

Elaine Spencer, Editor
jcar@ilga.gov

Joint Committee on Administrative Rules
Illinois General Assembly

700 Stratton Bldg. Springfield IL 62706
217/785-2254 ilga.gov/commission/jcar

VOL. 40

December 27, 2016

Issue 52

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

New Rules

UNIVERSITY FURLOUGHS

The STATE UNIVERSITIES CIVIL SERVICE SYSTEM adopted amendments to State Universities Civil Service System (80 IAC 250; 40 Ill Reg 3772), effective 12/12/16, establishing a furlough system in lieu of layoffs so that university employees can maintain insurance coverage and other benefits. (A companion emergency rulemaking effective 3/1/16 expired on 7/28/16.) The proposed rulemaking defines the terms furlough (placement of an employee in a temporary non-duty, non-pay status for a continuous or non-continuous period of time due to a lack of funds). Furloughs shall be established by status and then by service and seniority and in the following order: employees on temporary assignments; employees on temporary upgrading assignments (unless the temporary upgrade is due to

a collective bargaining agreement or public safety or welfare); provisional employees; extra help employees; new hires during an initial probationary period; intern appointments; and status employees. An employee on paid military leave shall not be scheduled for any furlough days, but may be scheduled for furlough days upon his/her return to work. Employers may not use the furlough program for the following reasons: a permanent shutdown; as a substitute for permanent part time employment; or as a disciplinary measure. Employees on furlough are not allowed to use vacation, sick or any other type of compensable time. Furloughs may be voluntary or mandatory for a period of up to 30 days a year. Other than pay and pension credit, furloughed employees shall be entitled to other benefits,

(cont. page 2)

(cont. page 2)

Proposed Rulemakings

■ EMPLOYMENT AGENCIES

The DEPARTMENT OF LABOR proposed amendments to Rules and Regulations Relating to the Operation of Private Employment Agencies (68 IAC 680;40 Ill Reg 16176), establishing a fee structure for private employment agencies' applications for licensure. Those affected by this rulemaking include small businesses that are or should be registered with DOL as private employment agencies.

Questions/requests for copies/ comments through 2/9/17: Chris Wieneke, DOL, 900 S. Spring St., Springfield, IL 62704, 217/558-1270.

■ INCOME TAX

The DEPARTMENT OF REVENUE proposed amend-

NEW RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.
PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.

PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.

■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.

RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

New Rules

(cont. from page 1)

such as accumulation of sick and vacation leave. Furlough programs may be inclusive of all employees within a university or division thereof, irrespective of employment status, source of funds or place of work. Universities shall develop uniform participation and selection criteria. Furloughs subject to collective bargaining agreements are subject to applicable state/federal labor laws. A university may start a voluntary or mandatory furlough program upon notification to the System at least 15 days prior to implementation. Universities are to report whether the program is for the entire place of employment or a designated unit of the university, what consideration has been considered or invoked for employees exempt under the

State Universities Civil Service System Act, the circumstance(s) giving rise to the furlough, the funding deficit regarding the affected work areas and the starting and end dates of the furlough program. Changes since 1st Notice include clarification of when an employee may purchase pension credit for time on furlough and how furlough time will affect benefits such as health, life, dental and vision insurance.

Questions/requests for copies: David DeThorne, SUCSS, 1717 Philo Rd., Suite 24, Urbana IL 61802, 217/278-3150, davidd@succss.illinois.gov

SEX OFFENDERS

The SEX OFFENDER MANAGEMENT BOARD repealed the Part titled Adult Sex Offender Evaluation and Treatment (20 IAC 1905; 40 III Reg 10366) and adopted a new Part with the same number and title (20 IAC 1905; 40 III Reg 10408) effective 1/1/17. The new rules address qualifications for mental health providers who treat sex offenders; guidelines for assessing an offender's condition and the risk he or she may pose to the community; treatment interventions and methods; progress and completion of treatment; responsibility factors and special populations; risk reduction and management in the community; pharmacological interventions; and psychophysiological tools.

Questions/requests for copies: Alyssa Williams-Schafer, SOMB or Echo Beekman, DOC, 1301 Concordia Ct., P.O. Box 19277, Springfield IL 62794-9277, 217/558-2200, emails: Alyssa.Williams-Schafer@doc.illinois.gov or echo.beekman@doc.illinois.gov

POISON CONTROL CENTERS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Regional Poison Control Center Code (77 IAC 215; 40 III Reg 11115) effective 12/9/16 adding an incorporated and referenced materials Section, updating the number of poison centers that can be designated by the Director, removing the requirement that a poison control center must coordinate with EMS Systems to assure that all Advanced Life Support vehicles are equipped with poison antidotes and have 2-way communication with EMS vehicles, and changing the composition of the advisory committee composition. Poison control centers must create and maintain all business, patient contact and financial records for a period of no less than 4 years. The rulemaking also repeals an appendix containing specific poison center certification criteria.

■ AED CODE

DPH also adopted amendments to Automated External Defibrillator Code (77 IAC 525; 40

Proposed Rulemakings

(cont. from page 1)

ments to Income Tax (86 IAC 100; 40 III Reg 16181) eliminating the annual filing and payment provisions for paying withholding effective 1/1/17. Exemptions for filing and payment of domestic help remain.

Questions/requests for copies/ comments through 2/9/17: Brian Stocker, DOR Legal Services, 101 W. Jefferson St., Springfield IL 62796, 217/ 782-2844.

(cont. page 2)

New Rules

(cont. from page 2)

III Reg 11131) effective 12/9/16 that update the incorporated and referenced materials Section and clarify the requirements for submitting a complaint against a CPR course. The complaint must include the course instructor's contact information or contact information for the business where the course was held.

Questions/requests for copies of the 2 DPH rulemakings: Elizabeth Paton, DPH, 535 W. Jefferson St., 5th Flr., Springfield IL, 62761, 217/782-2043, e-mail: dph.rules@illinois.gov.

REAL ESTATE TRANSFERS

The DEPARTMENT OF REVENUE adopted amendments to Real Estate Transfer Tax

(86 IAC 120; 40 Ill Reg 11235) effective 12/8/16 detailing requirements for counties using electronic revenue stamps. Recorders of deeds or registrars of titles must file returns electronically and must pay proceeds the 10th day of the month following the month in which tax was required to be collected. Returns must include county name, account ID, license number, declaration IDs, stamp serial numbers and stamp values. Other details include parcel identification number of the property being transferred in the sales transaction, document number used to record the transaction and net consideration that was received by the seller in the transaction.

Questions/requests for copies: Robin Gill, DOR Legal Services,

101 West Jefferson, Springfield IL 62794, 217/782-2844.

UTILITY RATE CASES

The ILLINOIS COMMERCE COMMISSION adopted amendments to Submission of Rate Case Testimony (83 IAC 286; 40 Ill Reg 5157) effective 12/9/16 that reduce the number of copies of testimony and exhibits that public utilities must file with ICC in rate increase cases from 7 paper copies to 1 electronic copy. Utilities seeking rate increase approval from ICC are affected by this rulemaking.

Questions/requests for copies: Brian W. Allen, ICC, 527 E. Capitol Avenue, Springfield IL 62701; 217/558-2387. Please reference ICC Docket No. 16-0172.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at the Committee's January 10, 2017 meeting. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

ILLINOIS GAMING BOARD

Video Gaming (General) (11 IAC 1800; 40 Ill Reg 13299) proposed 9/23/16

DEPT OF PUBLIC HEALTH

Control of Sexually Transmissible Infections Code (77 IAC 693; 40 Ill Reg 14020) proposed 10/14/16