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181
 182 AUTHORITY: Implementing and authorized by the Personnel Code [20 ILCS 415].
 183

184 SOURCE: Filed May 29, 1975; amended at 2 Ill. Reg. 33, p. 24, effective September 1, 1978;
 185 amended at 3 Ill. Reg. 1, p. 63, effective January 1, 1979; amended at 3 Ill. Reg. 22, p. 78,
 186 effective June 1, 1979; emergency amendment at 3 Ill. Reg. 48, p. 188, effective January 1, 1980,
 187 for a maximum of 150 days; emergency amendment at 4 Ill. Reg. 1, p. 76, effective January 1,
 188 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 11, p. 67, effective March 1, 1980;
 189 amended at 4 Ill. Reg. 15, p. 216, effective March 31, 1980; amended at 4 Ill. Reg. 22, p. 227,
 190 effective June 1, 1980; amended at 5 Ill. Reg. 8029, effective August 1, 1981; amended at 7 Ill.
 191 Reg. 654, effective January 5, 1983; codified at 7 Ill. Reg. 13198; amended at 8 Ill. Reg. 7788,
 192 effective May 23, 1984; emergency amendment at 9 Ill. Reg. 241, effective January 1, 1985, for
 193 a maximum of 150 days; amended at 9 Ill. Reg. 7907, effective May 15, 1985; amended at 10 Ill.
 194 Reg. 13940, effective September 1, 1986; amended at 12 Ill. Reg. 5634, effective March 15,
 195 1988; emergency amendment at 12 Ill. Reg. 16214, effective September 23, 1988, for a
 196 maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 3722,
 197 effective March 13, 1989; amended at 13 Ill. Reg. 10820, effective June 23, 1989; amended at 13
 198 Ill. Reg. 12970, effective August 1, 1989; amended at 15 Ill. Reg. 17974, effective November 27,
 199 1991; amended at 16 Ill. Reg. 8375, effective May 21, 1992; emergency amendment at 16 Ill.
 200 Reg. 11645, effective July 6, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13489,
 201 effective August 19, 1992; amended at 16 Ill. Reg. 17607, effective November 6, 1992; amended
 202 at 17 Ill. Reg. 3169, effective March 1, 1993; amended at 18 Ill. Reg. 1892, effective January 25,
 203 1994; amended at 18 Ill. Reg. 17183, effective November 21, 1994; amended at 19 Ill. Reg.
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 205 amended at 21 Ill. Reg. 15462, effective November 24, 1997; amended at 22 Ill. Reg. 14735,
 206 effective August 3, 1998; amended at 26 Ill. Reg. 15285, effective October 15, 2002; amended at
 207 29 Ill. Reg. 11800, effective July 14, 2005; emergency amendment at 30 Ill. Reg. 12366,
 208 effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18270, effective
 209 November 13, 2006; amended at 31 Ill. Reg. 15069, effective October 26, 2007; emergency
 210 amendment at 32 Ill. Reg. 19935, effective December 9, 2008, for a maximum of 150 days;
 211 amended at 33 Ill. Reg. 6495, effective April 23, 2009; amended at 33 Ill. Reg. 16560, effective
 212 November 13, 2009; amended at 36 Ill. Reg. 9384, effective June 14, 2012; amended at 42 Ill.
 213 Reg. 12956, effective June 25, 2018; amended at 46 Ill. Reg. 14701, effective August 11, 2022;
 214 amended at 48 Ill. Reg. _____, effective _____.

SUBPART A: APPLICATION AND EXAMINATION

Section 302.10 Competitive SelectionExaminations

The Director shall implement policies and practices designed to determine the relative fitness of applicants and competitive selection for State employment. Competitive selection may include an evaluation of such factors as education, experience, training, capacity, knowledge, manual dexterity, character, and physical fitness. Tests shall be job related and may be written, oral, physical demonstration of skill, an evaluation of physical or manual fitness, or an evaluation of training and experience, or equivalent. Applicants shall not be questioned with respect to non-merit matters except as is necessary to meet the requirements of law or State policy.

- a) ~~The Director shall conduct open competitive and promotional examinations to determine the relative fitness of applicants. Examinations may include an evaluation of such factors as education, experience, training, capacity, knowledge, manual dexterity, character, and physical fitness. Tests shall be job related and may be written, oral, physical demonstration of skill, an evaluation of physical or manual fitness, or an evaluation of training and experience. Examinations shall consist of one or more tests in any combination. Where minimum or maximum requirements are established for any examination they shall be specified in the examination announcement.~~
- b) ~~Applicants shall not be questioned with respect to non-merit matters except as is necessary to meet the requirements of law or State policy.~~
- e) ~~In lieu of announcing or conducting examinations, the Director may accept the results of competitive examinations conducted by any established merit system subject to the Director's determination that such examinations are comparable in difficulty and comprehensiveness to those conducted by the Department of Central Management Services for similar positions.~~

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 302.20 TestingTime, Place, Conduct, Cancellation, Postponement and Suspension of Examinations

For positions requiring a test or equivalent, such testsExaminations shall be conducted by the Director or the Director's designee at such times and places deemed to be practical, convenient and in the best interests of the State service. ~~The Director may upon timely notice cancel or postpone any examination when there is an insufficient number of qualified candidates. The Director may discontinue offering any examination in the State when there is a sufficient number of eligibles on the eligible list to meet the needs of the State service.~~

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 302.30 Veterans Preference

- a) Appropriate preference in competitive selection~~entrance examinations~~ shall be granted to qualified veterans who have been members of the armed forces of the United States or to qualified veterans who, while citizens of the United States, were members of the armed forces of allies of the United States in time of hostilities with a foreign country (as set forth in Section 8b7 of the Personnel Code) and to certain other persons as set forth in this Section.
- b) To be eligible, applicant must have received discharge under honorable conditions and served under one or more of the following conditions:
 - 1) Served, for at least six months, in the armed forces of the United States, the Illinois National Guard, or any reserve component of the armed forces of the United States; or
 - 2) While a U.S. citizen, been a member of the armed forces of an ally of the U.S. in time of hostilities with a foreign country; or
 - 3) Discharged on the grounds of hardship; or
 - 4) Released from active duty because of a service connected disability; or
 - 5) Served for the duration of hostilities regardless of the length of engagement.
- c) Preference will be in the form of points or the equivalent added to the applicable scores~~final grades~~ of persons who otherwise qualify ~~and are entitled to appear on the list of those eligible for appointments~~. Preference in entrance examinations will be granted as follows:
 - 1) Ten points or the equivalent shall be added to the applicable scores~~entrance examination grade~~ for veteran eligibles currently holding proof of a service connected disability from the U.S. Department of Veterans Affairs or from an allied country for service connected disabilities or if the veteran is a purple heart recipient.
 - 2) Five points or the equivalent shall be added to the applicable scores~~entrance examination grade~~ for veteran eligibles who have served during a time of hostilities with a foreign country and who meet the qualifications set forth in subsection (b), but who do not qualify for 10

- 302 points under subsection (c)(1).
303
304 3) A person not eligible for a preference under subsection (c)(1) or (c)(2) is
305 qualified for a preference of 3 points or the equivalent if the person has
306 served in the armed forces of the United States, the Illinois National
307 Guard, or any reserve component of the armed forces of the United States
308 and the person:
309
310 A) served for at least 6 months and has been discharged under
311 honorable conditions; or
312
313 B) has been discharged on the grounds of hardship; or
314
315 C) was released from active duty because of a service connected
316 disability; or
317
318 D) served a minimum of 4 years in the Illinois National Guard or
319 reserve component of the armed forces of the United States,
320 regardless of whether the person was mobilized to active duty.
321
322 4) An active member of the National Guard or a reserve component of the
323 armed forces of the United States is eligible for the preference described in
324 subsection (c)(3) if the member meets the service requirements of
325 subsection (c)(3).
326
327 ~~d) If category ratings are used, the veteran eligibles in each category shall be~~
328 ~~preferred for appointment before the non-veteran eligibles in the same category.~~
329
330 de) The following shall be entitled to the same preference to which the veteran would
331 have been entitled under this Section:
332
333 1) a surviving unremarried spouse or civil union partner, who has not
334 subsequently married or entered into a civil union, of a veteran who
335 suffered a service connected death; or
336
337 2) the spouse or civil union partner of a veteran who suffered a service
338 connected disability that prevents the veteran from qualifying for civil
339 service employment.
340
341 ef) A preference shall also be given to the following individuals: 10 points for one
342 parent of a veteran who is not married or in a civil union partnership who suffered
343 a service connected death or a service connected disability that prevents the
344 veteran from qualifying for civil service employment. The first parent to receive

345 a civil service appointment shall be the parent entitled to the preference.

346
347 **f.g)** Before a veteran's preference is granted, the Department of Central Management
348 Services must verify the applicant's entitlement to the preference by requiring a
349 certified copy of the applicant's most recent DD-214 (Certificate of Release or
350 Discharge from Active Duty) or other evidence of the applicant's most recent
351 honorable discharge from the Armed Forces of the United States. The Department
352 of Central Management Services shall determine whether the documentation
353 submitted by the applicant is acceptable. To be acceptable, the documentation
354 submitted must be an authentic, official record of the United States Armed Forces
355 evidencing the individual's military service.

356
357 (Source: Amended at 48 Ill. Reg. _____, effective _____)

358
359 **Section 302.40 Announcement of Examination (Repealed)**

360
361 ~~Public announcement of an open competitive examination shall be made at least 2 weeks prior to~~
362 ~~the date the examination is to be conducted except as otherwise provided for in Section 302.10.~~
363 ~~Announcements shall be posted on a conspicuous bulletin board in each office of the Department~~
364 ~~of Central Management Services. Announcements may also be circulated through the press,~~
365 ~~radio, television, and other forms of public communication. Announcements shall specify the~~
366 ~~date and manner in which an application for examination shall be made. Announcements of~~
367 ~~promotional examinations shall be distributed to all agencies subject to the Personnel Code and~~
368 ~~made available to employees upon request.~~

369
370 (Source: Repealed at 48 Ill. Reg. _____, effective _____)

371
372 **Section 302.52 Notice to Eligibles (Repealed)**

373
374 ~~In the event a change in the classification or testing standards or other change requires the~~
375 ~~elimination of an eligible list for a class, or of certain previously qualified eligibles from such a~~
376 ~~list, the Director shall notify each person thus losing eligibility of such new or revised~~
377 ~~requirements as soon as practicable, and when the revised examination is repeated, shall again~~
378 ~~notify each person in order that each may be given an opportunity to reestablish eligibility.~~

379
380 (Source: Repealed at 48 Ill. Reg. _____, effective _____)

381
382 **Section 302.55 Grading TestsExaminations**

383
384 The Director shall establish passing grades for testsexaminations. Final grading of tests ~~and~~
385 ~~examinations~~ shall be completed as quickly as is reasonably practicable.

