacation by the employee's daily (hourly) rate. Payment shall not be allowed if the purpose of the separation from employment and any subsequent reemployment is for the purpose of obtaining that payment. The accrued leave amount shall be certified in writing to the employee and may be held by the employee or forwarded to the State Employee's Retirement System.
- f) Upon the death of a State employee, the person or persons specified in Section 14a of the State Finance Act [30 ILCS 105/~~14a~~] shall be entitled to receive from the appropriation for personal services available for payment of the employee's compensation a sum for any accrued vacation period to which the employee was entitled at the time of death, up to a maximum of 75 days. The sum shall be computed by multiplying the employee's daily or hourly rate by the number of days or hours of accrued vacation due.

(Source: Amended at 44 Ill. Reg. 5873, effective April 1, 2020)

Section 600.686 Leaves of Absence

- a) **Types:**
- 1) **Disability:**
An employee who has expended his or her accumulated sick leave may be granted a leave without pay, provided that he or she may be required to submit a statement from an appropriate health care provider setting forth

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the reasons for the employee's inability to work. The leave may continue for an appropriate period approved by the Auditor General, provided that an appropriate health care provider's statement, if required, is submitted within the first ~~ten (10)~~ days of each month during the leave. An employee's disability leave shall terminate when the employee is no longer temporarily disabled from performing his or her regularly assigned duties. The State will continue to pay the premiums for the basic (State-paid) health and life insurances for an employee on illness leave until expiration of authorized leave and return to active service, but not to exceed ~~twenty-four (24)~~ months.

- 2) On-the-Job Injury and Service Connected Disease:
An employee who suffers an on-the-job injury or contracts a service-connected disease shall be allowed full pay during the first ~~five (5)~~ working days of absence without utilization of any accumulated sick leave or other benefits. A worker's compensation file must be created in order to authorize service-connected leave, and medical documentation verifying the need for time off from work shall be required. Thereafter, the employee shall be permitted to utilize accumulated sick leave or other benefits for additional time away from work unless the employee has applied for and been granted temporary total disability benefits in lieu of salary or wages pursuant to provisions of the Workers' Compensation Act [820 ILCS 305] or through the State's self-insurance program. In the event the service-connected illness or on-the-job injury becomes the subject of payment of benefits provided in the Workers' Compensation Act by the Illinois Workers' Compensation Commission, the courts, the State self-insurance program, or other appropriate authority, the employee shall restore to the State the dollar equivalent ~~that which~~ duplicates payments received as sick leave or other accumulated benefit time, and the employee's benefit accounts shall be credited with leave time equivalents. Employees whose compensable service-connected injury or illness requires appointments with a doctor, dentist, or other professional medical practitioner shall, with supervisor approval, be allowed to go to those appointments without loss of pay and without utilization of sick leave.
- 3) Family and Medical Leave
 - A) Eligibility:

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Employees who have been employed by the Office for at least ~~twelve (12)~~ months and have worked at least 1,250 hours during the ~~twelve (12)~~ months prior to the start of the FMLA leave are entitled to up to ~~twelve (12)~~ workweeks leave in any ~~twelve (12)~~ month period for one or more of the following:

- i) ~~because of the~~ birth of a son or daughter of the employee, ~~and~~ in order to care for the son or daughter;
- ii) ~~because of the~~ placement of a son or daughter with the employee for adoption or foster care;
- iii) to care for ~~at the~~ spouse, ~~or a~~ son, daughter, or parent, of the employee ~~who, if the spouse, son, daughter or parent~~ has a serious health condition;
- iv) ~~because of~~ a serious health condition that makes the employee unable to perform his or her job functions;
- v) ~~because of~~ any qualifying exigency arising out of the fact that an employee's spouse, child or parent is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation as provided under the National Defense Authorization Act for FY 2008 (P.L. 110-181) and implementing regulations. ~~Spouses employed by the Office may be limited to a combined total of twelve (12) workweeks of family leave for the birth and care of a child, placement of a child for adoption or foster care, or to care for an employee's parent who has a serious health condition.~~

B) Use:

The entitlement to leave under subsection (a)(3)(A)(i) and (ii), ~~above~~, expires at the end of the ~~twelve (12)~~ month period beginning on the date of the birth or placement of the son or daughter. The leave granted under subsection (a)(3)(A)(iii), (iv) and (v), ~~above~~, may be taken intermittently when medically necessary and when scheduled so as to not unduly disrupt the

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Office's operations.

- C) **Benefits:**
Except as provided in subsection (a)(9) for parental leave, FMLA leave~~Family and Medical Leave~~ shall be unpaid. Accrued sick and vacation leave may be applied to the ~~above~~ periods of FMLA absence at the employee's option. The State will continue to pay the premiums for the basic (State-paid) health and life insurances for an employee on FMLA~~family and medical~~ leave.
- D) **Restoration:**
Employees who take leave under this subsection (a)(3) shall be returned to the same or equivalent position with equivalent benefits, pay and other terms and conditions of employment as held by the employee when the leave commenced.
- E) **Optional Extension:**
FMLA leave~~Family and Medical Leave~~ may be extended up to a total of six months at the discretion of the Auditor General.
- F) **Military Caregiver Extended Leave:**
Employees otherwise meeting eligibility requirements for FMLA leave~~Family and Medical Leave~~ who are caring for a member of the Armed Forces who is on the temporary disability retired list or is receiving medical treatment, recuperation or therapy due to a serious injury or illness sustained in the line of duty may be eligible for up to a total of 26 weeks of FMLA leave~~Family and Medical Leave~~ (inclusive of all types of FMLA leave~~Family and Medical Leave~~ taken by the employee) during a single 12-month period, as provided under the National Defense Authorization Act for FY 2008 (P.L. 110-181). Spouses employed by the Office may be limited to a combined total of 26 workweeks of FMLA leave~~Family and Medical Leave~~ during a single 12-month period. Eligible employees must be the spouse, child, parent or next of kin of the person requiring care and shall otherwise comply with notice and certification requirements.
- G) **Notice and Certification:**
An employee shall provide the Office with not less than 30 days'

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notice of the employee's intent to take ~~FMLA leave~~Family and Medical Leave, or other notice as is practical under the circumstances. Documentation supporting the reasons for taking a leave may be required. The Office may obtain a second opinion from a health care provider of its choosing. Authorization from an appropriate health care provider to return to work may be required.

- H) The terms and conditions of ~~FMLA leave~~Family and Medical Leave shall be governed by the federal Family and Medical Leave Act of 1993, as amended, and implementing regulations.
- I) In determining whether a veteran meets the FMLA eligibility requirement, the months employed and the hours that were actually worked for the Office will be combined with the months and hours that would have been worked during the ~~12~~twelve months prior to the start of the leave requested but for the military service.
- 4) ~~Administrative Leave:~~
The Auditor General may grant administrative leaves of absence to employees for purposes deemed appropriate. The Auditor General shall determine the duration of the leave and whether the leave shall be with or without pay, full or partial, and with or without State-paid benefits.
- 5) ~~Excused Absence:~~
An employee may be granted an excused absence with pay upon the approval of the Auditor General or the Director to whom the employee reports.
- 6) ~~Military, Job Corps and Peace Corps Leaves:~~
Leaves of absence shall be allowed employees who enter military service, the Peace Corps or the Job Corps as provided by this subsection (a)(6) below and as may be required by law.
- A) ~~Military Service Leave:~~
Leave of absence without pay shall be granted to all employees who leave their positions and enter military service for ~~five~~(5) years or less (exclusive of any additional service imposed pursuant to law). An employee shall be restored to the same or a similar position on making application to the Auditor General within

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~~ninety (90)~~ days after separation from active duty or ~~after from~~ hospitalization or convalescence continuing after discharge for not more than ~~two~~ years. The employee must provide evidence of satisfactory completion of training and military service when making application for reinstatement and be qualified to perform the duties of the position. Continuous service and reemployment rights for veterans subject to federal law shall be as provided in the Uniformed Services Employment and Reemployment Rights Act (38 USC 4301-4333).

- B) Military Reserve Training Leave:
Any full-time employee of the State of Illinois who is a member of ~~any~~ reserve component of the Armed Services of the United States~~United States Armed Services~~, including the reserve components of the Armed Services of any state, or who is a member of the National Guard of any state, the Illinois National Guard or the Illinois Naval Militia shall be allowed military annual leave for annual training in accordance with the Illinois Service Member Employment and Reemployment Rights Act [330 ILCS 61]~~with pay for one full pay period and any additions or extensions to fulfill the military reserve obligation~~. These leaves will be granted without loss of seniority or other accrued benefits.
- C) State Active Duty/Emergency Call Up:
In the case of an emergency call-up (or order to State active duty) by the Governor, the leave shall be granted for the duration of the emergency with pay and without loss of seniority or other accrued benefit. Military earnings for the emergency call-up paid under the Military Code of Illinois [20 ILCS 1805] must be submitted and assigned to the Office, and the Office ~~will~~shall return it to the payroll fund from which the employee's payroll check was drawn. If military pay exceeds the employee's earnings for the period, the Office ~~will~~shall return the difference to the employee.
- D) Active Duty:
Any full-time employee who is a member of any reserve component of the United States Armed Forces or who is a member of the National Guard of any state~~of any reserve component of the Illinois State Militia~~ shall be granted military leave for active

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~~service in accordance with the Illinois Service Member Employment and Reemployment Rights Act from State employment for any period actively spent in military service, including basic training and special or advanced training, whether or not within the State, and whether or not voluntary.~~

- E) Certification of Leave:
To be eligible for military reserve leave or emergency call-up pay, the employee must provide certification from the commanding officer of his or her unit that the leave taken was for one of these purposes.
- F) Military Pay:
~~Concurrent and differential compensation for military service shall be paid in accordance with the Illinois Service Member Employment and Reemployment Rights Act. During basic training and up to 60 days of special or advanced training, if the employee's compensation for military activities is less than his/her compensation as a State employee, he/she shall receive his/her regular compensation as a State employee minus the amount of his/her base pay for military activities. During the training, the employee's seniority and other benefits shall continue to accrue.~~
- G) Leave for Military Physical Examinations:
Any employee drafted into military service shall be allowed up to ~~three (3)~~ days leave with pay to take a physical examination required by the draft. Upon request, the employee must provide the Office with certification by a responsible authority that the period of leave was actually used for this purpose.
- H) Peace Corps or Job Corps Enrollees Continuous Service:
Any employee who volunteers and is accepted for service in the overseas or domestic Peace Corps or Job Corps shall be given a leave of absence from his or her State employment for the duration of his or her initial period of service. The employee shall be restored to the same or similar position ~~if provided that~~ the employee returns to his or her employment within ~~ninety (90)~~ days ~~after of the~~ termination of his or her service or release from hospitalization for a Peace Corps or Job Corps service-connected

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disability.

I) Veterans Hospital Leave:

An employee who is also a veteran shall be permitted ~~four (4)~~ days with pay per year to visit a veterans hospital or clinic for examination of a military service-connected disability. The ~~four (4)~~ days shall not be charged against any sick leave currently available to the employee.

7) Disaster Service Volunteer Leave:

Any employee who is a certified disaster service volunteer of the American Red Cross or volunteers for assignment to the Illinois Emergency Management Agency (IEMA) in accordance with the Illinois Emergency Management Agency Act [20 ILCS 3305] or the Emergency Management Assistance Compact Act [45 ILCS 151] may be granted leave with pay for up to ~~twenty (20)~~ working days in any ~~twelve (12)~~ month period for disasters within the United States or its territories. The leave may be granted upon the request of the American Red Cross or IEMA~~the Illinois Emergency Management Agency~~ for employees to participate in specialized disaster relief services ~~for the American Red Cross or for the Illinois Emergency Management Agency~~. Leaves under this subsection (a)(7) are subject to approval by the Auditor General considering operating needs. Disasters must be *disasters designated at a Level III and above in the American National Red Cross Regulations and Procedures or any disaster declared by proclamation of the Governor under Section 7 of the Illinois Emergency Management Agency Act* [5 ILCS 335/2]. The American Red Cross and IEMA~~the Illinois Emergency Management Agency~~ shall coordinate requests for services outside of Illinois through the Illinois State Emergency Operations Center.

8) Attendance in Court:

Any employee called for jury duty, or subpoenaed by any legislative, judicial, or administrative tribunal for matters related to his or her employment, shall be allowed time away from work with pay as necessary to fulfill the jury service requirement or comply with the subpoena. Upon receiving the sum paid for jury service or witness fee, the employee shall submit the warrant, or its equivalent, to the Office to be returned to the fund in the State Treasury from which the original payroll warrant was drawn; provided, however, an employee may elect to fulfill the call or

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subpoena on accrued time off and retain the full amount received for the service.

9) Parental Leave~~Maternity/Paternity and Adoption Leave:~~A) Maternity/Paternity Leave

All employees who provide proof of their pregnancy or that of their female partner ~~at least within~~ 30 days ~~prior to~~ the expected due date will be eligible for ~~10~~~~four (4)~~ weeks (~~50 standard~~~~20~~ work days) of paid parental leave that begins upon birth, for each pregnancy resulting in births or multiple births. If both parents are employees of the Office, they shall each be eligible for 10 weeks of paid maternity/paternity leave that may be taken consecutively or concurrently. No employee will be allowed to take less than a full work week (5 consecutive days). Regardless of the number of pregnancies in a year, no employee shall receive more than 10 weeks (50 standard work days) of paid leave per year under this subsection (a)(9)(A) maternity/paternity leave. The Office will require proof of the birth. ~~Maternity and/or paternity leave shall be limited to one (1) leave per family for each pregnancy resulting in birth or multiple births.~~ In addition, non-married male employees may be required to provide proof of paternity, such as a birth certificate or other appropriate documentation confirming paternity. ~~Leaves under this subsection shall also be granted in cases of a full-term still born child.~~

B) New Adoption Leave

All employees are eligible for ~~10~~~~four (4)~~ weeks (~~50 standard~~~~20~~ work days) of paid leave with a new adoption, with the leave to commence when physical custody of the child ~~or children~~ has been granted to the employee, provided that the employee can show that the formal adoption process is underway. In the event the child was in foster care immediately preceding the adoption process, the leave will commence once a court order has been issued for permanent placement and the foster parent has been notified of the right to adopt, as long as the foster child has not resided in the home for more than 3 years. The employee must submit proof that the adoption has been initiated. Should both parents be employees of the Office, they shall each be eligible for 10 weeks of paid

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adoption leave that may be taken consecutively or concurrently. No employee will be allowed to take less than a full work week (5 consecutive work days). Regardless of the number of adoptions in a year, no individual shall receive more than 10 weeks (50 standard work days) of adoption leave per year. Employees are not eligible for adoption leave if the adoption is for a step-child or relative who has resided with the employee for a period of one year or more. The Office must be notified, and the employee must submit proof that the adoption has been initiated. Adoption leave shall be limited to one leave per adoption.

