**Section 300.440 Jurisdiction**

The Department will review a claim for wages or final compensation and determine whether the Department can assert jurisdiction over the claim.

a) The phrase "in this State" as used in the Act does not exclude entities physically situated outside the State of Illinois. An employer or employee, to be "in this State", need not have residency in this State. An officer or agent need not be physically present in order to be regarded as "in this State" for purposes of jurisdiction under the Act.

b) The Department will assert jurisdiction over a claim when the work was performed in Illinois for an Illinois employer, regardless of where the employee resides.

c) The Department will assert jurisdiction over a claim when the work was performed in Illinois for an employer that may have residency outside the State if the employer has sufficient contacts in the State, such as performing substantial business in the State, maintaining a principal place of business in the State, marketing its services in the State or maintaining a registered agent within the State.

d) If the work is performed outside the State of Illinois, the employer must be located in Illinois in order for the Department to assert jurisdiction over the claim.

e) The Department will exercise personal jurisdiction over a nonresident individual when the person is an officer, director or agent of a corporation organized under Illinois law having a principal place of business or presence in the State and when there are sufficient contacts within the State.

(Source: Amended at 38 Ill. Reg. 18517, effective August 22, 2014)