**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 have 5 or more employees, 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) Total employee count is based on employer-reported quarterly data submitted to the Department.

(Source: Amended at 46 Ill. Reg. 3194, effective February 8, 2022)