**Section 2870.30 Modification of a Short-Time Compensation Plan**

a) When an employer seeks to modify an approved STC plan, the employer must promptly submit the request to modify the plan by sending an email to the Department at DES.WorkShare@illinois.gov. The request for modification must identify the provisions of the plan to be modified and explain why the modifications are necessary and consistent with the purposes for which the plan was approved and the certifications that the employer made in its application. The Director or authorized Department employee may request further information from the employer before a request to modify a plan is approved.

EXAMPLE 1: Company H has in operation an approved STC plan for its affected design unit. The plan calls for a 50% reduction in hours for the workers in the affected unit. While the STC plan is in operation, economic conditions for Company H improve. Company H seeks to modify its plan to provide for a 20% reduction in hours for the workers in the affected unit. This proposed change in the percentage of reduction of hours worked falls within the parameters of permitted work reduction set forth in Section 502 of the Act. Such a proposed modification to the plan requires the employer to make a request to the Director for approval of the modification of the STC plan.

EXAMPLE 2: Company J has in operation an approved STC plan for its affected packing unit. The plan calls for a 20% reduction in hours for the workers in the affected unit. While the STC plan is in operation, economic conditions for Company J get worse. Company J seeks to modify its plan to provide for a 50% reduction in hours for the workers in the affected unit. This proposed change in the percentage of reduction of hours worked falls within the parameters of permitted work reduction set forth in Section 502 of the Act. Such a proposed modification to the plan requires the employer to make a request to the Director for approval of the modification of the STC plan.

EXAMPLE 3: Company N has in operation an approved STC plan for its affected parts unit. The plan provides for a 25% reduction in hours worked for the employees in the affected unit. Due to a snowstorm in western states, there is a delay in the shipment of parts to Company N. Company N is informed by its supplier that the delay will last one week. With this information, for the one week of the delay, Company N wishes to reduce the hours of work of its employees in the affected unit by 60%, but by no more than 60%. In this situation, Company N must make a request to the Director for approval to modify the STC plan prior to the change in hours worked.

EXAMPLE 4: Company K has an approved STC plan in operation for its affected factory unit. While the plan is in operation, Company L succeeds to substantially all of the employing enterprises of Company K, which includes the factory at which all of the employees in the affected unit work. The Director receives a request to modify the approved STC plan. Under these circumstances, the Director will require the new employer (Company L) to submit a new application for approval of a plan instead of treating the correspondence as a request to modify an approved plan.

b) The voluntary separation of an affected employee from employment with the employer does not require a modification of the plan, but this separation must be reported to the Department at DES.WorkShare@illinois.gov on or before the week the departure is effective. A non-voluntary separation of an affected employee requires the employer to request a modification of the plan under this Section.

EXAMPLE 1: Company M has in operation an approved STC plan for its affected ironwork unit. Mr. A is a worker in the affected unit. While the STC plan is in operation, Mr. A finds a new job and separates from Company M. The affected unit now has one fewer worker in it than it had at the time of the STC plan approval. Mr. A's departure from Company M does not require the employer to make a request to the Director for approval to modify the STC plan so long as the affected unit has no fewer than 2 workers, and so long as the plan proceeds in operation as it was approved. Nonetheless, the employer shall promptly notify the Director that Mr. A is no longer a participant in the plan.

EXAMPLE 2: Company M has in operation an approved STC plan for its affected ironwork unit. Ms. B is a worker in the affected unit. Company M discharges Ms. B from its employment, alleging that the discharge was for misconduct. Ms. B's discharge is a non-voluntary separation of an affected employee from the affected unit and requires a modification of the plan.

c) A modification of an STC plan may change the start date of a plan, may shorten the duration of a plan, but it may not extend the expiration date of the plan as it was approved.

d) When an employer requests a modification of an approved plan, the Director will have 30 days from the date of receipt of the request for modification of the STC plan to approve the proposed modification in whole or in part, or to disapprove the proposed modification. The Director's decision shall be final, and promptly communicated in writing to the employer to the address or email account of record with the Department for purposes of STC. The Director's failure to issue a written decision within 30 days after the date of receipt of the request to modify the plan constitutes a decision disapproving the request for modification.