

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

Adopted Rules

■ UNEMPLOYMENT BENEFITS

The DEPARTMENT OF EMPLOYMENT SECURITY adopted amendments to Claims, Adjudication, Appeals and Hearings (56 IAC 2720; 45 Ill Reg 2555) effective 5/27/21, replacing emergency rules effective 2/8/21. The rulemaking implements provisions of the federal Continued Assistance Act (PL 116-260) that provide states with various options for extending Pandemic Emergency Unemployment Compensation (PEUC) beyond the 2020 benefit year and for waiving recovery of overpaid benefits. It provides that persons who qualify for PEUC may continue to receive those benefits in place of regular (State) benefits for weeks beginning 12/27/20 and later if their regular benefit amount is at least \$25 per week less than what they would receive in PEUC. If the individual has not yet

COVID-19 ACTIONS

Numerous Executive Orders and emergency rules have been issued in response to the COVID-19 pandemic. Executive Orders of the Governor concerning this pandemic can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies will be summarized in The Flinn Report as they are published in the *Illinois Register*.

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exhausted eligibility for regular benefits, a new benefit year will be established for those benefits, but payment of the regular benefits will be deferred until the individual's PEUC is exhausted. Persons receiving PEUC are affected.

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Proposed Rulemakings

SCHOOLS

The STATE BOARD OF EDUCATION proposed amendments to Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 45 Ill Reg 6906) implementing 3 Public Acts. In accordance with PA 101-180, the rulemaking requires that public high school students age 18 or older or the parents/guardians of students under 18 be given an opportunity to file a Free Application for Federal Student Aid (FAFSA) or a State financial aid application before the student receives a high school diploma. Students or parents/guardians who opt not to file a FAFSA or State aid application must sign a waiver stating that they understand the purpose of the FAFSA/State aid application but have chosen not to file one. The rulemaking also

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ADOPTED RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.
PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.
PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.
■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.
QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.
RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

Adopted Rules

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Questions/requests for copies: Kevin Lovellette, DES, 33 S. State St., Room 930, Chicago IL 60603, 312/793-1224, Kevin.Lovellette@illinois.gov

■ BUSINESS DOCUMENTS

The SECRETARY OF STATE adopted amendments to the Parts titled Business Corporation Act (14 IAC 150; 45 Ill Reg 1114), General Not For Profit Corporations (14 IAC 160; 45 Ill Reg 2237), Uniform Limited Partnership Act (2001) (14 IAC 171; 45 Ill Reg 2240) and Limited Liability Company Act (14 IAC 178; 45 Ill Reg 2243) all effective 5/28/21, replacing emergency amendments effective 1/8/21 (Part 150) and 2/5/21 (Parts 160, 171 and 178). These rulemakings clarify that, while filing deadlines for business documents required under each of these Acts (e.g., organizational documents, annual reports) have been extended until 90 days after the expiration of the final COVID-19 Gubernatorial Disaster Proclamation, all statutorily required fees are due at

the time of filing and late filing fees are no longer being waived. Businesses that file documents with SOS are affected by these rulemakings.

Questions/requests for copies of the 4 SOS rulemakings: Pamela Wright, SOS, 298 Howlett Bldg., Springfield IL 62756, 217/785-3094, pwright@ilsos.gov

HEALTH INSURANCE

The DEPARTMENT OF INSURANCE adopted amendments to Minimum Benefit Standards for Diabetes Coverage (50 IAC 2019; 44 Ill Reg 14416), effective 5/28/21, implementing Public Act 101-625. The rulemaking clarifies that the \$100 cap on cost-sharing per 30-day supply of insulin in the Insurance Code enacted by the PA supersedes existing provisions stating that coverage for diabetic pharmaceuticals and supplies shall be subject to the same provisions as coverage for other pharmaceuticals. It also clarifies that the Part applies to group voluntary health services plans and point-of-service plans offered by

limited health services organizations.

Questions/requests for copies: Ryan Gillespie, DOI, 320 W. Washington St., Springfield IL 62767-0001, 217/558-2746.