386
387 (Source: Amended at 48 Ill. Reg. _____, effective _____)

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Section 302.60 Retaking or Regrading Examinations (Repealed)

~~The retaking or regrading of examinations will be permitted only in accordance with the following provisions:~~

- ~~a) Retaking examinations
 - ~~1) No applicant shall be permitted to retake a test or tests included within an examination until 30 days have elapsed. This limitation may, however, be waived when in the judgement of the Director the best interests of the State require such waiver.~~
 - ~~2) No applicant may be permitted to retake a test included within an examination more than 12 months after the original date of examination.~~
 - ~~3) For purposes of ranking on eligible lists, the grades of applicants who retake a test or tests included within an examination shall be computed by using the latest passing scores attained by such applicants.~~~~
- ~~b) Regrading examinations
 - ~~1) At the request of an applicant who has completed an open competitive examination, the Director may regrade the examination taken by that applicant for placement on the eligible list for another class when the qualifications and examination standards for the new class are similar to those of the class for which tested.~~
 - ~~2) When a candidate makes an application for subsequent examination for the same or a different title having one or more identical tests which had been taken within the preceding 12 months, the Director may utilize the test or tests previously taken in lieu of requiring the candidate to repeat the applicable test or tests included within the examination.~~~~

(Source: Repealed at 48 Ill. Reg. _____, effective _____)

Section 302.70 Application and Eligibility

Admission to pre-employment shall be granted only to applicants who meet such requirements as have been established by the Department for admission to the examination.

- ~~a) Admission to competitive examinations shall be granted only to applicants who meet such requirements as have been established by the Department for admission~~

431 ~~to the examination.~~

432

433 b) ~~When results of examinations conducted by merit systems other than under the~~
434 ~~Personnel Code are utilized pursuant to Section 302.10 the requirements of this~~
435 ~~section on application and eligibility shall be ruled as having been met.~~

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437 (Source: Amended at 48 Ill. Reg. _____, effective _____)

438

439 SUBPART B: APPOINTMENT AND SELECTION

440

441 Section 302.80 Eligible Lists (Repealed)

442

443 a) ~~The Department shall establish and maintain lists of qualified applicants resulting~~
444 ~~from open competitive and promotional examinations. Such lists shall be in the~~
445 ~~order of the relative excellence of the qualified applicants whether by numerical~~
446 ~~grade or in category groupings.~~

447

448 b) ~~The Director may limit eligible lists to positions in one or more organizational~~
449 ~~units or in one or more agencies or to certain areas or locations.~~

450

451 c) ~~The length of time an eligible list is to be in existence or the length of time a name~~
452 ~~may remain on the list shall be specified in the examination announcement.~~

453

454 d) ~~The director may approve the written request of an agency or applicant to extend~~
455 ~~the eligibility of a qualified eligible candidate when the extension is necessary to~~
456 ~~assist in achieving affirmative action goals in employment. The extended period of~~
457 ~~eligibility shall not exceed the duration of the original period of eligibility and~~
458 ~~shall not be renewed. The decision to approve an extension request will be based~~
459 ~~upon whether there is an under-representation of minority eligibles and will be~~
460 ~~approved only for those position titles that are not on continuous call for~~
461 ~~examination.~~

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463 (Source: Repealed at 48 Ill. Reg. _____, effective _____)

464

465 Section 302.90 Appointments

466

467 a) Except as provided in subsection (b), the filling of a vacant position subject to
468 Jurisdiction B of the Personnel Code may be made in any of the following ways:

469

470 1) A probationary appointment following a hiring sequence filled by
471 competitive selection, whether via application of contractual rights or
472 other means ~~by appointment from the appropriate open competitive list;~~

473

- 474 2) by promotion of a certified employee or a probationary employee who has
475 been certified during the current period of continuous service ~~from the~~
476 ~~applicable promotional list after giving appropriate consideration to~~
477 ~~employee qualifications, performance, seniority, and conduct;~~
478
- 479 ~~3) by reinstatement of a former certified employee;~~
480
- 481 ~~4) by intra-agency, inter-agency or merit system transfer;~~
482
- 483 35) by demoting an employee after having filed charges;
484
- 485 46) by accepting an employee's request for a voluntary reduction; or
486
- 487 ~~7) by selection from the alternative employment list established under~~
488 ~~Section 302.91; or~~
489
- 490 58) for positions subject to Term Appointment, renewal of a term following an
491 initial appointment following competitive selection ~~by appointment of the~~
492 ~~Director or the Chairman of the Department, Board or Commission in~~
493 ~~which the position is located~~ pursuant to Section 302.820.
494

495 b) No position may be filled by any of the means listed in subsection (a) when there
496 is an available person on a reemployment list for that title in the agency and for
497 the county, location or area in which the position is established, ~~and, no position~~
498 ~~may be filled by appointment (subsection (a)(1)) or reinstatement (subsection~~
499 ~~(a)(3)) if there is an available person on the alternative employment list~~
500 ~~(subsection (a)(7)).~~
501

502 (Source: Amended at 48 Ill. Reg. _____, effective _____)
503

504 **Section 302.91 Alternative Employment** 505

506 a) The Department shall establish and maintain an Alternative Employment
507 Program ~~alternative employment list~~ for certified employees who, due to a work
508 related or non-work related disability which permanently precludes the
509 performance of regularly assigned duties, are on disability leave, on other
510 appropriate leave or who are receiving disability benefits. Eligible employees
511 may participate in the Alternative Employment Program ~~The alternative~~
512 ~~employment list shall be established and maintained by county or other~~
513 ~~geographical area approved by the Director. The names of employees shall be~~
514 ~~placed on the alternative employment list in order of continuous service as~~
515 ~~defined in Section 302.190~~ under the following conditions:
516

- 517 1) the employee shall voluntarily submit a written request for participation in
518 the Alternative Employment Program~~placement on the alternative~~
519 ~~employment list~~ and work with a career counselor to identify appropriate
520 positions for employment~~specify the county or area in which he or she will~~
521 ~~accept employment provided such position is established in that location;~~
522
523 2) the employee shall be eligible for appointment to such alternative
524 employment by virtue of full participation in the Alternative Employment
525 Program~~Section 302.10 or 302.610;~~
526
527 3) the employee shall be deemed able to perform the duties of the alternative
528 position after examination, if requested, by a person licensed under the
529 Medical Practice Act [225 ILCS 60]~~(Ill. Rev. Stat. 1985, ch. 111, pars.~~
530 ~~4401 et seq.)~~ or under similar laws of Illinois, the laws of other states or
531 countries, or by an individual authorized by a recognized religious
532 denomination to treat by prayer or spiritual means.
533
534 b) Refusal of an employee to request to participate in the Alternative Employment
535 Program~~placement on the alternative employment list~~ shall not jeopardize the
536 employee's eligibility for any benefit relating to the disability to which he or she
537 would otherwise be entitled.
538
539 c) After appointment to a position pursuant to the Alternative Employment
540 Program~~an alternative employment position~~, the employee shall be entitled to all
541 the rights, benefits and privileges of jurisdictions A, B and C and any applicable
542 collective bargaining agreement.
543
544 d) An employee will not be considered as a full participant in the Alternative
545 Employment Program if the employee~~The Director shall remove the name of any~~
546 ~~employee from the alternative employment list who~~ refuses an offer of
547 employment in a position if he or she is able to perform the duties of that position,
548 unless ~~but shall not remove the name if~~ the employee cannot perform the duties of
549 the position due to the disabling condition or reasons related to the disability.

550
551 (Source: Amended at 48 Ill. Reg. _____, effective _____)
552

553 **Section 302.100 Geographic Preference (Repealed)**
554

555 ~~Applicants for employment shall specify one or more of the locations or areas in which they will~~
556 ~~accept employment from those choices made available at the time of the examination or which~~
557 ~~may be made available at a later date.~~
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559 (Source: Repealed at 48 Ill. Reg. _____, effective _____)

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Section 302.105 Pre-Employment Screening

Agencies may implement programs for pre-employment screening of persons who the Department has determined are eligible under this Part. Any program for pre-employment screening of eligibles, as well as the standards established by the appointing agency as a part of such screening, including but not limited to performance tests, mental ability tests, physical agility tests, job knowledge tests, assessment center evaluations, medical examinations, drug use tests, polygraph tests, personality inventory or other psychological tests, or any height/weight/age/sex requirement, shall be implemented and applied consistently. Procedures for routine reference verification and pre-employment background checking shall not require prior approval of the Director.

- a) ~~Agencies may implement programs for pre-employment screening of persons who the Department has determined are eligible under this Part. Any program for pre-employment screening of eligibles, as well as the standards established by the appointing agency as a part of such screening, including but not limited to performance tests, mental ability tests, physical agility tests, job knowledge tests, assessment center evaluations, medical examinations, drug use tests, polygraph tests, personality inventory or other psychological tests, or any height/weight/age/sex requirement, shall be implemented only after review and approval by the Director. Any substantive changes to previously approved pre-employment screening programs or standards (i.e., changes which could add potentially disqualifying criteria for job applicants) must also be approved by the Director prior to implementation. Procedures for routine reference verification and pre-employment background checking shall not require prior approval of the Director.~~
- b) ~~If an agency is operating a program for pre-employment screening on the effective date of this Section, such program, as well as the standards, must be submitted to the Director for approval within sixty (60) days of the effective date of this Section.~~
- e) ~~In determining whether new or existing pre-employment screening programs or substantive changes to previously approved programs should be approved, factors the Director will consider include job relatedness, compliance with federal or state statutes and regulations, the needs of the requesting agency and consistency with the examination program provided in this Part.~~

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 302.110 Appointment Following Competitive Selection ~~From Eligible List~~

603 When an appointment to a position is made following a competitive selection hiring
604 sequence, ~~from an eligible list resulting from an open competitive or promotional examination,~~
605 such appointment shall be made in rank order unless approved to bypass the higher-ranking
606 candidate is obtained by the hiring agency of the person standing among those who are available
607 ~~within the 3 highest grades, if such a list is in order of examination grade, or from the highest~~
608 ~~ranking group, if such list is in category groupings, except as provided for under Section~~
609 ~~302.160.~~

610
611 (Source: Amended at 48 Ill. Reg. _____, effective _____)

612
613 **Section 302.120 Responsibilities of Eligibles (Repealed)**

614
615 ~~It shall be the responsibility of each eligible to inform the Department in writing of any changes~~
616 ~~in address or availability for employment.~~

617
618 (Source: Repealed at 48 Ill. Reg. _____, effective _____)

619
620 **Section 302.130 Removal of Names From Eligible Lists (Repealed)**

621
622 a) ~~The Director shall remove names from an eligible list for any of the following~~
623 ~~reasons:~~