C) Leave in the Event of a Stillborn Child

All employees who provided proof of their pregnancy or that of their female partner at least 30 days prior to the expected due date will be eligible for 5 weeks (25 standard work days) of paid leave in the event of a full-term stillborn child. The Office will require proof of a stillbirth, such as a fetal death certificate or certificate of stillbirth. This leave shall be limited to one leave per employee for each stillbirth. In addition, employees may be required to provide proof of a parent-child relationship. Employees using leave under this subsection (a)(9)(C) must use the leave benefit immediately.

- DC) Permanent part-time employees working ~~nineteen (19)~~ or more hours per week shall be eligible for paid ~~parental/maternity/paternity and adoption~~ leave on a pro-rated basis determined by a fraction the numerator of which shall be the hours worked by the employee and denominator of which shall be normal working hours in the year required by the position.

10) Educational Leave:

The Auditor General may grant an employee an educational leave of absence for the purpose of engaging in a training course. No educational leave may be granted unless, in the Auditor General's judgment, the training course would benefit the Office by improving the employee's qualifications to perform the duties of the employee's position or by qualifying the employee for advancement to another position in State service. During a period of educational leave, State-paid health benefits and life insurance benefits shall continue as provided under Section 10(c) of the State Group Insurance Act [5 ILCS 375/40(e)].

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11) Organ Donor/Blood Donor Leave:

- A) Upon request and approval by the Office, an employee may be entitled to time off with pay, as follows, for the purpose of donating an organ, bone marrow, blood or blood platelets:
- iA) up to 30 days of organ donation leave in any 12-month period to serve as a bone marrow or organ donor. Medical documentation of the proposed organ or bone marrow donation will~~shall~~ be required before leave is approved;
- iiB) up to one hour or more to donate blood, and up to 1.5 hours to donate double red cells, no more than once every 56 days. Medical documentation to substantiate the use of leave time for this purpose may be required;
- iiiC) up to two~~in~~ hours or more to donate blood platelets ~~in accordance with appropriate medical standards established by the American Red Cross or other nationally recognized standards~~. Leave to donate blood platelets will~~may~~ not be granted more than 24 times in a 12-month period. Medical documentation to substantiate the use of leave time for this purpose may be required.
- B) An employee may not be required to use accumulated sick or vacation leave time before being eligible for leave under this subsection (a)(11). ~~Medical documentation to substantiate the use of leave time for these purposes may be required.~~

12) Leave due to Domestic or Sexual Violence:

An employee who is a victim of domestic or sexual violence, or who has a family or household member who is a victim of domestic or sexual violence whose interests are not adverse to the employee as it relates to the domestic or sexual violence, may be entitled to take up to 12 work weeks of unpaid leave during any 12-month period for the purposes of, and under the terms and conditions provided in, the Victims' Economic Security and Safety Act [820 ILCS 180] and implementing regulations (56 Ill. Adm. Code 280).

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- 13) **School Visitation Leave:**
Employees may take up to a total of 8 hours during any school year without pay, no more than 4 hours of which may be taken on any given day, to attend school conferences, behavioral meetings, or academic meetings~~classroom activities~~ related to the employee's child if the conference or meeting~~classroom activities~~ cannot be scheduled during nonwork hours. No leave may be taken unless the employee has exhausted all accrued vacation leave, personal leave and any other leave that may be granted to the employee except sick leave and disability leave. The employee must provide the Office with a written request for leave at least 7 days in advance of the time the employee is required to utilize the visitation right. In emergency situations, no more than 24 hours~~hours~~ notice will~~shall~~ be required. The employee must consult with the Office to schedule the leave so as not to disrupt unduly the Office's operations.
- 14) **Volunteer Emergency Worker Leave:**
An employee who is a volunteer emergency worker, as that term is defined in the Volunteer Emergency Worker Job Protection Act [50 ILCS 748], shall be given time off from work without pay for the purpose of responding to an emergency. An employee missing work for this purpose shall make a reasonable effort to notify the Office that he or she may be absent or late. An employee requesting this leave~~and~~ shall also present the Office with a written statement from the supervisor or acting supervisor of the volunteer fire department or governmental entity that the volunteer emergency worker serves stating that the employee responded to an emergency and stating the time and date of the emergency.
- 15) **Family Military Leave Act [820 ILCS 151]:**
- A) An~~A~~ qualifying employee who is the current spouse, civil union partner, domestic partner,~~or~~ parent, child or grandparent of a person called to military service lasting longer than 30 days with a~~the~~ State or the United States, pursuant to the order~~orders~~ of the Governor or the President, who wishes to be absent from work in order to meet or fulfill responsibilities arising from the employee's role in his or her family or as head of the household, is eligible to request of the United States shall be granted up to 30 days of unpaid family military leave during the time federal or

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State deployment orders are in effect. Family Military Leave may not be used unless the employee has first exhausted all accrued vacation leave, personal leave, compensatory leave, [parental leave](#), and any other [paid](#) leave that may be granted to the employee, except sick leave and disability leave.

- B) To qualify for Family Military Leave, an employee must have been employed by the Office for at least 12 months and have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.
- C) The employee shall give at least 14 days' notice of the intended date upon which the family military leave will commence if leave will consist of 5 or more consecutive work days. Employees taking military family leave for less than 5 consecutive days shall give advance notice as is practicable. ~~If~~[Where](#) able, the employee shall consult with the Office to schedule the leave so as to not unduly disrupt Office operations. [Except in cases of emergency, family military leave shall be taken in full day increments only. The employee will be required to document the reason for the emergency nature of the need for leave in writing within 2 days after the employee's return to work.](#)
- D) The ~~employee shall provide~~[Office may require](#) certification from the proper military authority to verify the employee's eligibility for the family military leave requested.
- E) Upon expiration of the leave, the employee shall be restored to the position held by the employee when the leave commenced or to a similar position with equivalent seniority status, benefits, pay and other terms and conditions of employment, unless the employee's failure to be restored to the position is due to conditions unrelated to his or her exercise of these leave rights.
- F) During any family military leave, the Office ~~will~~[shall](#) make it possible for employees to continue their benefits at the employee's expense. At its option, these benefits may be continued at the Office's expense. [Time utilized under the Family Military Leave](#)

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Act is not deducted from an employee's continuous service, vacation accrual, or seniority date.

- 16) Civil Air Patrol Leave:
- A) An employee is eligible to request~~A qualifying employee shall be granted~~ up to 30 days of unpaid leave to perform a civil air patrol mission. An employee need not have exhausted other forms of accrued leave time prior to being eligible for Civil Air Patrol Leave.
 - B) To qualify for Civil Air Patrol Leave, an employee must have been employed by the Office for at least 12 months and have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.
 - C) The employee shall give at least 14 days' notice of the intended date upon which the leave will commence if leave will consist of 5 or more consecutive work days. Employees taking leave for less than 5 consecutive days shall give advance notice as is practicable. ~~If~~Where able, the employee shall consult with the Office to schedule the leave so as to not unduly disrupt Office operations.
 - D) The employee shall provide~~Office may require~~ certification from the proper civil air patrol authority to verify the employee's eligibility for the leave requested.
 - E) Upon expiration of the leave, the employee shall be restored to the position held by the employee when the leave commenced or to a similar position with equivalent seniority status, benefits, pay and other terms and conditions of employment, unless the employee's failure to be restored to the position is due to conditions unrelated to his or her exercise of these leave rights.
 - F) During any civil air patrol leave, the Office shall make it possible for employees to continue their benefits at the employee's expense. At its option, these benefits may be continued at the Office's expense. Time utilized under the Civil Air Patrol Leave Act is not

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deducted from an employee's continuous service, vacation accrual or seniority date.

17) Funeral/Bereavement Leave

A) Upon request, an employee will be granted paid leave of up to 2 work days to attend a funeral or similar service, and for related travel, upon the death of a member of the employee's immediate family. Leave shall be limited to one instance per calendar year. Documentation of the reason for the funeral/bereavement leave, attendance at the funeral or similar service, and relationship to the deceased may be required. Employees retain the right to use sick leave for a death in the immediate family.

B) Upon request, an employee will be granted unpaid leave of up to 10 standard work days to attend the funeral of a child, make arrangements necessitated by the death of a child, or grieve the death of a child. In the event of the death of more than one child in a 12-month period, an employee is entitled to up to a total of 6 weeks (30 standard work days) of bereavement leave during the 12-month period. Child bereavement leave must be completed within 60 days after the date on which the employee receives notice of the death of the child. An employee shall provide the employer with at least 48 hours' advance notice of the employee's intention to take child bereavement leave, unless providing that notice is not reasonable and practicable. An employer may require reasonable documentation substantiating the request for leave. For purposes of child bereavement leave, the term "child" means an employee's son or daughter who is a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis.

b) Employee Rights After Leave:

When an employee returns from a leave of absence of ~~six (6)~~ months or less, the Office shall return the employee to the same or similar position in which the employee was incumbent prior to the commencement of the leave. For the employee to be eligible for reinstatement, provided that all requirements for substantiation of use of leave or physical fitness must have been furnished and ~~the that~~ application for reassignment must be made within the specified time

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limit of the leave. When an employee returns from a leave of absence exceeding ~~six (6)~~ months in duration, other than a leave of absence granted under subsection (a)(2) or (a)(6), ~~above~~, and there is no vacant position in the same position classification in which the employee was incumbent prior to the commencement of the leave, the employee may be laid off. An employee returning from a leave of absence under subsection (a)(2) or (a)(6), ~~above~~, shall be returned to the same or similar position in which the employee was incumbent prior to the commencement of the leave. For the employee to be eligible for reinstatement, provided that all requirements for substantiation of use of leave or physical fitness must have been furnished, ~~the~~that application for reassignment must be made within the specified time limits of the leave, and ~~that~~ the Office's circumstances shall have not have changed so as to make reassignment impossible or unreasonable.

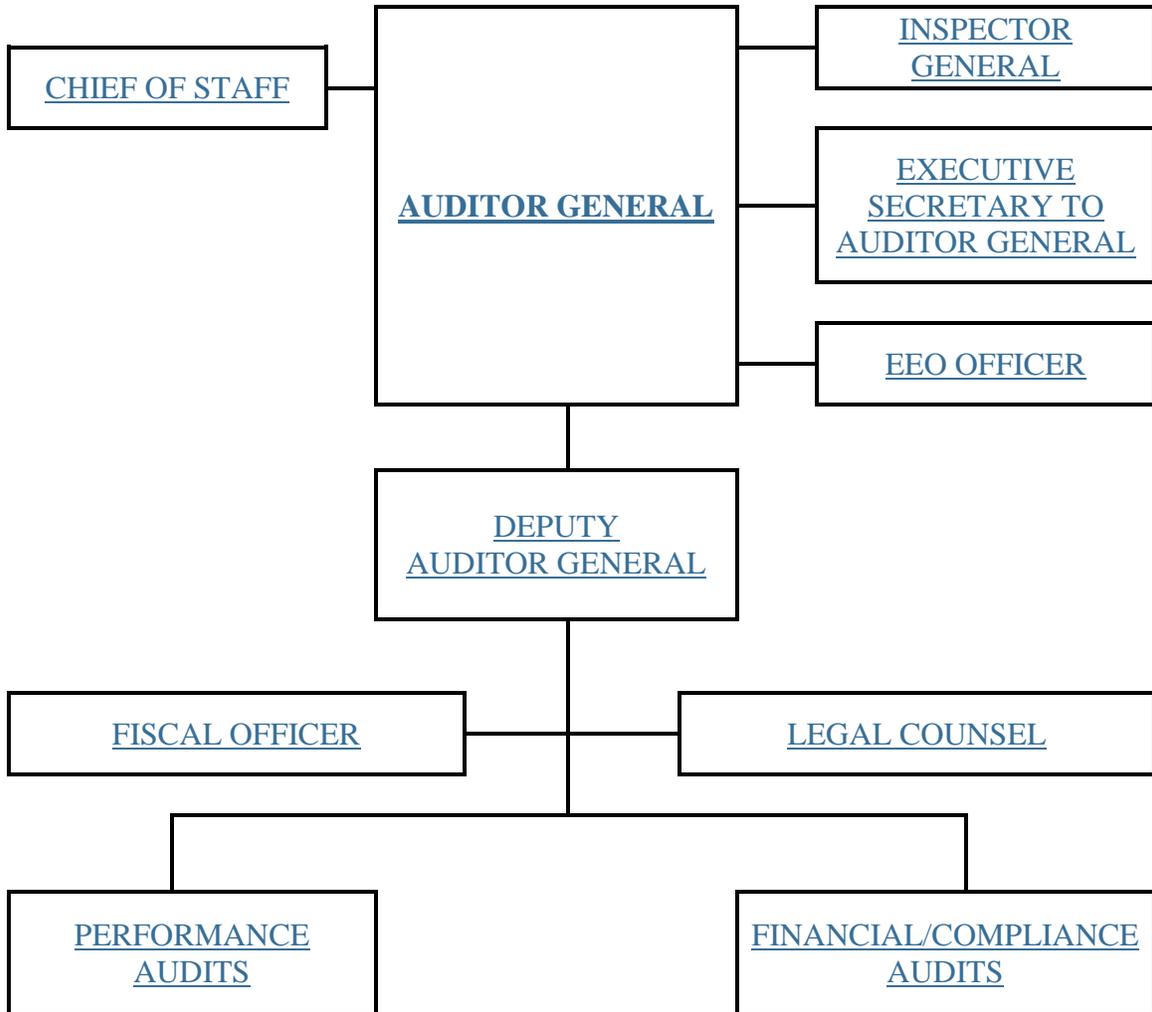
- c) **Failure to Return:**
Failure to return from leave within ~~five (5)~~ days after the expiration date may be cause for discharge. Leave shall automatically terminate upon the employee's securing other employment during the leave period.
- d) **Accrual and Retention of Continuous Service During Certain Leaves:**
During the following leaves, an employee shall retain and accrue continuous service, provided appropriate application and return is made as required by this Section: family and medical leave; educational leave; administrative leave; military leaves; Peace Corps or Job Corps leave; disaster service volunteer leave; or service-connected disability leave.

