**Section 2520.730 Consideration of Additional Groups**

a) Criteria – In order for an affirmative action group to be recognized, a petitioning group must present to the Director the following criteria:

1) the relationship between the proportion of an affirmative action group in the State population and the proportion of the affirmative action group in State employees, and whether that proportion is less than 4/5 of the availability of that group in each of the 8 EEO categories;

2) other authoritative statistical evidence, surveys and studies reflective of the discrimination experienced by the group, particularly, but not exclusively, as they relate to experience in Illinois;

3) the frequency with which charges alleging the discrimination, as compared to discrimination against other minorities, have been filed with the Department, its predecessors and other federal and local entities that investigate employment discrimination charges;

4) whether employment discrimination is longstanding against the group in question and is without an adequate legal remedy that is under State law; and

5) evidence of a continuing cycle of discrimination that, without affirmative action, will continue.

b) Consideration Process – If the Director determines that the criteria in subsection (a) have been met and that a petitioning group has submitted a petition as specified in 2 Ill. Adm. Code 925.110 of the Department's Rules:

1) A Notice of Proposed Rulemaking will be published by the Department in the Illinois Register, and the Department will commence rulemaking within 90 days after submission of a petition.

2) The Department shall convene a hearing, if required, in accordance with Section 5-40(b)(5) of the Illinois Administrative Procedure Act [5 ILCS 100/5-40(b)(5)].

3) If the rulemaking results in the addition of an affirmative action group, each agency shall develop numerical and program goals for that group.

(Source: Amended at 38 Ill. Reg. 9481, effective April 21, 2014)