- 624
625 1) ~~Appointment of an eligible from the eligible list;~~
626
627 2) ~~Death of an eligible;~~
628
629 3) ~~Notice by postal authorities that they are unable to locate the eligible at the~~
630 ~~eligible's last known address;~~
631
632 4) ~~Attempt by an eligible to practice any deception or fraud in connection~~
633 ~~with an examination, after providing the eligible *an opportunity to appeal*~~
634 ~~and provide information to support their appeal, which shall be~~
635 ~~considered when determining their eligibility as a candidate for~~
636 ~~employment [20 ILCS 415/8b.4];~~
637
638 5) ~~Information that the eligible lacks any of the qualifications required for the~~
639 ~~class for which the eligible was erroneously declared eligible;~~
640
641 6) ~~Request of an eligible to remove name.~~

642
643 b) ~~The Director may remove names from an eligible list for any of the following~~
644 ~~reasons. Eligibles shall be notified of such removal.~~

645

- 646 1) ~~Failure of an eligible, upon referral, to reply or to report for interview;~~
- 647
- 648 2) ~~After accepting employment, failure without good cause to report to work~~
- 649 ~~within the time prescribed by the employing agency or the Department of~~
- 650 ~~Central Management Services;~~
- 651
- 652 3) ~~Failure of an eligible, upon request, to furnish written evidence of~~
- 653 ~~availability for employment;~~
- 654
- 655 4) ~~Specifying conditions of employment by an eligible which are not~~
- 656 ~~associated with the class for which eligible;~~
- 657
- 658 5) ~~Refusal of an eligible to accept 2 separate offers of employment;~~
- 659
- 660 6) ~~A request by an agency for removal of an eligible who has been passed~~
- 661 ~~over 3 times, after referral to the same agency, for the appointment of an~~
- 662 ~~eligible lower on the list;~~
- 663
- 664 7) ~~Poor work history of eligible;~~
- 665
- 666 8) ~~Former experience and history of eligible not compatible with duties and~~
- 667 ~~responsibilities of the class;~~
- 668
- 669 9) ~~Physical inability of eligible to perform the duties and responsibilities of~~
- 670 ~~the class;~~
- 671
- 672 10) ~~At the request of an agency for good and sufficient cause;~~
- 673
- 674 11) ~~After eligible accepts promotion;~~
- 675
- 676 12) ~~When a change in either classification or testing standards or other change~~
- 677 ~~requires such action;~~
- 678
- 679 13) ~~Conviction of an eligible of a felony.~~
- 680

681 (Source: Repealed at 48 Ill. Reg. _____, effective _____)

682

683 **Section 302.140 Replacement of Names on Eligible List (Repealed)**

- 684
- 685 a) ~~The Director may restore a name to the same eligible list when such action is in~~
- 686 ~~the best interest of the State.~~
- 687
- 688 b) ~~Names of veterans returning from active military service of not more than 4 years~~

689 shall be restored to an eligible list for the same class if the request is made by the
690 veteran within 90 days after discharge or from hospitalization continuing after
691 discharge for not more than one year. The eligible must provide evidence of
692 satisfactory completion of training and service when making the request and be
693 qualified to perform the current duties of the class.

- 694 e) Names of employees who are laid off during their probationary period shall be
695 returned to the eligible list for the class in which the layoff occurred.
696
697 d) Names so restored shall be at the grade in effect when the removal from the list
698 was made and may not remain on the list after that period of time which is equal
699 to the unexpired time remaining of the original eligibility.
700

701 (Source: Repealed at 48 Ill. Reg. _____, effective _____)
702

703 Section 302.150 Appointment and Status 704

705 The following types of appointment and status may be made by the Director:
706

- 707
708 a) Exempt: For persons in positions not subject to Jurisdiction B. If an exempt
709 employee's position becomes subject to Jurisdiction B by reason of extension of
710 Jurisdiction B, the employee will not be afforded job protection unless and until
711 the employee is competitively selected for the position pursuant to Section 4b of
712 the Personnel Code, such employee shall establish eligibility for such position by
713 passing satisfactorily a qualifying examination prescribed by the Director within 6
714 months after the extension of Jurisdiction B to such position. In all other cases, if
715 an exempt employee's position becomes subject to Jurisdiction B, such employee
716 shall establish eligibility for such position within 6 months by successfully
717 competing in the open competitive examination and receiving a probationary
718 appointment according to applicable rules.
719
720 b) Emergency: For persons selected by agencies to meet emergency situations. Such
721 appointments shall not exceed 60 days, ~~shall not be renewed and may be made~~
722 ~~without regard to an eligible list.~~ However, where an emergency situation that
723 threatens the health, safety or welfare of employees or residents of the State exist,
724 emergency appointments may not exceed 90 days. Notices of selections and
725 terminations shall be reported immediately to the Director.
726
727 c) Temporary: For persons in positions to perform temporary or seasonal work. No
728 position shall be filled by temporary appointment for more than 6 months out of
729 any 12-month period.
730
731 d) Provisional: For persons in positions where the exempt status is being finalized

732 or the Director has authorized provisional appointment pending the outcome of
 733 competitive selection~~for which there are fewer than 3 available eligibles on the~~
 734 ~~open competitive eligible list.~~ No positions shall be filled by provisional
 735 appointment for more than 6 months out of any 12-month period.~~–If a provisional~~
 736 ~~employee's position is allocated to a class for which there are available eligibles,~~
 737 ~~eligibility for such position shall be established within 90 days through~~
 738 ~~successfully competing in the open competitive examination and receiving a~~
 739 ~~probationary appointment according to the applicable rules herein.~~

- 740
- 741 e) Probationary: For persons appointed following a competitively selected hiring
 742 sequence~~from an eligible list, or~~ for persons receiving a promotion ~~and for~~
 743 ~~persons being reinstated. If a probationary employee's position is declared~~
 744 ~~exempt from Jurisdiction B, the balance of the probationary period shall be served~~
 745 ~~after which certified status shall be attained.~~
- 746
- 747 f) Certified: For persons having successfully completed the required probationary
 748 period in the position. If a certified employee's position is declared exempt from
 749 Jurisdiction B, certified status shall be retained in that position.
- 750
- 751 g) Trainee: For persons in positions pursuant to established trainee and
 752 apprenticeship programs.
- 753
- 754 h) Term: For persons appointed for a four year term. At the expiration of four
 755 years, the appointment automatically terminates unless renewed by the Director or
 756 Chairman of the employing department, commission or board. During the term of
 757 appointment, these persons shall be subject to Jurisdictions A, B, and C of the
 758 Personnel Code.
- 759
- 760 i) Intermittent: For persons appointed pursuant to subsections (e) or (f) above
 761 whose work schedule varies from the regular work schedule of the operating
 762 agency as provided in an intermittent program established pursuant to Section
 763 302.325. Incumbents in positions given intermittent status pursuant to such
 764 programs shall be allowed to remain in the position at the time the intermittent
 765 status is given.
- 766
- 767 j) Interim Assignment: For a ~~certified~~ non-bargaining unit employee in a salary
 768 grade or merit compensation (including broad-band and medical administrator)
 769 position assigned to perform on a full-time interim basis and be accountable for
 770 the higher-level duties and responsibilities of a non-bargaining unit, ~~salary grade~~
 771 ~~or merit compensation (including broad-band and medical administrator)~~ position.
 772 ~~The position shall have higher-level duties and responsibilities within the same~~
 773 ~~broadband position classification or a position classification with a higher pay~~
 774 ~~grade or range. The interim assignment shall be to a position within the same~~

775 ~~agency.~~The agency shall provide ~~written~~ justification of the need for the interim
776 assignment and the interim assignment occurs upon the approval of the Director
777 of Central Management Services. The initial interim assignment of the employee
778 to the position shall not exceed six months, but may be extended in six-month
779 increments upon the approval of the Director of Central Management Services,
780 for good cause shown. The agency shall ensure that the minimum training and
781 experience qualifications are met for the position with higher-level duties and
782 responsibilities. ~~The employee must request a leave of absence from the current~~
783 ~~position to accept the interim assignment. An employee in interim assignment~~
784 ~~status cannot be transferred or promoted.~~

785
786 (Source: Amended at 48 Ill. Reg. _____, effective _____)
787

788 **Section 302.160 Extension of Jurisdiction B**
789

- 790 a) Employees in positions to which Jurisdiction B is extended pursuant to Section 4b
791 of the Personnel Code, and employees appointed pursuant to the provisions of
792 Section 17a of the Personnel Code shall be continued in such positions and shall
793 attain certified status therein provided they are deemed qualified ~~pass a qualifying~~
794 ~~examination prescribed~~ by the Director ~~within 6 months after such jurisdiction is~~
795 ~~extended, or, in the case of employees appointed pursuant to Section 17a, within 6~~
796 ~~months after their appointments~~, and provided they satisfactorily complete their
797 respective probationary periods.
798
799 b) Appropriate standards for probationary appointments shall be prepared by the
800 Director and appointments of such employees shall be without regard to other
801 competitive selection ~~eligible lists and without regard to the~~ provisions of the
802 Personnel Code and this Part ~~requiring the appointment of the person standing~~
803 ~~among the 3 highest on the appropriate eligible list to fill a vacancy or from the~~
804 ~~highest category ranking group if the list is by rankings instead of numerical~~
805 ~~ratings~~. Nothing herein shall preclude the reclassification or reallocation as
806 provided by these Rules of any position held by any such incumbent.
807

808 (Source: Amended at 48 Ill. Reg. _____, effective _____)
809

810 **SUBPART C: TRAINEES**
811

812 **Section 302.180 Limitations on Trainee Appointments**
813

814 Any trainee appointed to a position in a trainee class shall be appointed to a permanent position
815 only after successfully completing the approved trainee program.
816

- 817 a) ~~Any trainee appointed to a position in a trainee class in accordance with the Rules~~

818 of the Department concerning Examinations and Eligible Lists, Sections 302.10
819 through 302.160, shall be appointed to a permanent position only after passing an
820 appropriate competitive promotional examination for the title for which he/she is
821 training and his/her name has been reached on the promotional eligible list.