(Source: Amended at 44 Ill. Reg. 5873, effective April 1, 2020)

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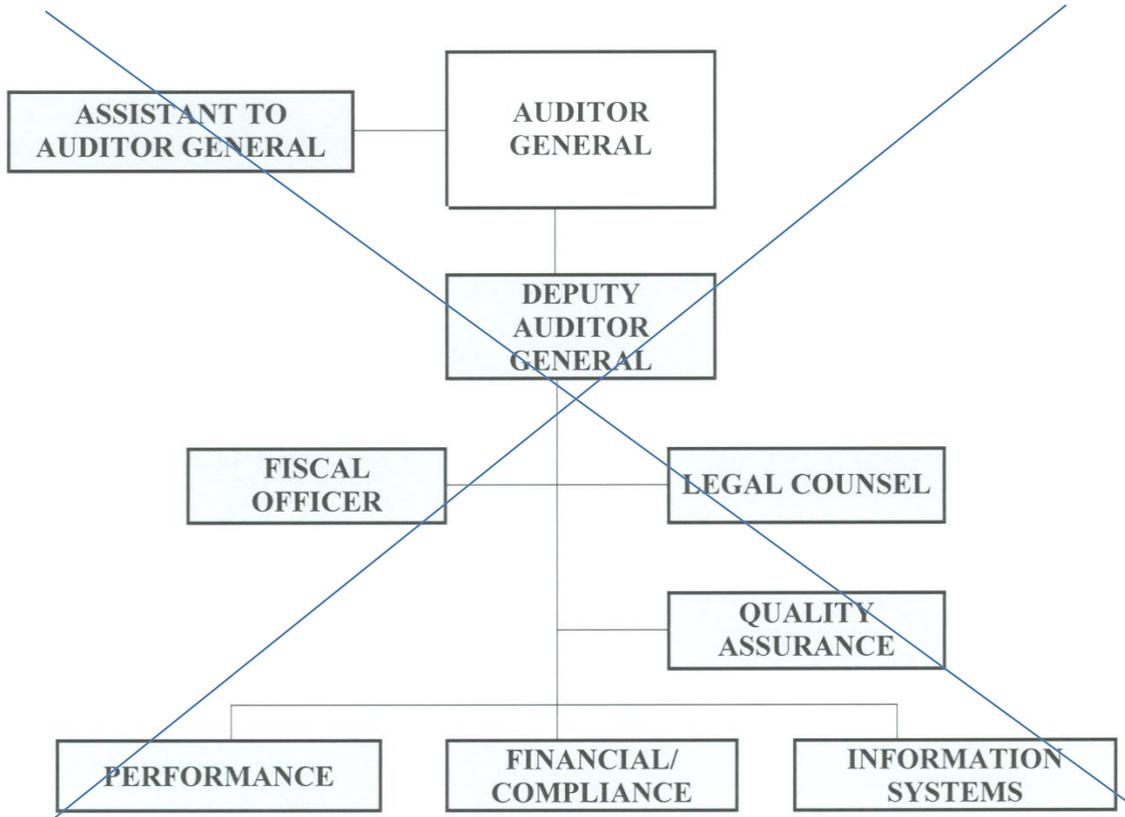
NOTICE OF ADOPTED AMENDMENTS

Section 600.APPENDIX B Organization Chart



AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS



(Source: Amended at 44 Ill. Reg. 5873, effective April 1, 2020)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Remote Learning Days
- 2) Code Citation: 23 Ill. Adm. Code 5
- 3)

<u>Section Numbers:</u>	<u>Emergency Actions:</u>
5.5	New Section
5.10	New Section
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Emergency Rule: March 27, 2020
- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which it is to expire: No
- 7) Date Filed with the Index Department: March 27, 2020
- 8) A statement that a copy of the emergency rules including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: ISBE is filing emergency rules that, when a Gubernatorial Disaster has been proclaimed or when any other exigent circumstance exists, allows the State Superintendent to declare a requirement to use Remote Learning Days for a district, multiple districts, a region, or the entire State. During Remote Learning Days, schools must conduct instruction remotely. Once declared, Remote Learning Days will be implemented in any of grades pre-kindergarten through 12 as days of attendance, and shall be deemed pupil attendance days for calculation of the length of a school term under Section 10-19 of the School Code. The agency believes this rulemaking is essential to ensure that students in this State receive adequate instruction during exigent circumstances.
- 10) A Complete Description of the Subjects and Issues Involved: The rules allow the State Superintendent to declare a requirement to use Remote Learning Days for a district, multiple districts, a region, or the entire State. During Remote Learning Days, schools must conduct instruction remotely. Once declared, Remote Learning Days will be implemented in any of grades pre-kindergarten through 12 as days of attendance, and shall be deemed pupil attendance days for calculation of the length of a school term under the School Code. The rulemaking also requires that school or district that does not implement an e-learning program under the Code, the school or district to adopt a

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY RULES

Remote Learning Day Plan approved by the school's or district's superintendent or chief administrator.

- 11) Are there any rulemakings to this Part pending? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 13) Information and questions regarding these emergency rules shall be directed to:

Azita Kakvand
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield IL 62777-0001

217/782-6510
rules@isbe.net

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 5

REMOTE LEARNING DAYS

Section

5.5 Definitions

EMERGENCY

5.10 Remote Learning Days

EMERGENCY

AUTHORITY: Authorized by Section 2-3.6 of the School Code [105 ILCS 5] and implementing Section 10-29 of the School Code.

SOURCE: Emergency rules adopted at 44 Ill. Reg. 5905, effective March 27, 2020, for a maximum of 150 days.

Section 5.5 Definitions**EMERGENCY**

"School Code" or "Code" means the Illinois School Code [105 ILCS 5].

"Board" means the State Board of Education.

"State Superintendent" means the State Superintendent of Education.

Section 5.10 Remote Learning Days**EMERGENCY**

- a) Notwithstanding the provisions of 23 Ill. Adm. Code 1, when a Gubernatorial Disaster has been proclaimed or when any other exigent circumstance exists, as deemed by the State Superintendent, the State Superintendent may declare a requirement to use Remote Learning Days for a district, multiple districts, a region, or the entire State. During Remote Learning Days, schools must conduct instruction remotely. Once declared, Remote Learning Days will be implemented in any of grades pre-kindergarten through 12 as days of attendance, and shall be

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deemed pupil attendance days for calculation of the length of a school term under Section 10-19 of the School Code.

- b) For purposes of this Section, a Remote Learning Day may be met through a district's implementation of an e-learning program under Section 10-20.56 of the Code.
- c) For any school or district that does not implement an e-learning program under Section 10-20.56 of the Code, the school or district must adopt a Remote Learning Day Plan approved by the school's or district's superintendent or chief administrator. Each school or district may utilize five Remote Learning Planning Days, consecutively or in separate increments, to develop, review, or amend its Remote Learning Day Plan. Remote Learning Planning Days shall be deemed pupil attendance days for calculation of the length of a school term under Section 10-19 of the Code.
 - 1) Each Remote Learning Day Plan shall address all of the following:
 - A) Accessibility of the remote instruction to all students enrolled in the school or district.
 - B) When applicable, a requirement that the Remote Learning Days activities reflect the State learning standards.
 - C) Means for students to confer with an educator, as necessary.
 - D) The unique needs of students in special populations, including, but not limited, students eligible for special education under Article 14 of the Code, students who are English learners, as defined by Section 14C-2 of the Code, students experiencing homelessness under the Education for Homeless Children Act [105 ILCS 45], or vulnerable student populations.
 - E) Transitions from remote learning to on-site learning upon the State Superintendent's declaration that Remote Learning Days are no longer deemed necessary.

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- 2) The school's or district's superintendent or chief administrator shall periodically review and amend its Remote Learning Day Plan, as needed, to ensure the Plan meets the needs of all students.
- 3) Each Remote Learning Day Plan shall be posted on the school's or district's Internet website where other policies, rules, and standards of conduct are posted and shall be provided to students and faculty.
- 4) Work connected to Remote Learning Day Plans shall be mutually agreed upon between employers and any collective bargaining entity.

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NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Pupil Transportation Reimbursement
- 2) Code Citation: 23 Ill. Adm. Code 120
- 3) Section Number: 120.30 Emergency Action:
Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Emergency Rule: March 30, 2020
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: No
- 7) Date Filed with the Index Department: March 30, 2020
- 8) A statement that a copy of the emergency amendments including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: ISBE is filing emergency rules that, due to the outbreak of the Coronavirus Disease 2019 (COVID-19), beginning on March 17, 2020, and through the end of the 2019-2020 school year, requires all transportation costs incurred that are beyond transporting students be allowable and reimbursed by the formula under Section 29-5 of the School Code. The Agency believes this rulemaking is critical to ensure the continuity of education, including the provision of any direct or related service for the health and well-being of all public school students in pre-kindergarten through grade 12.
- 10) A Complete Description of the Subjects and Issues Involved: The emergency rules add a new subsection to the Section governing pupil transportation services that are eligible for reimbursement to require all transportation costs incurred that are beyond transporting students be allowable and reimbursed by the formula under Section 29-5 of the School Code.
- 11) Are there any amendments to this Part pending? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENT

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

Azita Kakvand
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield IL 62777-0001

217/782-6510
rules@isbe.net

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER c: FINANCEPART 120
PUPIL TRANSPORTATION REIMBURSEMENT

SUBPART A: SCHOOL REIMBURSEMENT

Section

120.10	Definitions
120.20	Transportation and Student Discipline
120.30	Pupil Transportation Services Eligible for Reimbursement
<u>EMERGENCY</u>	
120.40	Pupil Transportation Services and Costs Not Eligible for Reimbursement
120.50	Reimbursable Direct Operating Costs
120.60	Reimbursable Annual Depreciation Allowances
120.70	Deductions from Direct Operating Costs
120.80	Reimbursable Indirect Cost for Pupil Transportation Services
120.90	Cost Proration Related to Pupil Transportation
120.100	Reimbursement Formulas
120.110	Reporting Requirements
120.115	Fully Allocated Costs of Transportation
120.120	Bus Scheduling Services and Software
120.130	Seat Back Reimbursement (Repealed)

SUBPART B: CUSTODIAN REIMBURSEMENT FOR PUPIL TRANSPORTATION

Section

120.200	Definitions
120.210	Custodians Eligible for Reimbursement
120.220	Custodians Not Eligible for Reimbursement
120.230	Responsibilities of Schools
120.235	Responsibilities of Public and Nonpublic Chief Administrative Officers (Repealed)
120.240	Reimbursement
120.245	Responsibilities of the Regional Superintendents of Schools
120.250	Dispute Resolution

ILLINOIS STATE BOARD OF EDUCATION

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120.260 Audit and Enforcement

AUTHORITY: Implementing and authorized by Article 29 of the School Code [105 ILCS 5].

SOURCE: Adopted at 10 Ill. Reg. 19438, effective October 31, 1986; amended at 10 Ill. Reg. 21675, effective December 11, 1986; amended at 12 Ill. Reg. 4147, effective February 5, 1988; amended at 13 Ill. Reg. 7731, effective May 8, 1989; amended at 16 Ill. Reg. 10213, effective June 10, 1992; emergency amendment at 18 Ill. Reg. 12853, effective August 9, 1994, for a maximum of 150 days; emergency expired January 6, 1995; amended at 21 Ill. Reg. 2165, effective February 1, 1997; amended at 26 Ill. Reg. 1169, effective January 16, 2002; amended at 28 Ill. Reg. 4575, effective February 24, 2004; amended at 29 Ill. Reg. 12422, effective July 28, 2005; amended at 33 Ill. Reg. 15848, effective November 2, 2009; amended at 39 Ill. Reg. 10026, effective June 30, 2015; emergency amendment at 44 Ill. Reg. 5910, effective March 30, 2020, for a maximum of 150 days.

SUBPART A: SCHOOL REIMBURSEMENT

Section 120.30 Pupil Transportation Services Eligible for Reimbursement**EMERGENCY**

Each school district that files a claim for State reimbursement for pupil transportation shall be subject to the requirements of this Subpart A in order to be eligible for such reimbursement. Pupil transportation services eligible for reimbursement are listed below:

- a) Regular Pupil Transportation Services for Pupils in Kindergarten or Any of Grades 1 through 12
 - 1) Transportation services provided for pupils residing at a distance of 1½ miles or more from the attendance center to which they are assigned.
 - A) *The distance shall be measured from the exit of the property where the pupil resides to the point where pupils are normally unloaded at the attendance center to which they are assigned (Section 29-3 of the School Code [105 ILCS 5/29-3]).*
 - B) *If a pupil is at a location within the school district other than his/her residence for child care purposes at the time for transportation to and/or from school, that location may be considered for purposes of determining the 1½ miles from the*

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NOTICE OF EMERGENCY AMENDMENT

school attended (Section 29-5 of the School Code). A district that chooses to consider locations other than individual students' residences shall adopt a written policy establishing this practice. At the district's discretion, its policy may limit pick-up and drop-off to students in day care locations along the district's regular routes, or it may extend services via newly established routes. In either case, the district shall not discriminate among types of locations where day care is provided, which may include, but need not be limited to, the premises of licensed providers, the homes of relatives, or the homes of neighbors, any of which must be located within the district's boundaries.

- C) *A school board may comply with the provisions of this Section by providing free transportation for pupils to and from an assigned school and a pick-up point located not more than one and one-half miles from the home of each pupil assigned to such point* (Section 29-3 of the School Code).
- 2) Transportation services provided for pupils residing within a distance of 1½ miles from the attendance center to which they are assigned from pickup points at the beginning of the school day and back again at the close of the school day, effective on the date that the Illinois Department of Transportation grants written approval pursuant to 92 Ill. Adm. Code 556 (Rules on Transporting Pupils Where Walking Constitutes a Serious Safety Hazard) that a serious safety hazard exists due to vehicular traffic, for specific areas and specific ages.
 - 3) Transportation services provided for nonpublic school pupils when pupil transportation services for the nonpublic school pupils are provided on the same basis as the transportation services for public school pupils as provided in Section 29-4 of the School Code.
 - 4) Transportation services provided to a pupil who is required to be transported but is also required for disciplinary reasons to serve a detention period either before or after the regular school day.
 - 5) Transportation which is provided prior to or following voluntary, extracurricular and/or cocurricular activities, including sport practices, club meetings, drama rehearsals, or choral and band practices where such

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activities are scheduled before or after the school day, qualifies as transportation provided at the beginning or end of the school day and is therefore subject to reimbursement with respect to students who are required to be transported.

- 6) Transportation services provided for pupils between attendance centers during the school day. This includes transportation of vocational pupils between attendance centers or a building or other trades skill development site of less than one and one-half miles.
- b) Vocational pupil transportation services provided during the school day for vocational pupils transported one and one-half miles or more one way from their assigned attendance center to a vocational program located at:
 - 1) An area vocational center;
 - 2) Another school district; or
 - 3) A building or other trades skill development site.
 - c) Special education pupil transportation services, including field trips, provided for special education pupils in accordance with Sections 14-7.02 and 14-13.01(b) of the School Code [105 ILCS 5/14-7.02 and 14-13.01(b)] and with 23 Ill. Adm. Code 226 (Special Education). This includes field trips (community based instruction) when approved by the district's state approved director of special education as defined in 23 Ill. Adm. Code 226.
 - d) Transportation provided to any student in connection with a field trip:
 - 1) that occurs during a day of student attendance included on the official school calendar of the school district;
 - 2) whose hours are part of the claimable clock hours on the General State Aid Claim (i.e., the destination of the trip is considered to be the assigned attendance center for all students enrolled in the class);
 - 3) that is provided free of charge to the pupil;
 - 4) that is part of the school's curriculum for which pupils earn credit for

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENT

graduation; and

5) that is not listed in Section 120.40(a)(1) or (2) of this Part.