■ ELEVATOR SAFETY

The ELEVATOR SAFETY REVIEW BOARD adopted amendments to Illinois Elevator Safety Rules (41 IAC 1000; 45 Ill Reg 1312) effective 5/25/21, incorporating recent updates to national safety and technical codes, with specified modifications and exclusions adopted by the Board. The rulemaking also clarifies that the applicant is responsible for payment of any fees charged for an elevator mechanic licensure examination. Elevator mechanics and facilities or businesses that operate elevators are affected.

Questions/requests for copies: Nancy Robinson, Office of the State Fire Marshal, 1035 Stevenson Drive, Springfield IL 62703, 217/785-7629, fax: 217/524-5487.

Proposed Rulemakings

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implements PA 101-227, which requires that public schools include the roles and contributions of lesbian, gay, bisexual and transgender people in U.S. and Illinois history instruction. Finally, the rulemaking implements PA 101-341, which requires that Illinois

history be included in U.S. history instruction.

TEACHER ENDORSEMENTS

SBE proposed amendments to Standards for Endorsements in Elementary Education (23 IAC 20; 45 Ill Reg 6938), Standards for Endorsements in Early Childhood

Education and in Elementary Education (23 IAC 26; 45 Ill Reg 6943), and Standards for Endorsements in Special Education (23 IAC 28; 45 Ill Reg 6979) aligning SBE's standards with national accrediting organization standards for each

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Proposed Rulemakings

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endorsement and removing obsolete standards. Teacher preparation programs for each type of endorsement must align with the updated standards by 10/1/25.

SPECIAL EDUCATION

SBE also proposed amendments to Special Education Facilities under Section 14-7.02 of the School Code (23 Ill. Adm. Code 401; 45 Ill Reg 7103) and Payments to Certain Facilities Under Section 14-7.05 of the School Code (23 IAC 405; 45 Ill Reg 7111). These rulemakings concern private special education or residential facilities in which special needs students may be enrolled at their home public school district's expense (for which SBE normally will reimburse the district) if their home district is unable to provide them an appropriate education. Under Part 401, SBE evaluates these facilities periodically for compliance with SBE standards and assigns each a status of Approved, Approved With Administrative Review, Pending Further Review, or Nonapproved. A facility that is Pending Further Review normally must correct its instances of noncompliance within 40 business days or be relegated to Nonapproved status. The Part 401 rulemaking (and its companion emergency rule effective 3/3/21) allows a facility that is currently on Pending Further Review status to remain in that status if the State Superintendent determines that it

HIV/AIDS GRANTS

The DEPARTMENT OF PUBLIC HEALTH adopted an emergency amendment to African-American HIV/AIDS Response Code (77 IAC 691; 45 Ill Reg 7167) effective 5/25/21 for a maximum of 150 days. The emergency amendment removes provisions that had limited grants under the African-American HIV/AIDS Response Act [410 ILCS 303] and this Part to single fiscal years and had required grant recipients to reapply annually between March 1 and April 30. The effect of this

Emergency Rule

emergency rule is to allow DPH to award multi-year grants in accordance with the Grant Accountability and Transparency Act. Organizations that receive DPH grants to promote HIV/AIDS prevention and treatment in African-American communities are affected by this emergency rule.

Questions/requests for copies:
Tracey Trigillo, DPH, 524 S. 2nd St., 6th Floor., Springfield IL 62701, 217/782-1159, dph.rules@illinois.gov

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted a peremptory amendment to Pay Plan (80 IAC 310; 45 Ill Reg 7171) effective 5/28/21, implementing a memorandum of understanding with an AFSCME bargaining unit. The peremptory rule assigns a bargaining unit pay grade to the title of Educator-Career and

Peremptory Rule

Technical at the Department of Juvenile Justice. The pay grade assignment is effective 8/22/19, the date this title was included in the AFSCME bargaining unit by the Illinois Labor Relations Board.

Questions/requests for copies:
Jason R. Doggett, CMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-4267, fax number 217/524-4570, CMS.PayPlan@Illinois.gov

is demonstrating progress toward correcting instances of noncompliance that may substantially affect the safety of, or provision of appropriate education to, students, and that any continued instances of noncompliance do not constitute an imminent danger to students. The Part 405

amendments allow residential facilities to directly report quarterly attendance to a student's home district instead of reporting to the State Superintendent, who then sends the report to the home district. These amendments also

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Proposed Rulemakings

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clarify that districts will not be billed for services rendered before the provider receives satisfactory proof of services.