822
823 ~~b) Any trainee directly appointed in a training class without open competitive
824 examination shall obtain a probationary appointment in the title for which he/she
825 is training only after he/she has passed the appropriate open competitive
826 examination and his/her name has been reached on the resulting eligible lists,
827 except that a trainee appointed to serve in a highly technical or management
828 training program approved by the Director of Central Management Services shall
829 obtain probationary appointment in the title for which he/she is being trained only
830 after successful completion of the approved training program, and after passing an
831 appropriate competitive promotional examination for the title for which he/she is
832 training and his/her name has been reached on the promotional eligible list.~~

833
834 (Source: Amended at 48 Ill. Reg. _____, effective _____)

835
836 SUBPART D: CONTINUOUS SERVICE

837
838 **Section 302.190 Definitions**

- 839
- 840 a) Continuous service for purposes of this Part is the uninterrupted period of service
841 from the date of original appointment to State service in any position subject to
842 jurisdiction B except as provided in b and c below.
 - 843
844 b) Employees who have accrued continuous service in another merit system in the
845 State service or who have accrued continuous service in State service not covered
846 by any merit system, and who have been transferred to an agency subject to the
847 Personnel Code, shall be given such credit for said service as shall be determined
848 by the Director or required by law.
 - 849
850 ~~e) *Effective September 1, 1981, any employee of the State of Illinois exempt from the*
851 *Personnel Code by virtue of Section 4c(4) who is appointed in any status under*
852 *the provisions of the Personnel Code within 32 days after terminating such*
853 *exempted employment is entitled to receive credit for continuous service as if such*
854 *employment were continuous with the appointment under the provisions of the*
855 *Personnel Code, except that the interim period between employments, if in excess*
856 *of four calendar days, shall constitute a deduction from continuous service. (Sec.*
857 *8f of the Personnel Code, Ill. Rev. Stat. 1983, ch. 127, par. 63b108f)*~~
 - 858
859 cd) For purposes other than this Part, continuous service is the uninterrupted period of
860 service from the date of original appointment to State service under the Personnel

Code except as provided in Section 302.250 and Section 303.155.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 302.200 Interruptions ~~in~~ Continuous Service

Continuous service shall be interrupted by:

- a) Resignation; provided, however, that such continuous service will not be interrupted by resignation when an employee is employed in another position subject to jurisdiction B in the State service within 4 calendar days of such resignation;
- b) Discharge; provided, however, such continuous service shall not be interrupted if the employee is retained in the position after a hearing before the Civil Service Commission;
- c) Termination; because an employee has not been reemployed in a position subject to jurisdiction B within 2 years after layoff.
- d) Probationary Separation; separations for failure to satisfactorily complete the probationary period, provided that no other provisions of these rules or relevant collective bargaining agreements allow a certified employee to return to a previously held position classification.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 302.220 Veterans Continuous Service

- a) Leaves of absence shall be granted to all employees, except temporary or emergency employees, who leave their positions and enter military service for 5 years or less (exclusive of any additional service imposed pursuant to law). An employee shall be restored to the same or a similar position on making an application to his/her employing agency within 90 days after separation from active duty or from hospitalization or convalescence continuing after discharge for not more than two years. The employee must provide evidence of satisfactory completion of training and military service when making application and be qualified to perform the duties of the position.
- b) Subject to the provisions of Section 302.110, a veteran who returns to State service after having been granted a leave of absence from provisional status shall be permitted and required to pass the same or similar examination for his/her position within 90 days.

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- c) Trainees who have not previously done so and whose training was interrupted by military leave, shall be required to complete the trainee program~~qualify in an examination in the trainee class~~ before being granted allocation or non-competitive promotion to a higher class.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 302.250 Limitations on Continuous Service

Temporary and emergency employees ~~employed after July 1, 1957,~~ shall not accumulate continuous service except as provided in the State Employee Vacation Time Act [5 ILCS 360]Public Act 77-1823.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

SUBPART E: PERFORMANCE REVIEW

Section 302.260 Performance Records

- a) Performance records shall constitute any material in an employee's personnel file which, in the judgment of the Director, is relevant to determining the appropriateness of proposed or recommended personnel actions~~transactions.~~
- b) Such records shall be considered by the Director in all cases of promotion, demotion, discharge, layoff, recall, reinstatement, geographical transfer and certification.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 302.270 Performance Evaluations~~Evaluation Forms~~

Each agency shall prepare a performance evaluation in a manner proscribed by the Director not less often than once per calendar year for certified employees, and at least once during a probationary period.

- ~~a) Performance records shall include an evaluation of employee performance prepared by each agency on forms prescribed by the Director.~~
- ~~b) For any employee serving a six month probationary period, the agency shall prepare and submit to the Department two such evaluations, one at the end of the third month of the employee's probationary period and another 15 days before the conclusion thereof.~~

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- e) ~~For an employee serving a four month probationary period, the agency shall prepare and submit to the Department an evaluation form three and one half months after the commencement of the probationary period.~~
- d) ~~For a certified employee, each agency shall prepare such evaluation not less often than annually.~~

(Source: Amended at 48 Ill. Reg. _____, effective _____)

SUBPART F: PROBATIONARY STATUS

Section 302.300 Probationary Period

- a) A probationary period of six months shall be served by:
 - 1) an employee who enters State service or commences a new period of continuous service, ~~except an employee who is reinstated as provided under Section 302.610;~~
 - 2) an employee who is appointed following a competitive selection hiring sequence~~from an open competitive eligible list~~, whether or not it be considered an advancement in rank or grade.
- b) A probationary period of four months shall be served by any employee who is promoted pursuant to Subpart G ~~or reinstated on or after January 1, 1999, pursuant to Section 302.610. Employees reinstated prior to January 1, 1999 shall serve a six month probationary period.~~
- c) An employee transferred during the probationary period shall serve that portion of the probationary period that was not completed at the time of the transfer.
- d) A probationary period shall not be deemed to be continued by the payment of any sum for vacation or other benefits accrued during the probationary period.
- e) If an employee is absent from work for more than 15 consecutive calendar days during the probationary period because of leave of absence, disciplinary suspension, administrative leave, suspension pending discharge, sick leave, unauthorized absence, or work related injury or industrial disease, the absence shall serve to extend the probationary period by the length of the absence.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

990 **Section 302.310 Certified Status**

991
992 A probationary employee shall attain certified status only after successful completion of the
993 probationary period in their position. Notice of certification will be sent to the employee and
994 agency by the Director promptly thereafter.

995
996 (Source: Amended at 48 Ill. Reg. _____, effective _____)

997
998 **Section 302.320 Status Change in Probationary Period (Repealed)**

999
1000 ~~An employee may not be promoted, demoted, discharged, or transferred during the probationary~~
1001 ~~period without the approval of the Director.~~

1002
1003 (Source: Repealed at 48 Ill. Reg. _____, effective _____)

1004
1005 **SUBPART G: PROMOTIONS**

1006
1007 **Section 302.330 Eligibility for Promotion**

1008
1009 The Director may approve the promotion of qualified employees ~~who have established eligibility~~
1010 ~~for the appropriate class through examinations in accordance with merit standards set forth in~~
1011 ~~Section 302.10.~~

1012
1013 (Source: Amended at 48 Ill. Reg. _____, effective _____)

1014
1015 **Section 302.335 Limitations On Promotions (Repealed)**

1016
1017 ~~No provisional, temporary, emergency or probationary employee shall be promoted unless the~~
1018 ~~employee has previously held certified status during his/her current period of continuous service.~~

1019
1020 (Source: Repealed at 48 Ill. Reg. _____, effective _____)

1021
1022 **Section 302.340 Failure to Complete Probationary Period**

1023
1024 A certified employee who does not satisfactorily complete the probationary period in the position
1025 because of inability to perform the duties and responsibilities of the new promoted position may
1026 be returned to a position in the class, agency and locality and with the status from which
1027 promoted.

1028
1029 a) ~~A promoted certified employee who does not satisfactorily complete the~~
1030 ~~probationary period in the promoted position because of inability to perform the~~
1031 ~~duties and responsibilities of the new promoted position shall be returned to a~~
1032 ~~position in the class, agency and locality and with the status from which~~

1033 promoted.

1034

1035 b) ~~A promoted employee previously certified during the current period of continuous~~
1036 ~~service may be discharged for cause during the probationary period and, in such~~
1037 ~~event, the employee has the same rights to appeal as a certified employee.~~

1038

1039 (Source: Amended at 48 Ill. Reg. _____, effective _____)

1040

1041 SUBPART H: EMPLOYEE TRANSFERS

1042

1043 Section 302.400 Transfer

1044

1045 A transfer is the assignment of an employee to a vacant position whose classification has the
1046 same maximum permissible salary or rate. Transfers may be within the same agency (Intra-
1047 Agency Transfer) or across agencies (Inter-Agency Transfer).

1048

1049 (Source: Amended at 48 Ill. Reg. _____, effective _____)

1050

1051 Section 302.410 Intra-Agency Transfer (Repealed)

1052

1053 ~~An employee may be transferred to a position in the same class to which appointed or to a~~
1054 ~~position involving similar qualifications, duties, responsibilities and salary range, in another~~
1055 ~~division, section, or other unit, within the employing agency. No such transfer shall be made~~
1056 ~~without the approval of the Director.~~

1057

1058 (Source: Repealed at 48 Ill. Reg. _____, effective _____)

1059

1060 Section 302.420 Inter-Agency Transfer (Repealed)

1061

1062 ~~An employee may be transferred to a position in the same class, or to a position involving similar~~
1063 ~~qualifications, duties, responsibilities and salary range in another agency, with the approval of~~
1064 ~~both agencies, the Director, and with the consent of the employee.~~

1065

1066 (Source: Repealed at 48 Ill. Reg. _____, effective _____)

1067

1068 Section 302.425 Merit System Transfer (Repealed)

1069

1070 a) ~~An employee of the State of Illinois who holds certified status or its equivalent in~~
1071 ~~a merit system other than the Personnel Code may be transferred to a position~~
1072 ~~which is subject to Jurisdiction B of the Personnel Code and which has~~
1073 ~~comparable qualifications, duties, responsibilities and salary range, as determined~~
1074 ~~by the Director, who shall consider:~~

1075

- 1076 1) ~~the amount of training and experience required to meet the classification~~
1077 ~~standards as contained in the "Position Classification Specification" for~~
1078 ~~the position being filled, in comparison with the training and experience of~~
1079 ~~the person requesting the transfer;~~
1080
1081 2) ~~the salary range or wage rates of the position being filled with the salary~~
1082 ~~range or wage rates of the position filled by the person requesting the~~
1083 ~~transfer and there is a value common to both salary ranges or wage rates;~~
1084 ~~and~~
1085
1086 3) ~~if the level of, type of, and degree of duties and responsibilities of the~~
1087 ~~position being filled are significantly comparable to the duties and~~
1088 ~~responsibilities of the position currently filled by the person requesting the~~
1089 ~~transfer, as contained in the "Position Classification Specifications", for~~
1090 ~~both positions.~~
1091
1092 b) ~~Approval of the employing agency, the Director and the consent of the employee~~
1093 ~~is required.~~
1094
1095 e) ~~Such transferred employee shall retain certified status and shall be given credit for~~
1096 ~~continuous service for such employment under the other merit system.~~
1097

1098 (Source: Repealed at 48 Ill. Reg. _____, effective _____)
1099

1100 **Section 302.432 Notice To Employee**

1101
1102 Notice of an approved geographical transfer (agency directed) shall be served on the employee
1103 by the Director in an appropriate manner~~person or by certified mail, return receipt requested, at~~
1104 ~~the employee's last address appearing in the personnel file.~~
1105

