

TITLE 74: PUBLIC FINANCE

CHAPTER V: TREASURER

PART 721

SECURE CHOICE SAVINGS PROGRAM

SUBPART A: INTRODUCTION AND PURPOSE OF PROGRAM

Section

721.100 Establishment of Program

721.110 Purpose of Program

SUBPART B: DEFINITIONS

Section

721.200 Definitions

SUBPART C: ADMINISTRATION

Section

721.300 Responsibilities of the Board

721.310 Responsibilities of the Treasurer

721.320 Responsibilities of the Department

721.330 Investment Policy and Guidelines

721.340 Responsibilities of the Program Administrator

721.350 Applicable Law

721.360 Program Fees

721.370 Administrative Fund

721.380 Reporting Requirements

721.390 Forms

721.395 Information Packets

SUBPART D: PARTICIPATION IN THE PROGRAM

Section

721.400 Eligibility

721.410 Registration and Enrollment

721.415 Client Employer Registration and Enrollment

721.420 Voluntary Participation

721.430 Opt Out Procedures

721.440 Termination of Participation

SUBPART E: ACCOUNTS, INVESTMENTS AND STATEMENTS

Section	
721.500	Accounts
721.510	Contributions
721.515	Automatic-Escalation
721.520	Participant Statements
721.530	Limits on Investments and Direction
721.540	Rollovers, Transfers and Conversions

## SUBPART F: WITHDRAWALS

Section	
721.600	Withdrawals
721.610	Withdrawal Method
721.620	Closure

## SUBPART G: MISCELLANEOUS

Section	
721.700	Abandoned Accounts
721.710	Disclosure
721.720	Website

**AUTHORITY:** Implementing and authorized by Section 90 of the Illinois Secure Choice Savings Program Act [820 ILCS 80].

**SOURCE:** Adopted at 42 Ill. Reg. 18457, effective September 25, 2018; amended at 44 Ill. Reg. 5444, effective March 12, 2020; amended at 46 Ill. Reg. 3194, effective February 8, 2022; amended at 47 Ill. Reg. 17903, effective November 16, 2023; amended at 50 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART C: ADMINISTRATION

### **Section 721.320 Responsibilities of the Department**

The Department is responsible for assessing and collecting penalties against employers who fail to enroll 1) employees in the Program and 2) remit their employee's contributions within the timeline prescribed by the Act and this Part ~~within the timelines prescribed by the Act and this Part~~. The Department may exchange information with the Board, Treasurer's Office and the Department of Employment Security for the purpose of implementing, administering and enforcing the Act.

(Source: Amended at 50 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART D: PARTICIPATION IN THE PROGRAM

**Section 721.400 Eligibility**

- a) Provided they meet the requirements of section 408 and 408(A) of the Internal Revenue Code, the following individuals are eligible to participate in the Program:
  - 1) All employees 18 years or older, who work for employers that ~~had~~have 5 or more employees during every quarter of the previous calendar year, that have been in business for at least 2 years, and that do not offer qualified retirement plans will be automatically enrolled in the Program;
  - 2) All employees who work for a small employer that chooses to make the Program available to its employees;
  - 3) Any employee who does not work for a participating employer may set up their own account but may be required to make contributions through methods other than a payroll deduction; and
  - 4) Any individual with earned income during the calendar year, regardless of whether they work for an employer.
- b) ~~Employee~~~~Total-employee~~ count is based on employer-reported quarterly data submitted to the Department.

(Source: Amended at 50 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 721.410 Registration and Enrollment**

- a) The Board shall establish an implementation timeline under which employers shall register for the Program and facilitate enrollment of their employees into the Program. The Board shall approve the implementation timeline at a public meeting of the Board and make the timeline publicly available by posting it on the Board's or Treasurer's website (see Section 721.720).
- b) After implementation, the Board shall identify and notify employers not yet registered for the Program and facilitate enrollment of their employees into the Program on an annual basis.
- c) The program administrator shall notify employers of the dates on which registration and enrollment of employees may begin and the dates by which

registration of employers and enrollment of employees must be complete. The program administrator shall also provide employers with access to an online portal to register for the Program and facilitate enrollment of their employees.

d) Registration Information

1) In order to register for the Program, employers shall verify the following information on the online portal:

A) Employer name and assumed business name, if any;

B) Federal Employer Identification Number;

C) Employer mailing address;

D) Name, title, telephone number and email address of an individual designated by the employer to serve as the point of contact;

E) Number of employees; and

F) Any additional information necessary for registration.

2) In the event that any of the information listed in this subsection (d) is not available on the online portal or inaccurate, employers shall provide the missing or correct information, as applicable.

e) An employer who lacks access to the internet may register for the Program and facilitate enrollment of its employees through alternate means established by the Program, including by phone and paper forms.

f) By a date specified by the Board, employers shall facilitate enrollment of their employees into the Program and provide the program administrator with the following information for each employee:

1) Full legal name;

2) Social security number or taxpayer ID number;

3) Date of birth;

4) Mailing address;

5) Employee's phone number;

- 65) Employee's designated email address, if available; and
- 6) ~~Employee's phone number, if available; and~~
- 7) Any additional information needed to complete the enrollment when the information submitted for enrollment is unclear or insufficient, or when further information is required for purposes of administering the Program.
- g) The Board shall establish an automatic enrollment process for employees, which shall include the establishment of an IRA by or on behalf of the State for each employee who has not opted out of the Program.
- h) At the time of initial enrollment, employers shall automatically enroll in the Program each of their employees who are at least 18 years old, earn Illinois wages, and have been employed for 120 days or more by the employer. Following initial~~After initially facilitating enrollment of existing employees into the Program, participating~~ employers shall enroll new employees as soon as practicable, but no later than 120 days after the employee is first employed by the employer~~newly hired employees in the Program as soon as administratively possible, not to exceed 60 days after first payment of employee wages.~~
- i) Participating employers shall not contribute to or endorse the Program, or execute any discretionary authority, control, or responsibility with respect to the Program.
- j) Any employer who is not required to participate in the Program but receives a registration notification from the program administrator shall indicate to the Program, through the online portal or by contacting the program administrator, that it is not required to participate.

(Source: Amended at 50 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: ACCOUNTS, INVESTMENTS AND STATEMENTS

### Section 721.500 Accounts

- a) Accounts are IRAs into which participants contribute funds that, in turn, are invested in investment options established by the Board pursuant to Section 721.330, such as a Life-Cycle Fund Option. A separate account will be established for each participant and accounts are owned by the participant.
- b) The savings accounts established under the Program shall be portable and allow for an enrollee to make contributions from multiple employers into a single

216 account, either simultaneously or separately throughout the enrollee's  
217 lifetime. ~~Accounts shall be portable, and each participant will have one account,~~  
218 ~~regardless of whether the participant makes contributions from a single employer~~  
219 ~~or multiple employers (simultaneously or separately throughout the participant's~~  
220 ~~lifetime).~~

221  
222 c) An enrollee in the Program may have both a Roth IRA and a Traditional IRA  
223 through the Program.

224  
225 (Source: Amended at 50 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)