- e) Due to the outbreak of the Coronavirus Disease 2019 (COVID-19), beginning on March 17, 2020, and through the end of the 2019-2020 school year, to ensure the continuity of education, including the provision of any direct or related service for the health and well-being of all public school students in pre-kindergarten through grade 12, all transportation costs incurred that are beyond transporting students, such as costs related to the distribution of food, distribution and pick-up of student assignments and work, and use of vehicles to provide wi-fi and other similar costs, shall be allowable and reimbursed by the formula under Section 29-5 of the School Code.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 5910, effective March 30, 2020, for a maximum of 150 days)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Special Education
- 2) Code Citation: 23 Ill. Adm. Code 226
- 3) Section Number: 226.335 Emergency Action:
New Section
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Emergency Rule: March 25, 2020
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: No
- 7) Date Filed with the Index Department: March 25, 2020
- 8) A statement that a copy of the emergency amendments including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: ISBE is filing emergency rules regarding nonpublic special education placement of public school students. Due to the mandated suspension of in-person instruction pursuant to the Gubernatorial Disaster Proclamation 2020-038 and Executive Orders 2020-05 and 2020-06, the agency believes that it is critical for all approved special education private facilities to continue to invoice school districts and that school districts continue to pay the per diem approved by the Illinois Purchased Care Review Board under Section 14-7.02 of the School Code. Without the assurance that these payments can be made during this time, facilities that serve students in this State may have to terminate the employment of critical staff members or no longer remain open to serve these students.
- 10) A Complete Description of the Subjects and Issues Involved: The rulemaking allows all approved special education private facilities to continue to invoice school districts and requires school districts to continue to pay the per diem approved by the Illinois Purchased Care Review Board under Section 14-7.02 of the School Code. The rulemaking also provides that the State Board of Education will reimburse school districts for all approved special education private facility expenditures.
- 11) Are there any amendments to this Part pending? No

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENT

- 12) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 13) Information and questions regarding this emergency rulemaking shall be directed to:

Azita Kakvand
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield IL 62777-0001

217/782-6510
rules@isbe.net

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 226

SPECIAL EDUCATION

SUBPART A: GENERAL

Section

- 226.10 Purpose
- 226.50 Requirements for a Free Appropriate Public Education (FAPE)
- 226.60 Charter Schools
- 226.75 Definitions

SUBPART B: IDENTIFICATION OF ELIGIBLE CHILDREN

Section

- 226.100 Child Find Responsibility
- 226.110 Evaluation Procedures
- 226.120 Reevaluations
- 226.125 Specific Learning Disability: Dyslexia
- 226.130 Additional Procedures for Students Suspected of or Having a Specific Learning Disability
- 226.135 Additional Procedures for Students Suspected of or Having an Intellectual Disability
- 226.140 Modes of Communication and Cultural Identification
- 226.150 Evaluation to be Nondiscriminatory
- 226.160 Medical Review
- 226.170 Criteria for Determining the Existence of a Specific Learning Disability (Repealed)
- 226.180 Independent Educational Evaluation
- 226.190 Reevaluation (Repealed)

SUBPART C: THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Section

- 226.200 General Requirements

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NOTICE OF EMERGENCY AMENDMENT

- 226.210 IEP Team
- 226.220 Development, Review, and Revision of the IEP
- 226.230 Content of the IEP
- 226.240 Determination of Placement
- 226.250 Child Aged Three Through Five
- 226.260 Child Reaching Age Three

SUBPART D: PLACEMENT

Section

- 226.300 Continuum of Alternative Placement Options
- 226.310 Related Services
- 226.320 Service to Students Living in Residential Care Facilities
- 226.330 Placement by School District in State-Operated or Nonpublic Special Education Facilities

[226.335 Nonpublic Special Education Placement of Public School Students](#)

[EMERGENCY](#)

- 226.340 Nonpublic Placements by Parents Where FAPE is at Issue
- 226.350 Service to Parentally-Placed Private School Students
- 226.360 Placement by School Districts in Remote Educational Programs

SUBPART E: DISCIPLINE

Section

- 226.400 Disciplinary Actions
- 226.410 Manifestation Determination Review (Repealed)
- 226.420 Appeals (Repealed)
- 226.430 Protection for Children Not Yet Eligible for Special Education (Repealed)
- 226.440 Referral to and Action by Law Enforcement and Judicial Authorities (Repealed)

SUBPART F: PROCEDURAL SAFEGUARDS

Section

- 226.500 Language of Notifications
- 226.510 Notification of Parents' Rights
- 226.520 Notification of District's Proposal
- 226.530 Parents' Participation
- 226.540 Consent
- 226.550 Surrogate Parents

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- 226.560 Mediation
- 226.570 State Complaint Procedures

SUBPART G: DUE PROCESS

- Section
- 226.600 Calculation of Timelines
- 226.605 Request for Hearing; Basis (Repealed)
- 226.610 Information to Parents Concerning Right to Hearing
- 226.615 Procedure for Request
- 226.620 Denial of Hearing Request (Repealed)
- 226.625 Rights of the Parties Related to Hearings
- 226.630 Qualifications, Training, and Service of Impartial Due Process Hearing Officers
- 226.635 Appointment, Recusal, and Substitution of Impartial Due Process Hearing Officers
- 226.640 Scheduling the Hearing and Pre-Hearing Conference
- 226.645 Conducting the Pre-Hearing Conference
- 226.650 Child's Status During Due Process Hearing (Repealed)
- 226.655 Expedited Due Process Hearing
- 226.660 Powers and Duties of Hearing Officer
- 226.665 Record of Proceedings
- 226.670 Decision of Hearing Officer; Clarification
- 226.675 Monitoring and Enforcement of Decisions; Notice of Ineligibility for Funding
- 226.680 Reporting of Decisions (Repealed)
- 226.690 Transfer of Parental Rights

SUBPART H: ADMINISTRATIVE REQUIREMENTS

- Section
- 226.700 General
- 226.710 Policies and Procedures
- 226.720 Facilities and Classes
- 226.730 Class Size for 2009-10 and Beyond
- 226.731 Class Size Provisions for 2007-08 and 2008-09 (Repealed)
- 226.735 Work Load for Special Educators
- 226.740 Records; Confidentiality
- 226.750 Additional Services
- 226.760 Evaluation of Special Education
- 226.770 Fiscal Provisions

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENT

226.780 Procedures for Withdrawal Hearings before the Regional Board of School Trustees

SUBPART I: PERSONNEL

Section

226.800	Personnel Required to be Qualified
226.810	Special Education Teaching Approval
226.820	Authorization for Assignment
226.830	List of Independent Evaluators
226.840	Qualifications of Evaluators
226.850	List of Qualified Workers
226.860	List of Other Employees Qualifying for Reimbursement

AUTHORITY: Implementing Article 14 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art.14 and 2-3.6].

SOURCE: Adopted August 12, 1976; rules repealed and new emergency rules adopted at 2 Ill. Reg. 37, p. 29, effective September 1, 1978, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 5, p. 932, effective February 1, 1979; emergency amendment at 4 Ill. Reg. 38, p. 328, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 8021, effective July 22, 1981; amended at 6 Ill. Reg. 558, effective December 23, 1981; emergency amendment at 7 Ill. Reg. 6511, effective May 6, 1983, for a maximum of 150 days; emergency amendment at 7 Ill. Reg. 8949, effective July 15, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 6669; amended at 8 Ill. Reg. 7617, effective May 17, 1984; emergency amendment at 10 Ill. Reg. 3292, effective January 27, 1986, for a maximum of 150 days; emergency expired June 24, 1986; amended at 10 Ill. Reg. 18743, effective October 22, 1986; amended at 10 Ill. Reg. 19411, effective October 31, 1986; amended at 13 Ill. Reg. 15388, effective September 14, 1989; emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990, for a maximum of 150 days; emergency expired November 23, 1990; amended at 15 Ill. Reg. 40, effective December 24, 1990; amended at 16 Ill. Reg. 12868, effective August 10, 1992; emergency amendment at 17 Ill. Reg. 13622, effective August 3, 1993, for a maximum of 150 days; emergency expired December 31, 1993; amended at 18 Ill. Reg. 1930, effective January 24, 1994; amended at 18 Ill. Reg. 4685, effective March 11, 1994; amended at 18 Ill. Reg. 16318, effective October 25, 1994; amended at 19 Ill. Reg. 7207, effective May 10, 1995; amended at 20 Ill. Reg. 10908, effective August 5, 1996; amended at 21 Ill. Reg. 7655, effective July 1, 1997; Part repealed, new Part adopted at 24 Ill. Reg. 13884, effective August 25, 2000; amended at 27 Ill. Reg. 8126, effective April 28, 2003; amended at 31 Ill. Reg. 9915, effective June 28, 2007; amended at 32 Ill. Reg. 4828, effective March 21, 2008; amended at 34 Ill. Reg.

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17433, effective October 28, 2010; amended at 35 Ill. Reg. 8836, effective May 26, 2011; preemptory amendment, pursuant to PA 97-461, at 35 Ill. Reg. 14836, effective August 22, 2011; amended at 36 Ill. Reg. 12648, effective July 18, 2012; amended at 36 Ill. Reg. 12870, effective July 24, 2012; amended at 37 Ill. Reg. 16788, effective October 2, 2013; amended at 40 Ill. Reg. 2220, effective January 13, 2016; emergency amendment at 44 Ill. Reg. 5917, effective March 25, 2020, for a maximum of 150 days.

SUBPART D: PLACEMENT

**Section 226.335 Nonpublic Special Education Placement of Public School Students
EMERGENCY**

During the mandated suspension of in-person instruction pursuant to the Gubernatorial Disaster Proclamation 2020-038 and Executive Orders 2020-05 and 2020-06, and for the duration of the Gubernatorial Disaster Proclamation, all approved special education private facilities may continue to invoice school districts and school districts shall continue to pay the per diem approved by the Illinois Purchased Care Review Board under Section 14-7.02 of the School Code. The State Board of Education will reimburse school districts for all approved special education private facility expenditures. School districts will be reimbursed for special education private facility tuition expenditures per the statutory formula under Section 14-7.02 of the School Code. School districts will be reimbursed for special education room and board expenditures under Part B of the federal Individuals with Disabilities Education Act, as prescribed in Section 14-8.01 of the School Code.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 5917, effective March 25, 2020, for a maximum of 150 days)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Early Childhood Block Grant
- 2) Code Citation: 23 Ill. Adm. Code 235
- 3) Section Number: 235.75 Emergency Action:
New Section
- 4) Statutory Authority: 105 ILCS 5/2-3.71
- 5) Effective Date of Emergency Rule: March 27, 2020
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: No
- 7) Date Filed with the Index Department: March 27, 2020
- 8) A statement that a copy of the emergency amendments including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: ISBE is filing an emergency rule that, during the effect of the Gubernatorial Disaster Proclamation No. 2020-38, allows currently funded early childhood block grant programs that voluntarily choose to provide care for children of essential workers to use funds in excess of what is necessary for the program to provide at-home materials for children in the program and to purchase supplies and equipment while caring for children of essential workers. The Agency believes this rulemaking is critical to ensure that these programs are able to continue to provide care for the children of those essential workers.
- 10) A Complete Description of the Subjects and Issues Involved: The emergency rule create a new Section in Part 235 to allow currently funded early childhood block grant programs to use funds in excess of what is necessary for the program to provide at-home materials for children in the program and to purchase supplies and equipment while caring for children of essential workers. The rule require each program that re-allocates funds to amend its budget to reflect the new expenditures. The rule allow current early childhood block grant programs to utilize staff to support the caring for children of essential workers based on guidance from their local school boards or authorized officials and allows the use of funding to pay existing full-time or part-time staff who are paid with early childhood block grant funds.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENT

- 11) Are there any amendments to this Part pending? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
235.75	New Section	44 Ill. Reg. 1461; January 17, 2020

- 12) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.

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

Azita Kakvand
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield IL 62777-0001

217/782-6510
rules@isbe.net

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 235

EARLY CHILDHOOD BLOCK GRANT

SUBPART A: PRESCHOOL EDUCATION AND PREVENTION INITIATIVE PROGRAMS

Section

- 235.10 Purpose; Eligible Applicants
- 235.20 Application Procedure and Content for New or Expanding Programs
- 235.30 Additional Program Components for Preschool Education Proposals
- 235.40 Additional Program Components for Prevention Initiative Proposals
- 235.50 Proposal Review and Approval for New or Expanding Programs
- 235.55 Proposal Review Process and Additional Funding Priorities for Preschool Education Programs
- 235.60 Application Content and Approval for Continuation Programs
- 235.65 ExceleRate Illinois: Quality Rating and Improvement System
- 235.67 Program Monitoring
- 235.70 Terms of the Grant
- [235.75 Emergency Child Care Centers](#)

EMERGENCY

SUBPART B: GRANTS FOR TRAINING, TECHNICAL ASSISTANCE AND HIGH-QUALITY SUPPORTS AND FOR WEB-BASED SERVICES

Section

- 235.100 Purpose
- 235.105 Eligible Applicants
- 235.110 Application Procedure and Content for New Programs
- 235.120 Proposal Review and Approval for New Programs
- 235.130 Application Content and Approval for Continuation Programs
- 235.140 Terms of the Grant

SUBPART C: SOCIAL AND EMOTIONAL CONSULTATION SERVICES

ILLINOIS STATE BOARD OF EDUCATION

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Section

- 235.200 Implementation and Purpose; Eligible Applicants
- 235.210 Application Procedure and Content
- 235.220 Proposal Review and Approval of Proposals

SUBPART D: EXCLUSIONARY DISCIPLINE IN
EARLY CHILDHOOD PROGRAMS

Section

- 235.300 Purpose
- 235.310 Definitions
- 235.320 Behavior Support Plans
- 235.330 Program Transition Plans
- 235.340 Reporting

- 235.APPENDIX A Illinois Early Learning and Development Standards – Children Age 3 to Kindergarten Enrollment Age
- 235.APPENDIX B Illinois Birth to Five Program Standards
- 235.APPENDIX C Illinois Early Learning Guidelines – Children from Birth to Age 3

AUTHORITY: Authorized by Section 1C-2 of the School Code [105 ILCS 5] and implementing Sections 2-3.71 and 2-3.89 of the School Code.

SOURCE: Adopted at 16 Ill. Reg. 10181, effective June 10, 1992; expedited correction at 16 Ill. Reg. 15186, effective June 10, 1992; amended at 26 Ill. Reg. 903, effective January 15, 2002; old Part repealed at 30 Ill. Reg. 4618 and new Part adopted at 30 Ill. Reg. 4620, effective February 28, 2006; emergency amendment adopted at 30 Ill. Reg. 11793, effective June 26, 2006, for a maximum of 150 days; emergency expired November 22, 2006; amended at 30 Ill. Reg. 19383, effective November 28, 2006; amended at 32 Ill. Reg. 13357, effective July 25, 2008; amended at 33 Ill. Reg. 4027, effective February 23, 2009; amended at 34 Ill. Reg. 11615, effective July 26, 2010; amended at 35 Ill. Reg. 3742, effective February 17, 2011; amended at 36 Ill. Reg. 6827, effective April 18, 2012; amended at 39 Ill. Reg. 6674, effective April 27, 2015; amended at 40 Ill. Reg. 15168, effective October 24, 2016; amended at 44 Ill. Reg. 1942, effective January 10, 2020; emergency amendment at 44 Ill. Reg. 5924, effective March 27, 2020, for a maximum of 150 days.