1106 (Source: Amended at 48 Ill. Reg. _____, effective _____)
1107

1108 **Section 302.460 Employee Records**

1109
1110 When an employee has been transferred or resigns to accept a position in another agency, a copy
1111 of the agency personnel file, if any, shall be made available~~forwarded~~ to such agency.
1112

1113 (Source: Amended at 48 Ill. Reg. _____, effective _____)
1114

1115 **SUBPART I: DEMOTION**

1116 **Section 302.470 Demotion** 1117 1118

- 1119 a) Demotion is assignment of an employee to a vacant position in a class having a
1120 lower maximum permissible salary or rate than the class from which the demotion
1121 was made for reasons of inability to perform the work of the class from which the
1122 demotion was made.
1123
- 1124 b) An operating agency may initiate demotion of an employee by filing written
1125 statement of reasons for demotion with the Director in the form and manner
1126 prescribed. Such written statement shall be ~~approved~~signed by the head of the
1127 operating agency, and shall contain sufficient facts to show good cause for the
1128 demotion. No demotion shall become effective without the prior approval of the
1129 Director who shall take into consideration the employee's education, experience
1130 and performance records.
1131

1132 (Source: Amended at 48 Ill. Reg. _____, effective _____)
1133

1134 **Section 302.480 Notice to Employee** 1135

1136 If the statement of reasons for demotion of a certified employee is approved by the Director, a
1137 copy of the approved statement of reasons for demotion shall be served on the employee by the
1138 Director in ~~an appropriate manner~~person or by certified mail, return receipt requested at the
1139 ~~employee's last address appearing in the personnel file.~~
1140

1141 (Source: Amended at 48 Ill. Reg. _____, effective _____)
1142

1143 **Section 302.497 Demotion of Other Employees** 1144

1145 The Director may approve the demotion of probationary employees. Notice of such demotion
1146 shall be served on the employee by the Director, in ~~an appropriate manner~~person or by certified
1147 ~~mail, return receipt requested at the employee's last address appearing in the personnel file.~~
1148

1149 (Source: Amended at 48 Ill. Reg. _____, effective _____)
1150

1151 **SUBPART J: VOLUNTARY REDUCTION AND LAYOFFS** 1152

1153 **Section 302.500 Voluntary Reduction of Certified and Probationary Employees** 1154

1155 Certified and probationary employees may voluntarily request or accept assignment to a vacant
1156 position in a class having a lower maximum permissible salary or rate. All requests for or
1157 acceptances of such voluntary reductions shall be in writing, and shall be ~~authorized~~signed by
1158 the employee and be directed to the head of the agency in which the vacant position exists. ~~No~~
1159 ~~reduction shall become effective without the written approval of the Director.~~ A certified
1160 employee who is assigned and accepts a voluntary reduction in grade shall be certified in the
1161 lower class without serving a probationary period and a probationary employee, the balance of

1162 the probationary period; provided however, if reduction results in return to a trainee class or
1163 other class for which there is no provision for certification in said class, the individual's
1164 certification shall be terminated.

1165
1166 (Source: Amended at 48 Ill. Reg. _____, effective _____)
1167

1168 **Section 302.530 Order of Layoff**

- 1169
- 1170 a) The following order shall be observed in making an indeterminate layoff:
 - 1171
 - 1172 1) No certified, probationary, or provisional employee may be laid off until
 - 1173 all ~~exempt~~, temporary, and emergency employees in the same class, option
 - 1174 and approved layoff organizational unit are terminated;
 - 1175
 - 1176 2) No certified or probationary employee may be laid off until all provisional
 - 1177 employees in the same class, option and approved layoff organizational
 - 1178 unit are terminated;
 - 1179
 - 1180 3) No certified employee may be laid off until all probationary employees in
 - 1181 the same class, option and approved layoff unit are laid off.
 - 1182
 - 1183 4) Certified employees will be laid off in reverse order of continuous service
 - 1184 in the same class, option and approved layoff unit.
 - 1185
 - 1186 b) Within status groups and in accordance with the layoff plan submitted under
 - 1187 Section 302.520, consideration shall be given to performance records and
 - 1188 continuous service as defined in Section 302.190.
 - 1189
 - 1190 c) For purpose of this Section, "certified employee" shall mean any employee who
 - 1191 has satisfactorily completed a required period of probation and/or attained
 - 1192 certified status in any position during the employee's most recent period of
 - 1193 continuous service.
 - 1194

1195 (Source: Amended at 48 Ill. Reg. _____, effective _____)
1196

1197 **Section 302.560 Order of Preference in Voluntary Reduction or Lateral Transfer**

- 1198
- 1199 a) Voluntary Reduction
 - 1200 In the event a certified employee as defined in Section 302.530 requests voluntary
 - 1201 reduction as a result of his/her pending indeterminate layoff, the certified
 - 1202 employee shall be preferred for any current vacant position in a lower class within
 - 1203 the same agency and location in which the employee is then incumbent at the time
 - 1204 of the layoff over any probationary or provisional employee, ~~any employee or~~

1205 ~~applicant on an eligible list for the vacant position,~~ any certified employee subject
 1206 to layoff having lesser continuous service and any certified employee requesting a
 1207 reduction who is not subject to layoff.
 1208

1209 b) Lateral Transfer

1210 In the event a certified employee requests a lateral transfer as a result of his/her
 1211 pending indeterminate layoff, the certified employee shall be preferred for any
 1212 current vacant position whose classification has the same maximum permissible
 1213 salary or rate within the same agency over any probationary or provisional
 1214 employee, ~~any employee or applicant on an eligible list for the vacant position,~~
 1215 any certified employee subject to layoff having lesser continuous service and any
 1216 certified employee requesting lateral transfer who is not subject to layoff.
 1217

1218 (Source: Amended at 48 Ill. Reg. _____, effective _____)
 1219

1220 **Section 302.570 Reemployment ~~Lists~~**

1221
 1222 a) Employees in Titles Subject to Collective Bargaining

1223 The Department shall establish ~~and maintain~~ a reemployment report list, by class,
 1224 option, agency and county or other designated geographical area approved by the
 1225 Director before layoff. A certified employee who has been indeterminately laid
 1226 off shall be eligible placed in order of length of continuous service as defined in
 1227 Section 302.190 ~~on a reemployment list~~ for recall to the first available assignment
 1228 to a position in the class (or related classes with substantially similar requirements
 1229 and duties), option, agency, and county or other designated geographical location
 1230 or area in which the employee was assigned prior to being indeterminately laid
 1231 off placed on the reemployment list. When circumstances warrant, at the
 1232 discretion of the Director, ~~the~~ reemployment eligibility list may be established by
 1233 related classes and options whose duties are substantially similar to the class from
 1234 which the employee was laid off.
 1235

1236 b) Employees in Merit Compensation System/Broad-banded Titles

1237 In the event no vacancies exist as described in Section 302.545, employees in
 1238 merit compensation system/broad-banded titles shall be eligible for reemployment
 1239 by recall at ~~placed on~~ the employing agency ~~agency's reemployment list~~ for the title
 1240 and option from which the employee was laid off, ~~and~~ any other titles in which
 1241 the employee was previously certified within the county from which the employee
 1242 was laid off and within two additional alternate counties designated by the
 1243 employee. In the event the employee's facility or office is closing, the employee
 1244 may designate one additional alternate county, for a total of four counties. In no
 1245 event shall the vacancies include positions that are subject to collective bargaining
 1246 unless those bargaining unit vacancies remain after all contractual obligations
 1247 have been fulfilled. Laid off employees shall remain eligible for ~~on the~~

1248 reemployment ~~list~~ for three years, commencing with the effective date of layoff.
1249 Reemployment of merit compensation system/broad-banded employees to
1250 positions under term appointments is subject to the provisions of Section 302.825.
1251 Reemployment of merit compensation system/broad-banded employees to non-
1252 term appointment Senior Public Service Administrator and Public Service
1253 Administrator positions will be eligible~~placed on the appropriate list~~ for the
1254 identical classification and option designation for the position from which the
1255 employee was laid off. The employee shall be eligible~~placed~~, in order of length
1256 of continuous service as defined in Section 302.190, ~~for on a~~ reemployment by list
1257 ~~for~~ recall to the first available assignment to a position in the class and option,
1258 agency, and county or other designated geographical location or area in which the
1259 employee was assigned prior to being indeterminately laid off~~placed on the~~
1260 ~~reemployment list~~.

1261
1262 c) Qualifications for Reemployment

1263 An agency will not be required to consider any employee who does not have the
1264 necessary qualifications for reemployment to any position, or who was not at the
1265 same or higher organizational level as the position being filled. If an agency
1266 makes such a determination, this must be documented and submitted to the
1267 Department of Central Management Services.

1268
1269 d) Reinstatement

1270 ~~An employee whose name has been placed on the reemployment list will also be~~
1271 ~~eligible for reinstatement in accordance with Section 302.610.~~

1272
1273 (Source: Amended at 48 Ill. Reg. _____, effective _____)
1274

1275 **Section 302.580 Reemployment Due to Recall~~Employment From Reemployment List~~**

1276
1277 Whenever ~~there is~~ any person eligible for~~available on a~~ reemployment by list~~for~~ recall to a
1278 vacant position for the same class, or related classes where such have been established pursuant
1279 to Section 302.570, agency and county or other designated geographical area, applies for a
1280 posted vacancy, no temporary, provisional or probationary appointments shall be made to such
1281 vacancy.

1282
1283 (Source: Amended at 48 Ill. Reg. _____, effective _____)
1284

1285 **Section 302.590 Removal of ~~Names From~~ Reemployment Eligibility List**

1286
1287 a) A laid off employee shall no longer~~employee's name shall~~ be eligible for~~removed~~
1288 ~~from the~~ reemployment ~~list~~ when:

1289
1290 1) The employee is recalled from layoff;

- 1291
1292 2) The employee refuses an offer of permanent reemployment;
1293
1294 3) The employee has not been recalled for~~employee's name has remained on~~
1295 ~~the~~ reemployment within~~list for~~ 36 months;
1296
1297 4) ~~The employee has been reinstated in accordance with Section 302.610.~~
1298
1299 b) Offers of temporary, exempt or emergency appointment shall not be considered as
1300 recall~~or reinstatement~~.
1301
1302 (Source: Amended at 48 Ill. Reg. _____, effective _____)
1303

1304 **Section 302.595 Laid Off Probationary Employee**
1305

- 1306 a) The name of a probationary employee who is terminated as a result of
1307 indeterminate layoff before the completion of the probationary period shall not
1308 ~~be~~be returned to the eligible for reemployment by recall~~list with the same grade as~~
1309 ~~when appointed~~.
1310
1311 b) An employee serving a probationary period but otherwise certified as defined in
1312 Section 302.530 who is to be indeterminately laid off shall be given notice, and
1313 may request a voluntary reduction pursuant to Section 302.500 and 302.550. If no
1314 voluntary reduction is effected, the employee will be laid off and the employee
1315 shall be eligible for reemployment by recall~~employee's name placed~~ in seniority
1316 order as provided in Section 302.190~~, on the reemployment list~~ for the agency,
1317 work locality and title in which last certified.
1318
1319 (Source: Amended at 48 Ill. Reg. _____, effective _____)
1320

1321 **Section 302.600 Resignation**
1322

1323 An employee who voluntarily leaves the State service shall, except in emergency circumstances
1324 approved by the agency head, give advance notice of intent not less than 15 calendar days before
1325 its effective date. Once an employee submits a resignation which is accepted by the agency
1326 head, the resignation shall not be revoked unless the revocation is requested by the employee and
1327 the revocation is approved by the agency head. Resignation in good standing shall mean that the
1328 employee gave the required written notice, or that emergency circumstances justified failure to
1329 do so, and that the employee's conduct and work performance were satisfactory at the effective
1330 date thereof.
1331
1332 (Source: Amended at 48 Ill. Reg. _____, effective _____)
1333

1334 **Section 302.610 Reinstatement (Repealed)**

1335
1336 a) ~~On request of an operating agency, the Director may reinstate a former certified~~
1337 ~~employee who resigned or terminated in good standing or whose position was~~
1338 ~~reallocated downward or who was laterally transferred or whose name was placed~~
1339 ~~on a reemployment list. Such reinstatement may be to a position in the class to~~
1340 ~~which the employee was assigned prior to resignation, termination, downward~~
1341 ~~allocation, lateral transfer or layoff or to a position in any other position class for~~
1342 ~~which the employee is qualified. The Director may reinstate an employee who~~
1343 ~~was formerly certified under the Secretary of State Merit Employment Code, the~~
1344 ~~University Civil Service System of Illinois, Comptroller Merit Employment Code~~
1345 ~~or the State Treasurer Employment Code. An employee reinstated prior to~~
1346 ~~January 1, 1999 shall serve an additional six month probationary period in the~~
1347 ~~position. An employee reinstated on or after January 1, 1999 shall serve an~~
1348 ~~additional four month probationary period in the position. Request for~~
1349 ~~reinstatement shall be accompanied by the employee's performance records when~~
1350 ~~available.~~

1351
1352 b) ~~A certified employee whose name appears on a reemployment list may be~~
1353 ~~reinstated to a position other than the position to which the employee is eligible~~
1354 ~~for reemployment. If reinstated to a position in the same or a higher pay grade~~
1355 ~~than that for which the employee is eligible for reemployment, then, upon~~
1356 ~~satisfactory completion of the new probationary period, the employee's name shall~~
1357 ~~be removed from the reemployment list. If reinstated to a position in a lower pay~~
1358 ~~grade than that for which the employee is eligible for reemployment, it shall have~~
1359 ~~no effect on the employee's reemployment rights.~~

1360
1361 (Source: Repealed at 48 Ill. Reg. _____, effective _____)

1362
1363 **SUBPART K: DISCHARGE AND DISCIPLINE**

1364
1365 **Section 302.625 Definition of Certified Employee**

1366
1367 For purpose of rules respecting discipline and discharge, "certified employee" shall mean any
1368 employee currently employed in a position subject to jurisdiction B who has satisfactorily
1369 completed ~~the~~^a required period of probation and attained certified status in ~~the position~~^{any}
1370 ~~position during the employee's most recent period of continuous State service.~~

1371
1372 (Source: Amended at 48 Ill. Reg. _____, effective _____)

1373
1374 **Section 302.630 Disciplinary Action Warning Notice (Repealed)**

1375
1376 ~~The agency head or his/her designee may warn an employee either orally or in writing as a~~

1377 ~~disciplinary measure. A copy of any written notice shall be submitted to the Department and~~
 1378 ~~shall become part of the employee's personnel records. The notice shall bear the signature of the~~
 1379 ~~issuing official.~~

1380
 1381 (Source: Repealed at 48 Ill. Reg. _____, effective _____)
 1382

1383 **Section 302.640 Suspension Totaling Not More Than Thirty Days in any Twelve Month**
 1384 **Period**

1385
 1386 Disciplinary suspension without pay totaling not more than 30 days in any 12 month period may
 1387 be imposed upon an employee by an agency head or designee. Unless delay in the imposition of
 1388 discipline will result in clear harm or damage to an agency, the employee shall be informed in
 1389 writing of the proposed suspension and the reasons therefor at least 6 working days prior to the
 1390 effective date of the proposed suspension and be provided with copies of pertinent documents on
 1391 which the proposed suspension is based. The employee shall have 5 working days after being
 1392 informed of the proposed suspension within which to address to the agency head or designee
 1393 written rebuttal to the reasons given for the suspension. A decision of an agency head or
 1394 designee not to suspend the employee shall be rendered in writing before the proposed
 1395 suspension date. Written notice of any suspension imposed with the reasons therefor must be
 1396 served upon the employee on a form prescribed by the Director on or before the effective date of
 1397 the suspension in an appropriate manner ~~person or by certified mail, return receipt requested, at~~
 1398 ~~the employee's last address appearing in the personnel file.~~ Notice of such suspension imposed
 1399 must also be filed immediately with the Director.

1400
 1401 (Source: Amended at 48 Ill. Reg. _____, effective _____)
 1402

1403 **Section 302.660 Suspension Totaling More than Thirty Days in any Twelve Month Period**
 1404

1405 The agency head or a designee may, after complying with the procedures set forth in this Part,
 1406 initiate a disciplinary suspension of any employee totaling more than 30 days in any 12 month
 1407 period and if such employee is certified, the agency shall file written charges for such suspension
 1408 with the Director in the form and manner prescribed. Such written charges shall be
 1409 approved ~~signed~~ by the head of the operating agency or designee, and shall contain a clear and
 1410 concise statement of facts showing good cause for such suspension. The charges shall be
 1411 accompanied by a copy of the employee's performance records. Unless delay in the imposition
 1412 of discipline will result in clear harm or damage to an agency, the employee shall be informed in
 1413 writing of the proposed suspension and the reasons therefor at least 6 working days prior to the
 1414 effective date of the proposed suspension and be provided with copies of pertinent documents on
 1415 which the proposed suspension is based. The employee shall have 5 working days after being
 1416 informed of the proposed suspension within which to address to the agency head or designee
 1417 written rebuttal to the reasons given for the suspension. A decision of an agency head or
 1418 designee not to suspend the employee shall be rendered in writing before the proposed
 1419 suspension date.

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(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 302.680 Notice to Employee

Notice of approved charges for a disciplinary suspension totaling more than 30 days in any 12 month period shall be served on a certified employee by the Director, in an appropriate manner~~person or by certified mail, return receipt requested, at the employee's last address appearing in the personnel file.~~

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 302.700 Cause for Discharge

Cause for discharge consists of repeated or serious misconduct, willful disobedience or insubordination, gross and habitual neglect of duties, fraud or willful breach of trust, loss of confidence, a commission of a crime or offense, or other similar conduct that creates a reasonable basis~~some substantial shortcoming which renders the continuance of an employee in a State position in some way detrimental to the discipline and/or efficiency of the service and which the law or sound public opinion recognizes as good cause~~ for the employee to no longer hold the~~being held in that~~ position.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 302.705 Discharge~~Pre-Termination~~ Hearing

Before an agency shall suspend any certified employee pending decision on discharge or bring charges for discharge against any certified employee, that agency shall apprise the employee of the basis for such action and provide the employee an opportunity to respond to the charges in accordance with the following standards:

- a) The agency will notify the employee in writing of the intended discharge or suspension pending discharge.
- b) A statement of charges in support of the proposed action, full and complete to the knowledge of the agency at the time it is drawn, will be given to the employee, including the name of any known witness and a copy of any document relevant~~pertinent~~ to the charges.
- c) The employee shall have 5 scheduled working days after receipt of the charges and prior to the effective date of the suspension or discharge in which to respond to them orally or in writing.

- 1463 d) The employee is entitled to representation in any meeting either through the
1464 collective bargaining representative or in the absence of such representation by
1465 any person or organization.
1466
- 1467 e) The employee shall remain in paid status pending the response but not necessarily
1468 permitted to work.
1469
- 1470 f) The employee or the employee's representative shall be permitted access to a
1471 designated area or a secure area of the work place to investigate the charges and,
1472 upon request, be provided a copy of other pertinent documents.
1473
- 1474 g) The failure of the employee to respond to the charges within the time limits shall
1475 not bar the agency from proceeding with discharge.
1476
- 1477 h) When the investigation of the charges causes them to be altered in fact, form,
1478 context, or reference from those given the employee at the time the notice of
1479 suspension pending discharge was issued and for which the employee has not had
1480 an opportunity to respond, a second notice and opportunity for response will be
1481 given to the employee.
1482
- 1483 i) The agency head or a designee shall receive the response of the employee,
1484 whether it is oral or written.
1485

1486 (Source: Amended at 48 Ill. Reg. _____, effective _____)
1487

1488 **Section 302.720 Discharge of Certified Employee** 1489

1490 The agency head or his/her designee may after compliance with Section 302.705 initiate
1491 discharge of a certified employee by filing written charges for discharge with the Director in the
1492 form and manner prescribed by the Director. Written charges shall be ~~approved~~signed by the
1493 head of the agency, and shall contain a clear and concise statement of facts showing good cause
1494 for discharge, and shall be accompanied by a copy of the employee's performance records. No
1495 discharge of a certified employee shall be effective without the approval of the written charges
1496 for discharge by the Director.
1497

1498 (Source: Amended at 48 Ill. Reg. _____, effective _____)
1499

1500 **Section 302.730 Notice to Employee** 1501

1502 Notice of approved charges for discharge shall be served on the employee by the Director, in an
1503 appropriate manner~~person or by certified mail, return receipt requested, at the employee's last~~
1504 ~~address appearing in the personnel file.~~
1505

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 302.780 ~~Separation~~ Discharge of Probationary Employees

a) The Director may approve the separation of a probationary employee who fails to satisfactorily complete the probationary period. Employees who have not been certified in their current period of continuous service may not appeal a probationary separation.

b) Employees who are separated for failure to satisfactorily complete the probationary period, but who have been certified during their current period of continuous service, may appeal the separation.

c) On appeal, a probationary separation will be reversed only if the separation was determined to violate 302.790.