SUBPART A: PRESCHOOL EDUCATION AND
PREVENTION INITIATIVE PROGRAMS

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENT

Section 235.75 Emergency Child Care Centers
EMERGENCY

- a) Notwithstanding any other provision of this Part to the contrary, during the effect of the Gubernatorial Disaster Proclamation No. 2020-38, currently funded early childhood block grant programs, defined as public school districts and other entities that voluntarily choose to provide care for children of essential workers, as outlined and defined in COVID-19 Executive Order No. 2020-08, may use funds in excess of what is necessary for the program to provide at-home materials for children in the program and to purchase supplies and equipment while caring for children of essential workers. Examples of funds include, but are not limited to, instructional supplies, field trips, professional development, or mental health consultations. Each program that re-allocates funds under this subsection must amend its budget to reflect the new expenditures.
- b) Current early childhood block grant programs may utilize staff to support the caring for children of essential workers based on guidance from their local school boards or authorized officials. The State Board of Education supports the use of early childhood block grant funding to pay staff to care for children of essential workers. This funding may be utilized to pay existing full-time or part-time staff who are paid with early childhood block grant funds. If needed, and if funding allows, part-time staff may increase to working more than part-time to care for children of essential workers.
- c) Each early childhood block grant program that provides care for children of essential workers must comply with the requirements of 89 Ill. Adm. Code 407.Subpart J and nothing in this Section shall be construed to supersede those requirements.
- d) This Section is repealed immediately when the Gubernatorial Disaster Proclamation is no longer in effect.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 5924, effective March 27, 2020, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Home Health, Home Services, and Home Nursing Agency Code
- 2) Code Citation: 77 Ill. Adm. Code 245
- 3) Section Number: 245.1 Emergency Action:
New Section
- 4) Statutory Authority: Home Health, Home Services, and Home Nursing Agency Licensing Act [210 ILCS 55]
- 5) Effective Date of Rule: March 25, 2020
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which they are to expire: This rule will not expire before the end of the 150-day period.
- 7) Date Filed with the Index Department: March 25, 2020
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rule is adopted in response to Governor JB Pritzker's Gubernatorial Disaster Proclamations issued during 2020 related to COVID-19.

Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45] defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare." The COVID-19 outbreak in Illinois is a significant public health crisis that warrants these emergency rules.
- 10) A Complete Description of the Subject and Issues: Specifically, this emergency rule temporarily suspends the requirement that a registered nurse conduct a supervisory visit to a patient's or client's residence. The emergency rule will allow for the supervisory visits to be conducted via electronic or telephonic means, if available.
- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

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

Erin Conley
Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield IL 62761

217/782-2043
dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIESPART 245
HOME HEALTH, HOME SERVICES,
AND HOME NURSING AGENCY CODE

SUBPART A: GENERAL PROVISIONS

Section

[245.1](#) [COVID-19 Emergency Provisions](#)[EMERGENCY](#)

245.10 Purpose
245.20 Definitions
245.25 Incorporated and Referenced Materials

SUBPART B: OPERATIONAL REQUIREMENTS

Section

245.30 Organization and Administration
245.40 Staffing and Staff Responsibilities
245.50 Services (Repealed)
245.55 Vaccinations
245.60 Annual Financial Statement
245.70 Home Health Aide Training
245.71 Qualifications and Requirements for Home Services Workers
245.72 Health Care Worker Background Check
245.75 Infection Control

SUBPART C: LICENSURE PROCEDURES

Section

245.80 Licensure Required
245.90 License Application
245.95 License Application Fee, Single or Multiple Licenses
245.100 Provisional License
245.110 Inspections and Investigations

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

245.115	Complaints
245.120	Violations
245.130	Adverse Licensure Actions
245.140	Penalties and Fines
245.150	Hearings

SUBPART D: CLIENT/PATIENT SERVICES

Section

245.200	Services – Home Health
245.205	Services – Home Nursing Agencies
245.210	Services – Home Services Agencies
245.211	Services – Alzheimer's Disease and Related Dementias
245.212	Services – Home Nursing Placement Agency
245.214	Services – Home Services Placement Agency
245.220	Client Service Contracts – Home Nursing and Home Services Agencies
245.225	Client Service Contracts – Home Nursing Placement Agency and Home Services Placement Agency
245.240	Quality Improvement Program
245.250	Abuse, Neglect, and Financial Exploitation Prevention and Reporting

AUTHORITY: Implementing and authorized by the Home Health, Home Services, and Home Nursing Agency Licensing Act [210 ILCS 55].

SOURCE: Adopted at 2 Ill. Reg. 31, p. 77, effective August 2, 1978; emergency amendment at 3 Ill. Reg. 38, p. 314, effective September 7, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 40, p. 153, effective October 6, 1979; emergency amendment at 4 Ill. Reg. 18, p. 129, effective April 21, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 40, p. 56, effective September 23, 1980; emergency amendment at 6 Ill. Reg. 5855, effective April 28, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11006, effective August 30, 1982; amended at 7 Ill. Reg. 13665, effective October 4, 1983; codified at 8 Ill. Reg. 16829; amended at 9 Ill. Reg. 4836, effective April 1, 1985; amended at 14 Ill. Reg. 2382, effective February 15, 1990; amended at 15 Ill. Reg. 5376, effective May 1, 1991; amended at 18 Ill. Reg. 2414, effective January 22, 1994; emergency amendments at 20 Ill. Reg. 488, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 3273, effective February 15, 1996; amended at 20 Ill. Reg. 10033, effective July 15, 1996; amended at 22 Ill. Reg. 3948, effective February 13, 1998; amended at 22 Ill. Reg. 22050, effective December 10, 1998; amended at 23 Ill. Reg. 1028, effective January 15, 1999; amended at 24 Ill.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

Reg. 17213, effective November 1, 2000; amended at 25 Ill. Reg. 6379, effective May 1, 2001; amended at 26 Ill. Reg. 11241, effective July 15, 2002; amended at 28 Ill. Reg. 3487, effective February 9, 2004; amended at 28 Ill. Reg. 8094, effective May 26, 2004; amended at 29 Ill. Reg. 20003, effective November 28, 2005; amended at 31 Ill. Reg. 9453, effective June 25, 2007; amended at 32 Ill. Reg. 8949, effective June 5, 2008; amended at 34 Ill. Reg. 5711, effective April 5, 2010; amended at 39 Ill. Reg. 16406, effective December 10, 2015; amended at 43 Ill. Reg. 9134, effective August 12, 2019; emergency amendment at 44 Ill. Reg. 5929, effective March 25, 2020, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 245.1 COVID-19 Emergency Provisions
EMERGENCY

During the duration of the Gubernatorial Disaster Proclamations, the Department will waive the RN supervisory visits required by Section 245.40(b)(3) and Section 245.40(b)(4), and agency supervisory visits required under Section 245.40(c)(6)(B) to ensure the safety of the healthcare provider. The supervisory visit may be conducted via electronic or telephonic means, where available.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 5929, effective March 25, 2020, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Hospital Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 250
- 3) Section Number: 250.1 Emergency Action:
New Section
- 4) Statutory Authority: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85]
- 5) Effective Date of Rule: March 25, 2020
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which they are to expire: This rule will not expire before the end of the 150-day period.
- 7) Date Filed with the Index Department: March 25, 2020
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rule is adopted in response to Governor JB Pritzker's Gubernatorial Disaster Proclamations issued during 2020 related to COVID-19.

Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45] defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare". The COVID-19 outbreak in Illinois is a significant public health crisis that warrants these emergency rules.
- 10) A Complete Description of the Subject and Issues: This rule allows hospitals to increase their bed capacity or re-allocate bed designations between clinical services to accommodate extraordinary needs in the service population due to the COVID-19 pandemic without prior authorization from the Department.
- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

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

Erin Conley
Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield IL 62761

217/782-2043
dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIESPART 250
HOSPITAL LICENSING REQUIREMENTS

SUBPART A: GENERAL PROVISIONS

Section

- [250.1](#) [COVID-19 Emergency Provisions](#)
[EMERGENCY](#)
- 250.100 Definitions
- 250.105 Incorporated and Referenced Materials
- 250.110 Application for and Issuance of Permit to Establish a Hospital
- 250.120 Application for and Issuance of a License to Operate a Hospital
- 250.130 Administration by the Department
- 250.140 Hearings
- 250.150 Definitions (Renumbered)
- 250.160 Incorporated and Referenced Materials (Renumbered)

SUBPART B: ADMINISTRATION AND PLANNING

Section

- 250.210 The Governing Board
- 250.220 Accounting
- 250.230 Planning
- 250.240 Admission and Discharge
- 250.245 Failure to Initiate Criminal Background Checks
- 250.250 Visiting Rules
- 250.260 Patients' Rights
- 250.265 Language Assistance Services
- 250.270 Manuals of Procedure
- 250.280 Agreement with Designated Organ Procurement Agencies
- 250.285 Smoking Restrictions
- 250.290 Safety Alert Notifications

SUBPART C: THE MEDICAL STAFF

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

- Section
250.310 Organization
250.315 House Staff Members
250.320 Admission and Supervision of Patients
250.330 Orders for Medications and Treatments
250.340 Availability for Emergencies

SUBPART D: PERSONNEL SERVICE

- Section
250.410 Organization
250.420 Personnel Records
250.430 Duty Assignments
250.435 Health Care Worker Background Check
250.440 Education Programs
250.450 Personnel Health Requirements
250.460 Benefits

SUBPART E: LABORATORY

- Section
250.510 Laboratory Services
250.520 Blood and Blood Components
250.525 Designated Blood Donor Program
250.530 Proficiency Survey Program (Repealed)
250.540 Laboratory Personnel (Repealed)
250.550 Western Blot Assay Testing Procedures (Repealed)

SUBPART F: RADIOLOGICAL SERVICES

- Section
250.610 General Diagnostic Procedures and Treatments
250.620 Radioactive Isotopes
250.630 General Policies and Procedures Manual

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICES

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

Section

250.710	Classification of Emergency Services
250.720	General Requirements
250.725	Notification of Emergency Personnel
250.730	Community or Areawide Planning
250.740	Disaster and Mass Casualty Program
250.750	Emergency Services for Sexual Assault Victims

SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

Section

250.810	Applicability of Other Parts of These Requirements
250.820	General
250.830	Classifications of Restorative and Rehabilitation Services
250.840	General Requirements for all Classifications
250.850	Specific Requirements for Comprehensive Physical Rehabilitation Services
250.860	Medical Direction
250.870	Nursing Care
250.880	Additional Allied Health Services
250.890	Animal-Assisted Therapy

SUBPART I: NURSING SERVICE AND ADMINISTRATION

Section

250.910	Nursing Services
250.920	Organizational Plan
250.930	Role in hospital planning
250.940	Job descriptions
250.950	Nursing committees
250.960	Specialized nursing services
250.970	Nursing Care Plans
250.980	Nursing Records and Reports
250.990	Unusual Incidents
250.1000	Meetings
250.1010	Education Programs
250.1020	Licensure
250.1030	Policies and Procedures
250.1035	Domestic Violence Standards

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

250.1040	Patient Care Units
250.1050	Equipment for Bedside Care
250.1060	Drug Services on Patient Unit
250.1070	Care of Patients
250.1075	Use of Restraints
250.1080	Admission Procedures Affecting Care
250.1090	Sterilization and Processing of Supplies
250.1100	Infection Control
250.1110	Mandatory Overtime Prohibition
250.1120	Staffing Levels
250.1130	Nurse Staffing by Patient Acuity

SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

Section	
250.1210	Surgery
250.1220	Surgery Staff
250.1230	Policies & Procedures
250.1240	Surgical Privileges
250.1250	Surgical Emergency Care
250.1260	Operating Room Register and Records
250.1270	Surgical Patients
250.1280	Equipment
250.1290	Safety
250.1300	Operating Room
250.1305	Visitors in Operating Room
250.1310	Cleaning of Operating Room
250.1320	Postanesthesia Care Units

SUBPART K: ANESTHESIA SERVICES

Section	
250.1410	Anesthesia Service

SUBPART L: RECORDS AND REPORTS

Section	
250.1510	Medical Records

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

250.1520 Reports

SUBPART M: FOOD SERVICE

Section

250.1610 Dietary Department Administration
250.1620 Facilities
250.1630 Menus and Nutritional Adequacy
250.1640 Diet Orders
250.1650 Frequency of Meals
250.1660 Therapeutic (Modified) Diets
250.1670 Food Preparation and Service
250.1680 Sanitation

SUBPART N: HOUSEKEEPING AND LAUNDRY SERVICES

Section

250.1710 Housekeeping
250.1720 Garbage, Refuse and Solid Waste Handling and Disposal
250.1730 Insect and Rodent Control
250.1740 Laundry Service
250.1750 Soiled Linen
250.1760 Clean Linen

SUBPART O: OBSTETRIC AND NEONATAL SERVICE

Section

250.1810 Applicability of Other Provisions of this Part
250.1820 Obstetric and Neonatal Service (Perinatal Service)
250.1830 General Requirements for All Obstetric Departments
250.1840 Discharge of Newborn Infants from Hospital
250.1845 Caesarean Birth
250.1850 Single Room Postpartum Care of Mother and Infant
250.1860 Special Programs (Repealed)
250.1870 Labor, Delivery, Recovery and Postpartum Care

SUBPART P: ENGINEERING AND MAINTENANCE OF THE PHYSICAL PLANT, SITE, EQUIPMENT, AND SYSTEMS – HEATING, COOLING, ELECTRICAL, VENTILATION,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

PLUMBING, WATER, SEWER, AND SOLID WASTE DISPOSAL

Section

250.1910	Maintenance
250.1920	Emergency electric service
250.1930	Water Supply
250.1940	Ventilation, Heating, Air Conditioning, and Air Changing Systems
250.1950	Grounds and Buildings Shall be Maintained
250.1960	Sewage, Garbage, Solid Waste Handling and Disposal
250.1970	Plumbing
250.1980	Fire and Safety

SUBPART Q: CHRONIC DISEASE HOSPITALS

Section

250.2010	Definition
250.2020	Requirements

SUBPART R: PHARMACY OR DRUG AND MEDICINE SERVICE

Section

250.2110	Service Requirements
250.2120	Personnel Required
250.2130	Facilities for Services
250.2140	Pharmacy and Therapeutics Committee

SUBPART S: PSYCHIATRIC SERVICES

Section

250.2210	Applicability of other Parts of these Regulations
250.2220	Establishment of a Psychiatric Service
250.2230	The Medical Staff
250.2240	Nursing Service
250.2250	Allied Health Personnel
250.2260	Staff and Personnel Development and Training
250.2270	Admission, Transfer and Discharge Procedures
250.2280	Care of Patients
250.2290	Special Medical Record Requirements for Psychiatric Hospitals and Psychiatric

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

250.2300 Units of General Hospitals or General Hospitals Providing Psychiatric Care
Diagnostic, Treatment and Physical Facilities and Services

SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

Section

250.2410 Applicability of these Standards
250.2420 Submission of Plans for New Construction, Alterations or Additions to Existing
Facility
250.2430 Preparation of Drawings and Specifications – Submission Requirements
250.2440 General Hospital Standards
250.2442 Fees
250.2443 Advisory Committee
250.2450 Details
250.2460 Finishes
250.2470 Structural
250.2480 Mechanical
250.2490 Plumbing and Other Piping Systems
250.2500 Electrical Requirements

SUBPART U: CONSTRUCTION REQUIREMENTS FOR EXISTING HOSPITALS

Section

250.2610 Applicability of Subpart U
250.2620 Codes and Standards
250.2630 Existing General Hospital Requirements
250.2640 Details
250.2650 Finishes
250.2660 Mechanical
250.2670 Plumbing and Other Piping Systems
250.2680 Electrical Requirements

SUBPART V: SPECIAL CARE AND/OR SPECIAL SERVICE UNITS

Section

250.2710 Special Care and/or Special Service Units
250.2720 Day Care for Mildly Ill Children

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

SUBPART W: ALCOHOLISM AND INTOXICATION TREATMENT SERVICES

Section

250.2810	Applicability of Other Parts of These Requirements
250.2820	Establishment of an Alcoholism and Intoxication Treatment Service
250.2830	Classification and Definitions of Service and Programs
250.2840	General Requirements for all Hospital Alcoholism Program Classifications
250.2850	The Medical and Professional Staff
250.2860	Medical Records
250.2870	Referral
250.2880	Client Legal and Human Rights
250.APPENDIX A	Codes and Standards (Repealed)
250.EXHIBIT A	Codes (Repealed)
250.EXHIBIT B	Standards (Repealed)
250.EXHIBIT C	Addresses of Sources (Repealed)
250.ILLUSTRATION A	Seismic Zone Map
250.TABLE A	Measurements Essential for Level I, II, III Hospitals
250.TABLE B	Sound Transmission Limitations in General Hospitals
250.TABLE C	Filter Efficiencies for Central Ventilation and Air Conditioning Systems in General Hospitals (Repealed)
250.TABLE D	General Pressure Relationships and Ventilation of Certain Hospital Areas (Repealed)
250.TABLE E	Piping Locations for Oxygen, Vacuum and Medical Compressed Air
250.TABLE F	General Pressure Relationships and Ventilation of Certain Hospital Areas
250.TABLE G	Insulation/Building Perimeter

AUTHORITY: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85].

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990; amended at 14 Ill. Reg. 13824, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11945, effective July 22, 1994; amended at 18 Ill. Reg. 15390, effective October 10, 1994; amended at 19 Ill. Reg. 13355, effective September 15, 1995; emergency amendment at 20 Ill. Reg. 474, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 3234, effective February 15, 1996; amended at 20 Ill. Reg. 10009, effective July 15, 1996; amended at 22 Ill. Reg. 3932, effective February 13, 1998; amended at 22 Ill. Reg. 9342, effective May 20, 1998; amended at 23 Ill. Reg. 1007, effective January 15, 1999; emergency amendment at 23 Ill. Reg. 3508, effective March 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9513, effective August 1, 1999; amended at 23 Ill. Reg. 13913, effective November 15, 1999; amended at 24 Ill. Reg. 6572, effective April 11, 2000; amended at 24 Ill. Reg. 17196, effective November 1, 2000; amended at 25 Ill. Reg. 3241, effective February 15, 2001; amended at 27 Ill. Reg. 1547, effective January 15, 2003; amended at 27 Ill. Reg. 13467, effective July 25, 2003; amended at 28 Ill. Reg. 5880, effective March 29, 2004; amended at 28 Ill. Reg. 6579, effective April 15, 2004; amended at 29 Ill. Reg. 12489, effective July 27, 2005; amended at 31 Ill. Reg. 4245, effective February 20, 2007; amended at 31 Ill. Reg. 14530, effective October 3, 2007; amended at 32 Ill. Reg. 3756, effective February 27, 2008; amended at 32 Ill. Reg. 4213, effective March 10, 2008; amended at 32 Ill. Reg. 7932, effective May 12, 2008; amended at 32 Ill. Reg. 14336, effective August 12, 2008; amended at 33 Ill. Reg. 8306, effective June 2, 2009; amended at 34 Ill. Reg. 2528, effective January 27, 2010; amended at 34 Ill. Reg. 3331, effective February 24, 2010; amended at 34 Ill. Reg. 19031, effective November 17, 2010; amended at 34 Ill. Reg. 19158, effective November 23, 2010; amended at 35 Ill. Reg. 4556, effective March 4, 2011; amended at 35 Ill. Reg. 6386, effective March 31, 2011; amended at 35 Ill. Reg. 13875, effective August 1, 2011; amended at 36 Ill. Reg. 17413, effective December 3, 2012; amended at 38 Ill. Reg. 13280, effective June 10, 2014; amended at 39 Ill. Reg. 5443, effective March 25, 2015; amended at 39 Ill. Reg. 13041, effective September 3, 2015; amended at 41 Ill. Reg. 7154, effective June 12, 2017; amended at 41 Ill. Reg. 14945, effective November 27, 2017; amended

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

at 42 Ill. Reg. 9507, effective May 24, 2018; amended at 43 Ill. Reg. 3889, effective March 18, 2019; amended at 43 Ill. Reg. 12990, effective October 22, 2019; emergency amendment at 44 Ill. Reg. 5934, effective March 25, 2020, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 250.1 COVID-19 Emergency Provisions
EMERGENCY

Consistent with 77 Il. Adm. Code 1130.240(f)(4)(A) and so long as there is a gubernatorial disaster proclamation related to the Coronavirus Disease 2019 (COVID-19) pandemic, a health care facility licensed by the Department may increase bed capacity and/or re-allocate bed designations between clinical services to accommodate extraordinary needs in the service population due to the COVID-19 pandemic without prior authorization from the Department. The facility shall provide the Department with notification of the increase within 30 days after the bed increase decision. The facility shall also submit to the Department written notification that the temporarily increased bed capacity has been taken out of circulation. This additional notification shall be received by the Department within 30 days after the date the facility's normal bed capacity was resumed.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 5934, effective March 25, 2020, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Long-Term Care Assistants and Aide Training Programs Code
- 2) Code Citation: 77 Ill. Adm. Code 395
- 3) Section Number: 395.1 Emergency Action:
New Section
- 4) Statutory Authority: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45], the ID/DD Community Care Act [210 ILCS 47], and the MC/DD Act [210 ILCS 46].
- 5) Effective Date of Rule: March 25, 2020
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which they are to expire: This rulemaking will not expire before the end of the 150-day period.
- 7) Date Filed with the Index Department: March 25, 2020
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rule is adopted in response to Governor JB Pritzker's Gubernatorial Disaster Proclamations issued during 2020 related to COVID-19.

Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45] defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare." The COVID-19 outbreak in Illinois is a significant public health crisis that warrants these emergency rules.
- 10) A Complete Description of the Subject and Issues: This rule allows for military personnel with medic training to serve as CNAs and allows CNAs who have been certified or licensed in another state to work in Illinois during the duration of the disaster proclamations.
- 11) Are there any other rulemakings pending on this Part? No

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

- 12) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate.
- 13) Information and questions regarding this emergency rule shall be directed to:

Erin Conley
Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield IL 62761

217/782-2043
dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 395
LONG-TERM CARE ASSISTANTS AND AIDES TRAINING PROGRAMS CODE

SUBPART A: PROGRAM APPLICATION AND APPROVAL PROCESS

Section

395.1 COVID-19 Emergency ProvisionsEMERGENCY

395.50	Definitions
395.55	Incorporated and Referenced Materials
395.100	Program Sponsor
395.110	Application for Program Approval
395.120	Review Process and Program Approval
395.130	Review of Approved Training Program
395.140	Inactive Status
395.150	Minimum Hours of Instruction
395.155	Train the Trainer Program (BNATP Only)
395.156	Train the Trainer Model Program (BNATP Only)
395.160	Instructor Requirements (BNATP Only)
395.162	Approved Evaluator (BNATP Only)
395.165	Program Coordinator (BNATP Only)
395.170	Program Operation (BNATP Only)
395.171	Health Care Worker Background Check
395.173	Successful Completion of the Basic Nursing Assistant Training Program
395.174	Successful Completion of the Direct Support Person Training Program
395.175	Program Notification Requirements (BNATP Only)
395.180	Department Monitoring (Repealed)
395.190	Denial, Suspension, and Revocation of Program Approval (BNATP Only)
395.200	Other Programs Conducted by Facilities (Repealed)
395.205	Program Sponsor (ANATP Only)
395.210	Application for Program Approval (ANATP Only)
395.215	Review Process and Program Approval (ANATP Only)
395.220	Review of Approved Program (ANATP Only)
395.225	Inactive Status (ANATP Only)

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- 395.230 Minimum Hours of Instruction (ANATP Only)
- 395.235 Instructor Requirements (ANATP Only)
- 395.240 Program Coordinator (ANATP Only)
- 395.245 Program Operation (ANATP Only)
- 395.250 Successful Completion of the Advanced Nursing Assistant Training Program (ANATP)
- 395.255 Program Notification Requirements (ANATP Only)
- 395.260 Denial, Suspension, and Revocation of Program Approval (ANATP Only)

SUBPART B: TRAINING PROGRAM CURRICULA REQUIREMENTS

Section

- 395.300 Basic Nursing Assistant Training Program
- 395.305 Advanced Nursing Assistant Training Program
- 395.310 Developmental Disabilities Aide Training Program (Repealed)
- 395.320 Direct Support Person Training Program (BNATP Only)
- 395.330 Psychiatric Rehabilitation Services Aide Training Program
- 395.333 Waivered Psychiatric Rehabilitation Services Aide Training Program

SUBPART C: PROFICIENCY EXAMINATION

Section

- 395.400 Competency Examination (BNATP Only)
- 395.405 Competency Examination (ANATP Only)

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45], the ID/DD Community Care Act [210 ILCS 47], and the MC/DD Act [210 ILCS 46].

SOURCE: Adopted at 13 Ill. Reg. 19474, effective December 1, 1989; amended at 17 Ill. Reg. 2984, effective February 22, 1993; emergency amendment at 20 Ill. Reg. 529, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10085, effective July 15, 1996; amended at 22 Ill. Reg. 4057, effective February 13, 1998; amended at 25 Ill. Reg. 4264, effective March 20, 2001; amended at 26 Ill. Reg. 2747, effective February 15, 2002; ; amended at 26 Ill. Reg. 14837, effective October 15, 2002; amended at 37 Ill. Reg. 10546, effective June 27, 2013; amended at 42 Ill. Reg. 6727, effective March 29, 2018; amended at 44 Ill. Reg. 3455, effective February 21, 2020; emergency amendment at 44 Ill. Reg. 5946, effective March 25, 2020, for a maximum of 150 days.

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SUBPART A: PROGRAM APPLICATION AND APPROVAL PROCESS

Section 395.1 COVID-19 Emergency Provisions
EMERGENCY

- a) During the duration of Governor Pritzker's Gubernatorial Disaster Proclamations issued during 2020 related to COVID-19, the Department may allow military personnel to serve as certified nursing assistants (CNAs) to address the increasing need for CNAs in health care facilities in response to the COVID-19 outbreak in Illinois. Military personnel shall meet the following criteria to serve as a CNA during this crisis:
- 1) Shall provide DD Form 214 demonstrating successful completion of corpsman medic or combat medic training; or
 - 2) Shall provide documentation of current military occupational specialty as corpsman medic, combat medic, or other related medical training if currently serving in a branch of the U.S. military.
- b) The requirements for permanent certification of CNAs who are certified or licensed in another state, who are in good standing, and who are working under the direction of IEMA and the Department (hereinafter "out-of-state CNAs") in response to the public health emergency declared by the Governor are suspended. Out-of-state CNAs are limited to working under the direction of IEMA and the Department pursuant to a declared disaster or in a State licensed long-term care facility, State licensed hospital, or federally qualified health center (FQHC) and are limited to providing CNA services for the duration of the Gubernatorial Disaster Proclamations in response to the COVID-19 outbreak.
- c) Out-of-state CNAs shall provide the Department with their name, contact information, including phone number and email address, state of certification or licensure, certification or license number, and the date they will begin working in Illinois on a form provided by the Department.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 5946, effective March 25, 2020, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

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- 1) Heading of the Part: Health Care Worker Background Check Code
- 2) Code Citation: 77 Ill. Adm. Code 955
- 3) Section Number: 955.1 Emergency Action:
New Section
- 4) Statutory Authority: Health Care Worker Background Check Act [225 ILCS 46]
- 5) Effective Date of Rule: March 25, 2020
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which they are to expire: This rule will not expire before the end of the 150-day period.
- 7) Date Filed with the Index Department: March 25, 2020
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rule is adopted in response to Governor JB Pritzker's Gubernatorial Disaster Proclamations issued during 2020 related to COVID-19.

Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45] defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare." The COVID-19 outbreak in Illinois is a significant public health crisis that warrants these emergency rules.

- 10) A Complete Description of the Subject and Issues: Specifically, this emergency rule temporarily suspends the provisions of the Healthcare Worker Background Check Act that prohibit an individual from being hired to work as a CNA if they have been inactive on the Department's Health Care Worker Registry ("Registry") [225 ILCS 46/33(g)] and that limit conditional employment of CNAs to three months pending the results of fingerprint based criminal history record checks [225 ILCS 46/33(1)].

Additionally, this rule allows for military personnel with medic training to serve as CNAs and allows CNAs who have been certified or licensed in another state to work in Illinois during the duration of the disaster proclamations.