~~The Director may approve the discharge or suspension of a probationary employee at the request of an agency. In determining whether or not to approve the discharge of such employee, the Director shall consider the employee's performance records.~~

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 302.781 Reinstatement from Separation, Suspension or Discharge

An employee reinstated for the period for which he/she was separated, suspended or discharged shall receive full compensation for such period. Full compensation shall mean compensation such suspended or discharged employee would have earned in the position classification during the period of suspension or discharge less amounts earned by the employee from any other source and unemployment compensation payments received during such period.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 302.785 Suspension Resulting From Arrest or Criminal Indictment/Suspension Pending Judicial Verdict

a) The arrest or criminal indictment of any employee may be grounds for suspension if the arrest or indictment and facts in support of either made known to the Director:

- 1) resulted from an employee's conduct in the course of employment duties, including a failure to perform such duties, or
- 2) occurred on or proximate to State premises and as a result of the employee's conduct thereon, or

- 1549
- 1550 3) raises reasonable doubt concerning the employee's suitability for
- 1551 continued State employment in the present assignment or position.
- 1552
- 1553 b) The Director shall under the circumstances set forth above, at the request of an
- 1554 agency, suspend an employee, without pay, pending a final court determination of
- 1555 innocence or guilt.
- 1556
- 1557 c) The following shall control the suspension pending judicial verdict:
- 1558
- 1559 1) An affected employee may be in jail, free on bond or in some other similar
- 1560 status at the time the suspension is imposed.
- 1561
- 1562 2) The arrest or indictment of an employee shall be for State or Federal
- 1563 criminal or civil charges, or charges brought in a foreign country, which
- 1564 raise reasonable doubt concerning the employee's suitability for continued
- 1565 employment in the current position. Traffic violations are not sufficient
- 1566 cause for suspension except where the employee temporarily loses driving
- 1567 privileges if the license is a requirement for work as contained in the job
- 1568 description or position classification specification.
- 1569
- 1570 3) Any proposed Suspension Pending Judicial Verdict requires approval by
- 1571 the Agency head or designee and will include a complete and detailed
- 1572 statement of the reason(s) for the suspension and a copy of any official
- 1573 document, such as charges, indictment or arrest record, which supports the
- 1574 suspension.
- 1575
- 1576 4) Such suspension shall have no designated expiration date, depending on
- 1577 the length of the initial judicial process. The suspension ends with the
- 1578 return of the employee to work, discharge or termination of employment.
- 1579 The Director shall notify the agency of the status of the suspension 12
- 1580 months after the suspension is granted and each 12 months thereafter for
- 1581 the agency to determine the continuing validity of the suspension. This
- 1582 suspension will not be continued while the employee appeals an initial
- 1583 guilty verdict through higher courts.
- 1584
- 1585 5) A suspension pending judicial verdict will be submitted to the Director for
- 1586 approval and service. An approved Suspension Pending Judicial Verdict
- 1587 will be served on the employee in an appropriate manner~~person or by~~
- 1588 ~~certified mail, return receipt requested, to the employee's latest address of~~
- 1589 ~~record~~. It will be the responsibility of the employee to notify the agency
- 1590 of any change of address.
- 1591

- 1592 6) Upon a finding of not guilty or the dismissal of the charges for any reason
1593 the employee, upon application, will be restored to the same or similar
1594 position classification in the agency and work location held at the time the
1595 suspension was issued. A similar position classification shall include:
1596
1597 A) the same position classification with different duties;
1598
1599 B) a successor position classification; or
1600
1601 C) a different position classification having related requirements and
1602 duties and the same salary or wage assignment.
1603
1604 7) The employee may or may not be entitled to back pay depending upon the
1605 circumstances surrounding a finding of not guilty or a dismissal of the
1606 charges. The Director shall make a final determination with respect to
1607 whether back pay shall be granted.
1608

1609 (Source: Amended at 48 Ill. Reg. _____, effective _____)
1610

1611 **Section 302.790 Prohibition of Discrimination**
1612

- 1613 a) Discrimination against any person in recruitment, examination, appointment,
1614 training, promotion, retention, or any other personnel transaction, because of
1615 religion, race, national origin, sex, age, ~~disabilityhandicap~~ or any other non-merit
1616 factor is prohibited except where such may be a bona fide job qualification.
1617
1618 b) Any applicant or employee who feels adversely affected in employment because
1619 of such discrimination shall have resort to the grievance procedure hereunder and
1620 may be joined in such procedure by the Affirmative Action Director or designee
1621 where necessary or appropriate.
1622

1623 (Source: Amended at 48 Ill. Reg. _____, effective _____)
1624

1625 **Section 302.795 Administrative Leave**
1626

- 1627 a) With the approval of the Director of Central Management Services, an agency
1628 head may relieve an employee from duty when extraordinary circumstances and
1629 the best interest of the agency and the State of Illinois will be served in doing so.
1630
1631 b) Circumstances warranting this leave must be of an extraordinary nature and are
1632 limited to those situations where no alternative means, such as suspension or
1633 temporary reassignment of an employee, will adequately protect the best interest
1634 of the agency and the State of Illinois.

- 1635
1636 c) Duration of an administrative leave shall be no longer than necessary to protect
1637 the best interest of the agency and the State of Illinois. The leave shall initially be
1638 for no longer than 60 calendar days, but may be extended for additional periods of
1639 time, not to exceed 60 days each, so long as necessary to protect the best interest
1640 of the agency and the State of Illinois.
1641
1642 d) Administrative leave shall not be used as an alternative to Suspension Pending
1643 Decision on Discharge or Suspension Pending Judicial Verdict pursuant to
1644 Section 302.710 and Section 302.785 of this Part.
1645
1646 e) Administrative leave shall not be allowed in lieu of vacation, sick leave, personal
1647 business leave or any other type of paid or unpaid leave when the other leave is
1648 appropriate, nor shall administrative leave be used to circumvent rules governing
1649 limits on other leaves available to an employee.
1650
1651 f) The agency will immediately provide the affected employee written notice of the
1652 administrative leave, and the agency will also immediately report any
1653 administrative leave to the Department of Central Management Services.
1654

1655 g) Administrative leave time shall extend applicable probationary periods.
1656

1657 (Source: Amended at 48 Ill. Reg. _____, effective _____)
1658

1659 SUBPART L: TERM APPOINTMENTS

1660 Section 302.800 Definition of Terms (Repealed)

1661 ~~"Employee" shall refer to any employee on the payroll as well as any employee~~
1662 ~~on a leave of absence granted pursuant to 80 Ill. Adm. Code 302 and 80 Ill. Adm.~~
1663 ~~Code 303 or whose name appears on a list maintained pursuant to Section~~
1664 ~~302.570.~~
1665

1666 ~~"Jurisdictions A, B, and C" shall mean Jurisdictions A, B, and C as specified in~~
1667 ~~Sections 8a, 8b, and 8c of the Personnel Code (Ill. Rev. Stat. 1987, ch. 127, pars.~~
1668 ~~63b108a, 63b108b, and 63b108c).~~
1669

1670 ~~"Major administrative responsibilities" shall refer to a position under the~~
1671 ~~Personnel Code:~~
1672

1673 ~~that requires the incumbent to direct programs defined by statute, or~~
1674 ~~agency, board or commission policy or,~~
1675 ~~that is responsible for the execution of policies or operating objectives in~~
1676 ~~one or more operating units within an agency, board or commission, or~~
1677

1678 ~~which participates in the integrating of plans and projections of related~~
1679 ~~organizational units and the scheduling of projected work programs of the~~
1680 ~~agency, board or commission, and~~
1681 ~~that encompasses on a regular basis questions of allocation and~~
1682 ~~determination of resources, program definition, interpretation and~~
1683 ~~implementation, and accountability.~~

1684
1685 ~~"Merit Compensation Grade 12" shall refer to any position in state service~~
1686 ~~covered by 80 Ill. Adm. Code 310. Subpart E, of the State of Illinois, Department~~
1687 ~~of Central Management Services Pay Plan, the Merit Compensation System, with~~
1688 ~~a salary range of 12 or above.~~

1689
1690 ~~"Negotiated rates" shall refer to those positions in State service described within~~
1691 ~~Subpart B, Section 310.220 and appendices of the State of Illinois, Department of~~
1692 ~~Central Management Services Pay Plan (80 Ill. Adm. Code 310).~~

1693
1694 ~~"Or equivalent" shall refer to non-merit compensation pay grades or rates which~~
1695 ~~fall within the salary range included within Merit Compensation Grade 12 and~~
1696 ~~above.~~

1697
1698 ~~"Policy making" position shall mean a position under the Personnel Code directly~~
1699 ~~responsible to a board, agency, commission or departmental director or assistant~~
1700 ~~director, and~~
1701 ~~requiring participation in the determination of policy which fixes~~
1702 ~~objectives or states the principles to control action toward operating~~
1703 ~~objectives, or toward the conduct of one or more administrative units next~~
1704 ~~below the director or assistant director level, or~~
1705 ~~participates in the planning and programming of activities within the~~
1706 ~~agency mandated by legislation or by the director or assistant director of~~
1707 ~~the department, board or commission.~~

1708
1709 ~~"Prevailing rates" shall refer to those positions in State service described within~~
1710 ~~80 Ill. Adm. Code 310.210 of the State of Illinois, Department of Central~~
1711 ~~Management Services Pay Plan.~~

1712
1713 ~~"Professional position" shall mean a position which requires specialized,~~
1714 ~~theoretical, or technical knowledge which is usually acquired through college~~
1715 ~~training or through work experience and other training which provides~~
1716 ~~comparable knowledge.~~

1717
1718 ~~"Term Appointment" shall mean an appointment to a state position made under~~
1719 ~~Section 8b19 of the Personnel Code (Ill. Rev. Stat. 1987, par. 63b108b19).~~

1720

1721 (Source: Repealed at 48 Ill. Reg. _____, effective _____)
1722

1723 **Section 302.810 Positions Subject to Term Appointments**
1724

1725 All positions not subject to Section 4d(1), (2), (3) and (6) of the Personnel Code 20 ILCS
1726 415/4d(1), (2), (3) and (6)~~(Ill. Rev. Stat. 1987, pars. 63b104d(1), (2), (3) and (6))~~ on or above
1727 merit ~~system~~ ~~compensation~~ grade MS-32~~42~~ or its equivalent shall be subject to Term
1728 Appointments; except that all positions required by receipt of federal funds to not be subject to a
1729 term~~the duties and responsibilities of which are wholly professional but do not include policy-~~
1730 ~~making or major administrative responsibilities~~ and those positions which have either salaries at
1731 negotiated rates or salaries at prevailing rates shall be exempt from the provisions of the Term
1732 Appointment.

1733
1734 (Source: Amended at 48 Ill. Reg. _____, effective _____)
1735

1736 **Section 302.820 Appointment**
1737

1738 a) An ~~appointment~~ ~~appointee~~ to a position subject to Term Appointment may be
1739 made following posting and competitive selection~~for which the individual is~~
1740 ~~qualified and which position is determined by the Director of Central~~
1741 ~~Management Services to be exempt from the requirements of the United States~~
1742 ~~Supreme Court decision in Rutan, et al. v. Republican Party of Illinois, et al., 497~~
1743 ~~U.S. 62 (1990), shall be selected by the Director or Chairman of the Department,~~
1744 ~~Board or Commission in which the position is located. An appointee to all other~~
1745 ~~positions subject to Term Appointment shall be selected by the Director or~~
1746 ~~Chairman of the Department, Board or Commission in which the position is~~
1747 ~~located from the appropriate open competitive or competitive promotional eligible~~
1748 ~~list.~~ Such appointments shall be made for a four year term commencing on the
1749 date of the appointment.