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- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate.
- 13) Information and questions regarding this emergency rule shall be directed to:

Erin Conley
Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield IL 62761

217/782-2043
dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER u: MISCELLANEOUS PROGRAMS AND SERVICESPART 955
HEALTH CARE WORKER BACKGROUND CHECK CODE

Section

[955.1 COVID-19 Emergency Provisions](#)[EMERGENCY](#)

955.100	Applicability
955.110	Definitions
955.115	Initiation of Fingerprint-Based Criminal History Records Checks as a Fee Applicant Inquiry
955.120	Incorporated and Referenced Materials
955.130	Exceptions
955.135	Contracted or Subcontracted Workers
955.140	Policies Defining Employee Work Positions
955.145	Employment Verification
955.150	Employment Prohibition
955.160	Disqualifying Offenses
955.165	Fingerprint-Based Criminal History Records Check
955.170	Non-Fingerprint-Based UCIA Criminal History Records Check (Repealed)
955.180	Criminal History Records Checks after Implementation
955.190	Notification to Student, Applicant, or Employee
955.200	Submission of Criminal History Records Check Results to Nurse Aide Registry (Repealed)
955.210	Offer of Permanent Employment
955.220	Health Care Employer Files
955.230	Invalid Non-Fingerprint-Based Records Check (Repealed)
955.240	Fingerprint-Based UCIA Criminal History Records Check (Repealed)
955.250	Additional Conviction (Repealed)
955.260	Application for Waiver
955.270	Department Review of Waiver Application
955.275	Rehabilitation Waiver
955.280	Employment Pending Waiver
955.285	Livescan Vendor Authorization
955.290	Recovery of Back Pay
955.300	Health Care Worker Registry

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- 955.310 Department Findings of Abuse, Neglect, or Misappropriation of Property
955.320 Removal from Registry of a Department Finding of Neglect
- 955.APPENDIX A Offenses that Are Always Disqualifying Except Through the Appeal Process
- 955.APPENDIX B Disqualifying Offenses that May Be Considered for a Rehabilitation Waiver
- 955.APPENDIX C Disqualifying Offenses that May Be Considered for a Waiver by the Submission of a Waiver Application

AUTHORITY: Implementing and authorized by the Health Care Worker Background Check Act [225 ILCS 46].

SOURCE: Adopted at 28 Ill. Reg. 14133, effective October 15, 2004; amended at 33 Ill. Reg. 5378, effective March 26, 2009; amended at 43 Ill. Reg. 3665, effective March 1, 2019; emergency amendment at 44 Ill. Reg. 5951, effective March 25, 2020, for a maximum of 150 days.

Section 955.1 COVID-19 Emergency Provisions

During the duration of any Gubernatorial Disaster Proclamations issued during 2020 related to COVID-19, the following shall apply to this Part:

- a) The provisions in Section 33(g) of the Healthcare Worker Background Check Act and Section 955.165 that prohibit an individual from being hired to work as a certified nursing assistant if they have been inactive on the Health Care Worker Registry are suspended if all of the following conditions are met:
- 1) The individual has been in inactive status for a period of no more than 5 years;
 - 2) The individual was in good standing at the time they became inactive; and
 - 3) The individual completes and submits any forms required by the Department of Public Health.
- b) The Department may allow military personnel to serve as certified nursing assistants (CNAs) to address the increasing need for CNAs in health care facilities

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in response to the COVID-19 outbreak in Illinois. Military personnel shall meet the following criteria to serve as a CNA during this crisis:

- 1) Shall provide DD Form 214 demonstrating successful completion of corpsman medic or combat medic training; or
 - 2) Shall provide documentation of current military occupational specialty as corpsman medic, combat medic, or other related medical training if currently serving in a branch of the U.S. military.
- c) The requirements for permanent certification of CNAs who are certified or licensed in another state, who are in good standing, and who are working under the direction of IEMA and the Department (hereinafter "out-of-state CNAs") in response to the public health emergency declared by the Governor are suspended. Out-of-state CNAs are limited to working under the direction of IEMA and the Department pursuant to a declared disaster or in a State licensed long-term care facility, State licensed hospital, or federally qualified health center (FQHC) and are limited to providing CNA services for the duration of the Gubernatorial Disaster Proclamations in response to the COVID-19 outbreak.
- d) Out-of-state CNAs shall provide the Department with their name, contact information, including phone number and email address, state of certification or licensure, certification or license number, and the date they will begin working in Illinois on a form provided by the Department.
- e) The provision in Section 33(1) of the Health Care Worker Background Check Act and Section 955.165(k) that limits conditional employment of certified nursing assistants to three months pending the results of a fingerprint based criminal history record check is suspended. However, the Department will not permit a certified nursing assistant to continue conditional employment beyond six months without obtaining the results of a fingerprint based criminal history record check.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 5951, effective March 25, 2020, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SECOND NOTICES RECEIVED

The following second notices were received during the period of March 24, 2020 through March 30, 2020. These rulemakings are scheduled for the April 21, 2020 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
5/8/20	<u>Guardianship and Advocacy Commission,</u> Fee Schedule for the Office of State Guardian (59 Ill. Adm. Code 301)	12/6/19 43 Ill. Reg. 13902	4/21/20

EXECUTIVE ORDERS

2020-12
EXECUTIVE ORDER IN RESPONSE TO COVID-19
(COVID-19 EXECUTIVE ORDER NO. 10)

WHEREAS, in late 2019, a new and significant outbreak of Coronavirus Disease 2019 (COVID-19) emerged; and,

WHEREAS, certain populations are at a higher risk of experiencing more severe illness as a result of COVID-19, including older adults and people who have serious chronic health conditions such as heart disease, diabetes, lung disease or other conditions; and,

WHEREAS, COVID-19 is a novel severe acute respiratory illness that can spread among people through respiratory transmissions and present with symptoms similar to influenza; and,

WHEREAS, I, JB Pritzker, Governor of Illinois, declared all counties in the State of Illinois as a disaster area on March 9, 2020 ("Gubernatorial Disaster Proclamation"); and,

WHEREAS, on March 11, 2020, WHO characterized COVID-19 as a pandemic; and,

WHEREAS, despite efforts to contain COVID-19, the World Health Organization (WHO) and the federal Centers for Disease Control and Prevention (CDC) have declared that it is expected to spread; and,

WHEREAS, in communities with confirmed COVID-19 cases, the CDC currently recommends mitigation measures, including practicing social distancing, staying at home when sick, staying home when a household member is sick with respiratory disease symptoms or when instructed to do so by public health officials or a healthcare provider, and keeping away from others who are sick; and,

WHEREAS, social distancing, which consists of maintaining at least a six-foot distance between people, is the paramount strategy for minimizing the spread of COVID-19 in our communities; and,

WHEREAS, the current testing availability has identified further spread of confirmed cases throughout the State of Illinois, and it is expected that increased testing capacity would demonstrate that COVID-19 is circulating in communities across Illinois that currently have not identified a confirmed case; and,

WHEREAS, the ongoing spread of COVID-19 and the danger the virus poses to the public's health and wellness requires an expansion of the healthcare workforce to ensure there are

EXECUTIVE ORDERS

sufficient practitioners to help support the healthcare response to the COVID-19 pandemic in Illinois; and,

WHEREAS, the CDC, taking note of a need to reduce unnecessary healthcare visits and prevent transmission of respiratory viruses at healthcare facilities, currently recommends that healthcare providers increase the use of telehealth systems, formal or otherwise, to assess and care for patients to decrease the volume of persons seeking care in facilities; and,

WHEREAS, on March 20, 2020, I issued Executive Order 2020-10 to prohibit any gathering of more than ten people, except for limited activities identified in that order, and to require individuals to stay in their home or place of residence, except to conduct essential activities, essential governmental functions, or to operate essential businesses; and,

WHEREAS, it is a priority of the Illinois Department of Public Health to limit the potential exposure of healthcare workers to COVID-19, including those providing services with home health, home services, and home nursing agencies, and the patients they serve; and,

WHEREAS, the Illinois Department of Juvenile Justice (IDJJ) has youth in its custody at five Illinois Youth Centers across this state and these youth, because of their close proximity and contact with each other in housing units and other areas of the facilities, are vulnerable to contracting and spreading COVID-19; and,

WHEREAS, pursuant to the Unified Code of Corrections, 730 ILCS 5/3-2.5-20, the IDJJ is authorized to determine the date of release of a youth to aftercare and the conditions of aftercare release for youth committed to the Department under Section 5-750 of the Juvenile Court Act of 1987; and,

WHEREAS, the IDJJ must urgently continue its work to prepare for and respond quickly to COVID-19 and, as part of this effort, the Director of the IDJJ may need to exercise the discretion provided by the Unified Code of Corrections to release youth; and,

WHEREAS, the Coal Mining Act, 225 ILCS 705, requires that monthly examinations provided by the Miners' Examining Board be administered in person and under oath of the applicant, in a public venue; and,

WHEREAS, it is unknown how many applicants will arrive for a certification examination by the Miners' Examining Board on any given examination date; and,

WHEREAS, it is necessary and appropriate to suspend certification examinations by the Miners' Examining Board to mitigate the spread of COVID-19 and protect the public's health; and,

EXECUTIVE ORDERS

WHEREAS, it is necessary and appropriate for the State of Illinois to immediately take measures to promote and secure the safety and protection of the State's residents in response to this COVID-19 outbreak including measures to ensure the provision and coverage of health care services while the many members of the public, including health care providers, become ill with COVID-19;

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, and pursuant to Sections 7(1), 7(8), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, I hereby Order the following:

Section 1. During the duration of the Gubernatorial Disaster Proclamation, the provisions in the Healthcare Worker Background Check Act, 225 ILCS 46/33(g), that prohibit an individual from being hired to work as a certified nursing assistant if they have been inactive on the Health Care Worker Registry are suspended if the individual (1) has been in inactive status for a period of no more than 5 years, (2) was in good standing at the time they became inactive, and (3) completes and submits any forms required by the Department of Public Health.

Section 2. During the duration of the Gubernatorial Disaster Proclamation, the provision in the Health Care Worker Background Check Act, 225 ILCS 46/33(l), limiting conditional employment of certified nursing assistants to 3 months pending the results of a finger-print based criminal history record check is suspended. The Department of Public Health shall not permit a certified nursing assistant to continue conditional employment beyond 6 months without obtaining the results of a finger-print based criminal history record check.

Section 3. During the duration of the Gubernatorial Disaster Proclamation, the provision of the Unified Code of Corrections, 730 ILCS 5/3-2.5-85, requiring the Department of Juvenile Justice to provide written notice to the prosecuting State's Attorney's office no less than 30 days prior to a youth's target release date, is suspended. In connection with any release pursuant to this provision of the law, the Department of Juvenile Justice shall take steps to ensure the State's Attorney's office is notified as far in advance as possible or as quickly as possible.

Section 4. During the duration of the Gubernatorial Disaster Proclamation, the provision of the Coal Mining Act, 225 ILCS 705/8.06, requiring the Miners' Examining Board to hold an examination once in each calendar month, is suspended.

Issued by the Governor March 24, 2020

Filed by the Secretary of State March 24, 2020

2020-13

**EXECUTIVE ORDER IN RESPONSE TO COVID-19
(COVID-19 EXECUTIVE ORDER NO. 11)**

EXECUTIVE ORDERS

WHEREAS, I, JB Pritzker, Governor of Illinois, declared all counties in the State of Illinois as a disaster area on March 9, 2020 ("Gubernatorial Disaster Proclamation") in response to the outbreak of Coronavirus Disease 2019 ("COVID-19"); and,

WHEREAS, in a short period of time, COVID-19 has rapidly spread throughout Illinois, necessitating updated and more stringent guidance from federal, state, and local public health officials; and,

WHEREAS, for the preservation of public health and safety throughout the entire State of Illinois, and to ensure that our healthcare delivery system is capable of serving those who are sick, I find it necessary to take additional measures consistent with public health guidance to slow and stop the spread of COVID-19; and,

WHEREAS, social distancing, which consists of maintaining at least a six-foot distance between people, is the paramount strategy for minimizing the spread of COVID-19 in our communities; and,

WHEREAS, certain populations are at a higher risk of experiencing more severe illness as a result of COVID-19, including older adults and people who have serious chronic health conditions such as heart disease, diabetes, lung disease or other mental or physical conditions; and,

WHEREAS, the Illinois Department of Corrections ("IDOC") currently has a population of more than 37,000 male and female inmates in 28 facilities, the vast majority of whom, because of their close proximity and contact with each other in housing units and dining halls, are especially vulnerable to contracting and spreading COVID-19; and,

WHEREAS, the IDOC currently has limited housing capacity to isolate and quarantine inmates who present as symptomatic of, or test positive for, COVID-19; and,

WHEREAS, inmates in county jails awaiting transfer to the IDOC facilities, because of their close proximity to and contact with each other, may be or may become symptomatic of COVID-19; and,

WHEREAS, the IDOC receives daily transfers of inmates from county jails who have been convicted of criminal offenses and sentenced by Illinois courts to the custody and control of the IDOC; and,

WHEREAS, to ensure that the Director of the IDOC may take all necessary steps, consistent with public health guidance, to prevent the spread of COVID-19 in the IDOC facilities and

EXECUTIVE ORDERS

provide necessary healthcare to those impacted by COVID-19, it is critical to limit any increases in the number of inmates in the IDOC facilities;

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, and pursuant to Sections 7(1), 7(2), 7(8), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers set forth in the State's public health laws, I hereby order the following, effective March 26, 2020 at 5:00 pm and for the remainder of the duration of the Gubernatorial Disaster Proclamation, which currently extends through April 7, 2020:

Section 1. All admissions to the Illinois Department of Corrections from all Illinois county jails are suspended, with exceptions at the sole discretion of the Director of the Illinois Department of Corrections for limited essential transfers. The Director of the Illinois Department of Corrections will work closely with county Sheriffs and other partners in the criminal justice system to discuss any potential exceptions that may be necessary.

Issued by the Governor March 26, 2020

Filed by the Secretary of State March 26, 2020

2020-14**EXECUTIVE ORDER IN RESPONSE TO COVID-19
(COVID-19 EXECUTIVE ORDER NO. 12)**

WHEREAS, in late 2019, a new and significant outbreak of Coronavirus Disease 2019 (COVID-19) emerged; and,

WHEREAS, COVID-19 is a novel severe acute respiratory illness that can spread among people through respiratory transmissions and present with symptoms similar to influenza; and,

WHEREAS, certain populations are at a higher risk of experiencing more severe illness as a result of COVID-19, including older adults and people who have serious chronic health conditions such as heart disease, diabetes, lung disease or other mental or physical conditions; and,

WHEREAS, despite efforts to contain COVID-19, the World Health Organization (WHO) and the federal Centers for Disease Control and Prevention (CDC) have declared that it is expected to spread; and,

WHEREAS, I, JB Pritzker, Governor of Illinois, declared all counties in the State of Illinois as a disaster area on March 9, 2020 ("Gubernatorial Disaster Proclamation"); and,

EXECUTIVE ORDERS

WHEREAS, on March 11, 2020, WHO characterized COVID-19 as a pandemic; and,

WHEREAS, the CDC recommends critical mitigation measures including social distancing, which consists of maintaining at least a six-foot distance between people and is the paramount strategy for minimizing the spread of COVID-19 in our communities; and,

WHEREAS, throughout the duration of the Gubernatorial Disaster Proclamation, residents of Illinois must continue to make critical personal and business decisions and finalize planning documents that often require the services of a Notary Public or a witness, but pursuant to CDC guidelines, those important in-person interactions should be avoided to the greatest extent possible to prevent the spread of COVID-19; and,

WHEREAS, it is necessary and appropriate for the State of Illinois to immediately take measures to promote and secure the safety and protection of the people of the State in response to this COVID-19 outbreak while ensuring that all Illinois residents may continue to make vital personal and business decisions and finalize necessary documents; and

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, and pursuant to Sections 7(1), 7(2), 7(3), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, I hereby order the following:

Section 1. During the duration of the Gubernatorial Disaster Proclamation related to the outbreak of COVID-19, the requirement that a person must "appear before" a Notary Public commissioned under the laws of Illinois pursuant to the Illinois Notary Act, 5 ILCS 312/6-102, is satisfied if the Notary Public performs a remote notarization via two-way audio-video communication technology, provided that the Notary Public commissioned in Illinois is physically within the State while performing the notarial act and the transaction follows the guidance posted by the Illinois Secretary of State on its website.

Section 2. During the duration of the Gubernatorial Disaster Proclamation related to the outbreak of COVID-19, any act of witnessing required by Illinois law may be completed remotely by via two-way audio-video communication technology, provided that:

- a. The two-way audio-video communication technology must allow for direct, contemporaneous interaction between the individual signing the document ("the signatory") and the witness by sight and sound;
- b. The two-way audio-video communication technology must be recorded and preserved by the signatory or the signatory's designee for a period of at least three years;
- c. The signatory must attest to being physically located in Illinois during the two-way audio-video communication;

EXECUTIVE ORDERS

- d. The witness must attest to being physically located in Illinois during the two-way audio-video communication;
- e. The signatory must affirmatively state on the two-way audio-video communication what document the signatory is signing;
- f. Each page of the document being witnessed must be shown to the witness on the two-way audio-video communication technology in a means clearly legible to the witness and initialed by the signatory in the presence of the witness;
- g. The act of signing must be captured sufficiently up close on the two-way audio-video communication for the witness to observe;
- h. The signatory must transmit by fax or electronic means a legible copy of the entire signed document directly to the witness no later than the day after the document is signed;
- i. The witness must sign the transmitted copy of the document as a witness and transmit the signed copy of the document back via fax or electronic means to the signatory within 24 hours of receipt; and
- j. If necessary, the witness may sign the original signed document as of the date of the original execution by the signatory provided that the witness receives the original signed document together with the electronically witnessed copy within thirty days from the date of the remote witnessing.

Section 3. All provisions of Section 5-120(c) of the Electronic Commerce Security Act, 5 ILCS 175/5-120(c), which prohibits electronic signatures on certain documents, remain in full effect.

Section 4. During the duration of the Gubernatorial Disaster Proclamation related to COVID-19, notwithstanding any law or regulation of the State of Illinois to the contrary, absent an express prohibition in a document against signing in counterparts, all legal documents, including deeds, last wills and testaments, trusts, durable powers of attorney for property, and powers of attorney for health care, may be signed in counterparts by the witness(es) and the signatory. A Notary Public must be presented with a fax or electronic copy of the document signature pages showing the witness signatures on the same date the document is signed by the signatory if the Notary Public is being asked to certify to the appearance of the witnesses to a document.

Issued by the Governor March 26, 2020

Filed by the Secretary of State March 26, 2020

2020-15

**EXECUTIVE ORDER IN RESPONSE TO COVID-19
(COVID-19 EXECUTIVE ORDER NO. 13)**

EXECUTIVE ORDERS

WHEREAS, I, JB Pritzker, Governor of Illinois, declared all counties in the State of Illinois as a disaster area on March 9, 2020 ("Gubernatorial Disaster Proclamation") in response to the outbreak of Coronavirus Disease 2019 ("COVID-19"); and,

WHEREAS, for the preservation of public health and safety throughout the entire State of Illinois, and to ensure that our healthcare delivery system is capable of serving those who are sick, I find it necessary to take additional measures consistent with public health guidance to slow and stop the spread of COVID-19; and,

WHEREAS, social distancing, which consists of maintaining at least a six-foot distance between people, is the paramount strategy for minimizing the spread of COVID-19 in our communities; and,

WHEREAS, on March 13, 2020, I issued Executive Order 2020-05 ordering the closure of public and private pre-K-12 schools for educational purposes from March 17, 2020 through March 30, 2020; and,

WHEREAS, on March 20, 2020, I issued Executive Order 2020-10 requiring individuals to stay in their home or place of residence, except to conduct essential activities, essential governmental functions, or to operate essential businesses, and ordering all public and private pre-K-12 schools closed through April 7, 2020 while allowing for distance learning; and,

WHEREAS, day care centers granted an emergency license to care for children of employees permitted to work under Executive Order 2020-10 are categorized as Essential Businesses and Operations, as that term is defined in the Executive Order; and,

WHEREAS, it is in the interest of the people of the State of Illinois to ensure that employees performing essential work have access to high quality child care for the duration of this public health emergency; and,

WHEREAS, the Illinois State Board of Education has received a waiver for the 2019-2020 school year from the U.S. Department of Education of the assessment requirements in Section 1111(b)(2) of the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 7861, the accountability and school identification requirements in Sections 111(c)(4) and 111(d)(2)(C)-(D), and certain reporting requirements related to assessments and accountability in Section 111(h); and,

WHEREAS, it is necessary and appropriate for the State of Illinois to ensure that critical demands for continuity of education are met for all public and private pre-K-12 students for the duration of the Gubernatorial Disaster Proclamation; and,

EXECUTIVE ORDERS

WHEREAS, schools throughout Illinois have a range of school construction projects and capital improvements that must be timely bid, awarded and initiated in order to ensure completion of projects within deadlines dictated by school calendars;

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, and pursuant to Sections 7(1), 7(8), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, I hereby Order the following:

Section 1. During the duration of the Gubernatorial Disaster Proclamation, the provisions of the Illinois School Code, 105 ILCS 5/2-3.64a-5 and 105 ILCS 5/27-3, requiring the administration of assessments, are suspended.

Section 2. During the duration of the Gubernatorial Disaster Proclamation, the provisions of the Illinois School Code, 105 ILCS 5/10-19, specifying the school term and requiring certain approvals for changes to the school term, are suspended. Nothing in this Executive Order shall be construed as relieving school districts of the requirement pursuant to 105 ILCS 5/10-19 to provide a minimum term of at least 185 days to insure 176 days of actual pupil attendance. Nothing in this Executive Order shall prohibit school employees from receiving compensation, on the basis of their regular contracts, for additional time worked as a result of an extension of the school term.

Section 3. During the duration of the Gubernatorial Disaster Proclamation, the provisions of the Illinois School Code, 105 ILCS 5/10-19.05(a)-(j), providing the method for the calculation of daily pupil attendance, are suspended.

Section 4. The Illinois State Board of Education may implement rules allowing the State Superintendent of Education to: (a) address the minimum requirements of the school calendar and school day; (b) create, define and determine the use of "Remote Learning Planning Days"; (c) create, define and determine the use of "Remote Learning Days"; and (d) provide additional guidance consistent with the terms of this Executive Order.

Section 5. Beginning March 27, 2020, and for the duration of the Gubernatorial Disaster Proclamation, all public school districts and eligible entities that receive funding from the Illinois State Board of Education to implement and administer a grant program for preschool education programs under 105 ILCS 5/2-3.71 or an early childhood block grant under 105 ILCS 5/1C-2 may provide child care services to the children of employees exempted from Executive Order 2020-10 who are aged 0-12 years old. This use of grant funds does not affect the ability of public school districts or eligible entities from continuing to serve students already identified and enrolled in a preschool education program or early childhood block grant programs.

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Section 6. During the duration of the Gubernatorial Disaster Proclamation, the following provisions of the Illinois School Code, 105 ILCS 5/2-3.71, are suspended: (1) requirements regarding the age of children to be served; (2) the selection process giving first priority to qualified programs serving primarily at-risk children and second priority to qualified programs serving primarily children with a family income of less than 4 times the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2); and (3) the licensure requirements in relation to providing child care services to the children of employees exempted from Executive Order 2020-10.

Section 7. During the duration of the Gubernatorial Disaster Proclamation, the provision of the Illinois School Code, 105 ILCS 5/1C-2(c), containing requirements regarding the specific programs and age of the children to be served are suspended as they relate to the provision of child care services to the children of employees exempted from Executive Order 2020-10.

Section 8. The requirements pursuant to Title 23, Section 235.10(a)(1-3) of the Illinois Administrative Code are suspended in relation to providing child care services to the children of employees exempted from Executive Order 2020-10 for the duration of the Gubernatorial Disaster Proclamation.

Section 9. During the duration of the Gubernatorial Disaster Proclamation, the provision of the Illinois School Code, 105 ILCS 5/10-20.21, prohibiting bids for construction purposes from being communicated, accepted, or opened electronically, is suspended. Any bids received by a school district for construction purposes may be communicated, accepted, or opened electronically.

Issued by the Governor March 27, 2020
Filed by the Secretary of State March 27, 2020

2020-16
EXECUTIVE ORDER IN RESPONSE TO COVID-19
(COVID-19 EXECUTIVE ORDER NO. 14)

WHEREAS, I, JB Pritzker, Governor of Illinois, declared all counties in the State of Illinois as a disaster area on March 9, 2020 ("Gubernatorial Disaster Proclamation") in response to the outbreak of Coronavirus Disease 2019 ("COVID-19"); and,

WHEREAS, in a short period of time, COVID-19 has rapidly spread throughout Illinois, necessitating updated and more stringent guidance from federal, state, and local public health officials; and,

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WHEREAS, for the preservation of public health and safety throughout the entire State of Illinois, and to ensure that our healthcare delivery system is capable of serving those who are sick, I find it necessary to take additional measures consistent with public health guidance to slow and stop the spread of COVID-19; and,

WHEREAS, in communities with confirmed COVID-19 cases, the CDC currently recommends mitigation measures, including practicing social distancing, staying at home when sick, staying home when a household member is sick with respiratory disease symptoms or when instructed to do so by public health officials or a healthcare provider, and keeping away from others who are sick; and,

WHEREAS, social distancing, which consists of maintaining at least a six-foot distance between people, is the paramount strategy for minimizing the spread of COVID-19 in our communities; and,

WHEREAS, on March 20, 2020, I issued Executive Order 2020-10 to prohibit all travel except Essential Travel and Essential Activities, as those terms are defined in that Executive Order; and,

WHEREAS, Executive Order 2020-10 identified security staff as a critical trade within the category of Essential Businesses and Operations; and,

WHEREAS, COVID-19 has resulted in significant economic impact, including loss of income and wages, that threaten to undermine financial security; and,

WHEREAS, the repossession of vehicles is contrary to the interest of preserving public health and ensuring that individuals are able to engage in permitted travel while limiting their use of public transportation and maintaining social distancing;

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, and pursuant to Sections 7(1), 7(8), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, I hereby Order the following:

Section 1. Beginning March 27, 2020 and continuing for the duration of the Gubernatorial Disaster Proclamation, the provisions of the Uniform Commercial Code, 810 ILCS 5/9-609, regarding the possession or usability of a vehicle, and the provisions of the Illinois Vehicle Code, 625 ILCS 5/3-114, regarding the repossession of vehicles, are suspended. No provision contained in this Executive Order shall be construed as relieving any individual of the obligation to make payments or comply with any other obligation that an individual may have pursuant to a loan agreement or otherwise.

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Section 2. During the duration of the Gubernatorial Disaster Proclamation, the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004, 225 ILCS 447/20-20(a) and 225 ILCS 447/25-20(a), requiring training to be completed in the classroom, are suspended. Any training required pursuant to the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 may be completed through online instruction.

Issued by the Governor March 28, 2020

Filed by the Secretary of State March 28, 2020

2020-17**EXECUTIVE ORDER IN RESPONSE TO COVID-19
(COVID-19 EXECUTIVE ORDER NO. 15)**

WHEREAS, I, JB Pritzker, Governor of Illinois, declared all counties in the State of Illinois as a disaster area on March 9, 2020 ("Gubernatorial Disaster Proclamation") in response to the outbreak of Coronavirus Disease 2019 ("COVID-19"); and,

WHEREAS, on March 11, 2020, WHO characterized COVID-19 as a pandemic; and,

WHEREAS, the CDC recommends critical mitigation measures including social distancing, which consists of maintaining at least a six-foot distance between people and is the paramount strategy for minimizing the spread of COVID-19 in our communities; and,

WHEREAS, it is necessary and appropriate for the State of Illinois to immediately take measures to promote and secure the safety and protection of the people of the State in response to this COVID-19 outbreak; and,

WHEREAS, Executive Order 2020-10 mandated that Illinoisans stay at home other than for essential activities, essential governmental functions, and essential businesses and operations; and,

WHEREAS, pursuant to the Cannabis Regulation and Tax Act, 410 ILCS 705, and implementing regulations, Title 8, Section 1300 of the Illinois Administrative Code, several upcoming licensing application deadlines require in-person submission; and,

WHEREAS, it is necessary and appropriate for the State of Illinois to immediately take measures to protect the public's health in response to this COVID-19 outbreak;

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THEREFORE, by the powers vested in me as the Governor of the State of Illinois, and pursuant to Sections 7(1) and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, I hereby Order the following:

Section 1. The application submission deadlines in the Cannabis Regulation and Tax Act and implementing regulations for submitting applications by March 16, 2020, which previously were suspended pursuant to Executive Order 2020-03 and extended through March 30, 2020, hereby are suspended as follows:

- a. The March 16, 2020, deadline for submission of craft grower license applications pursuant to Title 8, Section 1300.300(b) of the Illinois Administrative Code, which was extended through Executive Order 2020-03 to March 30, 2020, is extended to April 30, 2020;
- b. The March 16, 2020, deadline for submission of infuser license applications pursuant to Section 35-5(b) of the Cannabis Regulation and Tax Act, 410 ILCS 705/35-5(b) and Title 8, Section 1300.400(b) of the Illinois Administrative Code, which was extended through Executive Order 2020-03 to March 30, 2020, is extended to April 30, 2020; and
- c. The March 16, 2020, deadline for submission of transporter license applications pursuant to Section 40-5(b) of the Cannabis Regulation and Tax Act, 40 ILCS 705/40-5(b) and Title 8, Section 1300.510(b)(1)(A) of the Illinois Administrative Code, which was extended through Executive Order 2020-03 to March 30, 2020, is extended to April 30, 2020.

This Executive Order supersedes Section 1 of Executive Order 2020-03 and legally extends the above-listed deadlines through April 7, 2020, the last day of the current Gubernatorial Disaster Proclamation. Upon issuance of a new 30-day Gubernatorial Disaster Proclamation, the above-listed deadlines will be legally extended to April 30, 2020 through a new Executive Order.

Section 2. The Illinois Department of Agriculture is further directed to accept all craft grower, infuser, and transporter license applications post-marked on or before April 30, 2020, via certified US Mail at:

Illinois Department of Agriculture
c/o Bureau of Medicinal Plants
P.O. Box 19281
Springfield, IL 62794-9281

This Executive Order supersedes Section 3 of Executive Order 2020-03.

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Section 3. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued by the Governor March 28, 2020

Filed by the Secretary of State March 28, 2020

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