1750
1751 b) After an appointment following initial competitive selection, the employing
1752 agency may choose to renew the term appointment or post the position for an
1753 additional round of competitive selection with notice to the appointee~~All~~
1754 ~~appointments to and renewals in term positions made before the effective date of~~
1755 ~~P.A. 85-1152, effective July 29, 1988, amending the Personnel Code are ratified~~
1756 ~~and confirmed.~~

1757
1758 (Source: Amended at 48 Ill. Reg. _____, effective _____)
1759

1760 **Section 302.822 Appointees Under Term Appointments**
1761

1762 Appointees under Term Appointments shall be subject to Jurisdictions A, B, and C of Personnel
1763 Code with all rights and obligations thereunder during the term of their appointment. Appointees

1764 shall be subject to the provisions of the Personnel Rules during the term of their appointment,
1765 including Sections 302.410 and 302.420. Appointment to a different term position following
1766 competitive selection restarts the 4 year term period.~~An intra-agency or inter-agency transfer may~~
1767 ~~be to a term position and shall not operate to extend the incumbent's term or to terminate the~~
1768 ~~appointment prior to expiration of the incumbent's term.~~

1769
1770 (Source: Amended at 48 Ill. Reg. _____, effective _____)
1771

1772 **Section 302.824 No Reallocation to Term Positions**
1773

1774 a) ~~If a~~Any position ~~which~~ is reallocated, reclassified, or reevaluated to become
1775 subject to Term Appointments, the incumbent may accept a probationary term
1776 appointment to the newly reallocated, reclassified, or reevaluated position without
1777 additional competitive selection~~shall be declared vacant by the Director of the~~
1778 ~~Department of Central Management Services who shall so advise the Director or~~
1779 ~~Chairman of the Department, Board or Commission and notify the incumbent.~~
1780 ~~The incumbent may directly petition the Director of Central Mangement Services~~
1781 ~~for reconsideration of the decision pursuant to Section 302.850.~~

1782
1783 b) ~~The incumbent in the position selected shall be allowed to apply for the vacant~~
1784 ~~position. The Director or Chairperson of the Department, Board or Commission~~
1785 ~~in which such position is located within 30 days of the decision by the Director~~
1786 ~~that the position is subject to Section 302.810 shall notify the Director and the~~
1787 ~~incumbent employee in writing of the decision whether to appoint the employee~~
1788 ~~to a Term Appointment in that position. If the incumbent elects not to accept the~~
1789 ~~probationary term appointment to the newly reallocated, reclassified, or~~
1790 ~~reevaluated positionnot selected, the individual shall be given a vacant position in~~
1791 ~~the same agency in the same class as the position previously held, or be allowed a~~
1792 ~~voluntary reduction, pursuant to Section 302.500. The provisions of 80 Ill. Adm.~~
1793 ~~Code 301.20 and 301.30 shall apply.~~

1794
1795 (Source: Amended at 48 Ill. Reg. _____, effective _____)
1796

1797 **Section 302.830 Expiration of Term Appointment**
1798

1799 a) A "Term Appointment" shall automatically terminate at the end of the fourth year
1800 after the date of the initial appointment unless the Term Appointment is renewed
1801 for another four year term by the Director or Chairman of the Department, Board
1802 or Commission.

1803
1804 b) The Director or Chairman of the Department, Board or Commission shall provide
1805 notice to the effected employee and the Department of the intention to renew a
1806 term or allow a term to expire no later than four months before the term

1807 ~~appointment is set to expire~~ term of any person appointed to or renewed in a term
1808 ~~position before the effective date of P.A. 85-1152 amending the Personnel Code~~
1809 ~~shall expire 4 years after the effective date of the appointment or renewal.~~

1810
1811 c) Failure to renew a Term Appointment is not grievable or appealable to the Civil
1812 Service Commission.

1813
1814 d) Should a Director or Chairman of the Department, Board or Commission elect to
1815 not renew an expiring term, and instead seek to fill the position via a competitive
1816 selection process, the Director or Chairman of the Department, Board or
1817 Commission may ask the Director to extend the term appointment until the
1818 conclusion of the competitive selection process being used to fill the position.

1819
1820 (Source: Amended at 48 Ill. Reg. _____, effective _____)

1821
1822 **Section 302.840 Renewal Procedures (Repealed)**

1823
1824 a) ~~At least sixty (60) days prior to the termination of a Term Appointment the~~
1825 ~~Director shall notify the Director or Chairman of the Department, Board or~~
1826 ~~Commission and the employee, that the incumbent's term automatically expires~~
1827 ~~on the last calendar day preceding the fourth anniversary of the appointment date~~
1828 ~~unless the Director or Chairman renews the "Term Appointment". The Director~~
1829 ~~or Chairman will notify the employee, in writing, prior to the expiration of the~~
1830 ~~term of the intention to renew or not to renew the appointment. A copy of said~~
1831 ~~letter shall be sent to the Director of Central Management Services.~~

1832
1833 b) ~~The Director or Chairman shall advise the Director of Central Management~~
1834 ~~Services in writing, whether the employee's term has been renewed or allowed to~~
1835 ~~expire automatically. Failure to notify the Director of Central Management~~
1836 ~~Services prior to the expiration of the appointment shall be deemed termination by~~
1837 ~~the employing Director or Chairman.~~

1838
1839 (Source: Repealed at 48 Ill. Reg. _____, effective _____)

1840
1841 **Section 302.846 Change in Position Factors Affecting Term Appointment Exclusion**
1842 **(Repealed)**

1843
1844 a) ~~Any position excluded from Term Appointment whose status, salary, pay plan~~
1845 ~~assignment or source of funding is changed to cause the position to be subject to~~
1846 ~~Term Appointment under Section 302.810 shall become immediately so subject.~~
1847 ~~The Director of Central Management Services shall so advise the Director or~~
1848 ~~Chairman of the Department, Board or Commission and notify the incumbent.~~
1849 ~~The incumbent may directly petition the Director of Central Management~~

1850 ~~Services for reconsideration of the decision pursuant to Section 302.850.~~

- 1851
- 1852 1) ~~The incumbent in the position selected shall be allowed to apply for the~~
- 1853 ~~position. The Director or Chairperson of the Department, Board or~~
- 1854 ~~Commission in which such position is located within 30 days of the~~
- 1855 ~~decision by the Director that the position is subject to Section 302.810~~
- 1856 ~~shall notify the Director and the incumbent employee in writing of the~~
- 1857 ~~decision whether to appoint the employee to a Term Appointment in that~~
- 1858 ~~position.~~
- 1859
- 1860 2) ~~If the Director or Chairperson of the Department, Board or Commission in~~
- 1861 ~~which the position is located fails to notify the Director within 30 days, the~~
- 1862 ~~Department will prepare documents necessary to terminate the incumbent,~~
- 1863 ~~effective 60 days following the effective date the position becomes subject~~
- 1864 ~~to term appointment. These documents will be sent to the Director or~~
- 1865 ~~Chairperson of the Department, Board or Commission who must either~~
- 1866 ~~sign the appropriate documents confirming the decision to terminate the~~
- 1867 ~~incumbent or return the documents unsigned and notify the Department~~
- 1868 ~~that the decision is to appoint the incumbent to the term position.~~
- 1869
- 1870 3) ~~In no case may such a position be filled by other than the provisions for~~
- 1871 ~~Term Appointment for more than 60 days following the effective date the~~
- 1872 ~~position becomes subject to Term Appointment.~~
- 1873
- 1874 b) ~~Any position may be excluded from Term Appointment under Section 302.810~~
- 1875 ~~due to changes in: status, salary, pay plan assignment or source of funding as~~
- 1876 ~~reported to the General Assembly. The exclusion shall become effective upon the~~
- 1877 ~~date of the change and any incumbent shall be continued in the position under~~
- 1878 ~~Jurisdiction A, B or C of the Personnel Code as appropriate.~~
- 1879

1880 (Source: Repealed at 48 Ill. Reg. _____, effective _____)

1881

1882 **Section 302.850 Reconsideration Request (Repealed)**

1883

1884 ~~An employee whose position is deemed subject or deemed not subject to Term Appointment~~

1885 ~~under Section 302.810 will be notified of such decision by the Director of Central Management~~

1886 ~~Services. Within five (5) working days of receipt of the notice of inclusion under or exclusion~~

1887 ~~from the provisions for Term Appointment by the Director of Central Management Services~~

1888 ~~under Section 302.810, such employee may directly petition the Director in writing for~~

1889 ~~reconsideration of such decision. In the event a request for reconsideration is made, the Director~~

1890 ~~shall designate a review officer to review and investigate the application of this Part in the~~

1891 ~~decision. The review officer shall submit findings to the Director for final determination. In any~~

1892 ~~discussion or meeting chaired by the review officer, the employee shall be entitled to be present~~

1893 ~~and may be accompanied or represented by any person. Notice of the final decision of the~~
1894 ~~Director shall be served on the employee in person or by certified mail, return receipt requested,~~
1895 ~~to the employee's last address appearing in the personnel file within 15 calendar days of receipt~~
1896 ~~of the employee's request for reconsideration. Failure by the Director to act within this period of~~
1897 ~~time shall be deemed a denial of the request.~~

1898
1899 (Source: Repealed at 48 Ill. Reg. _____, effective _____)
1900

1901 **Section 302.860 Renewal Procedure for Incumbents Subject to Public Act 83-1369**

1902 **(Repealed)**

1903
1904 ~~Any incumbent who has received an appointment or renewal and is holding probationary or~~
1905 ~~certified status in a position in or above merit compensation grade 12 or its equivalent while such~~
1906 ~~position is subject to Section 4d(1), (2), (3) or (6) of the Personnel Code shall be subject to~~
1907 ~~review and appointment when his or her term expires. During the term of such appointment,~~
1908 ~~Jurisdiction A, B and C shall apply to such incumbent.~~

1909
1910 (Source: Repealed at 48 Ill. Reg. _____, effective _____)
1911

1912 **Section 302.863 Renewal of Certified or Probationary Incumbents in Exempted Positions**

1913
1914 Any employee holding a term appointment pursuant to this Subpart L whose position is declared
1915 exempt from Jurisdiction B of the Personnel Code by the Illinois Civil Service Commission as
1916 provided in Section 4d(3) of the Personnel Code shall be continued in that position with
1917 probationary status in accordance with Section 302.150(e) or with certified status in accordance
1918 with Section 302.150(f) until the expiration of the term. At the end of the term, the position may
1919 only be filled as an Exempt Appointment~~and such term appointment shall be subject to renewal~~
1920 ~~in accordance with Section 302.840.~~

1921
1922 (Source: Amended at 48 Ill. Reg. _____, effective _____)