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Questions/requests for copies/ comments on the 6 SBE rulemakings through 7/26/21: Azita Kakvand, SBE, 100 N. First St., Springfield IL 62777-0001, 217/782-6510, rules@jsbe.net

■ MINIMUM WAGE LAW

The DEPARTMENT OF LABOR proposed amendments to the Part titled Minimum Wage Law (56 IAC 210; 45 Ill Reg 6894) addressing situations in which one individual is jointly employed by two or more closely associated employers. The rulemaking lists factors to be considered in determining whether a joint employment relationship exists among other entities that are associated with a person's main employer. If this is the case, the employee's work in a given period for all the related entities counts as one employment subject to the Minimum Wage Law and all joint employers become liable for any violations of that law. (If the entities are found to be completely independent of one another, the employee is considered to be working separate jobs and each employer may disregard work performed for the other

employers.) Factors to be considered include: whether the employee's work benefits the alleged joint employer or is an integral part of the alleged joint employer's business; whether the alleged joint employer has direct or indirect control or influence over the employee's terms or conditions of employment (e.g., work schedule, work quality); whether the alleged joint employer owns or leases the premises where the work is performed or provides tools, equipment or materials used by the employee; and whether the alleged joint employer controls the main employer's operations via contractual obligations, ownership interest, joint management, or economic dependence. An inquiry into a joint employment relationship depends on all the facts of a particular case; no single factor should be regarded as determining, and not all factors need be present for a joint employment relationship to exist. Examples of what does and does not constitute a joint employment relationship are included. DOL states that this rulemaking was proposed in response to a US Department of Labor rule adopted 3/16/20 that imposes more restrictive tests for determining joint employer relationships, so that Illinois can continue to follow the previously established precedent. Small businesses and

non-profit entities with joint employment relationships may be affected by this rulemaking.

Questions/requests for copies/ comments through 7/26/21: Jason Keller, DOL, 900 S. Spring St., Springfield IL 62704, 217/782-1706, jason.keller@illinois.gov

■ SNAP BENEFITS

The DEPARTMENT OF HUMAN SERVICES proposed an amendment to Supplemental Nutrition Assistance Program (SNAP) (89 IAC 121; 45 Ill Reg 6881) implementing PA 101-110. The PA and this rulemaking implement the Restaurant Meals Program authorized by USDA Food and Nutrition Services (FNS). It allows SNAP customers who are elderly, homeless, and/or disabled and their spouses to use SNAP benefits at DHS- and Department of Public Health-approved restaurants that accept the Illinois Link card as payment for meals that are already prepared. Restaurants that participate in or intend to participate in this program are affected by this rulemaking.

Questions/requests for copies/ comments through 7/26/21: Tracie Drew, DHS, 100 S. Grand Avenue East, 3rd Fl., Springfield IL 62762, 217/785-9772.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be listed in next week's *Illinois Register*. The DCEO and SOS rulemakings will be considered at the June 15, 2021, JCAR meeting, while the DPH rulemaking will be considered at the July 13, 2021 JCAR meeting. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF COMMERCE & ECONOMIC OPPORTUNITY

Local Coronavirus Urgent Remediation Emergency (or Local CURE) Support Program (14 IAC 700; 45 Ill Reg 2553) proposed 3/5/21

SECRETARY OF STATE

Issuance of Licenses (92 IAC 1030; 45 Ill Reg 2608) proposed 3/5/21

DEPT OF PUBLIC HEALTH

AIDS Drug Assistance Program (77 IAC 692; 45 Ill Reg 4090) proposed 3/26/21

Joint Committee on Administrative Rules

Senator Bill Cunningham, <i>co-chair</i>	Representative Tom Demmer
Senator John F. Curran	Representative Michael Halpin
Senator Donald DeWitte	Representative Frances Ann Hurley
Senator Kimberly Lightford	Representative Steven Reick
Senator Tony Muñoz	Representative Curtis Tarver, II
Senator Sue Rezin	Representative Keith Wheeler, <i>co-chair</i>

**Kim Schultz
Executive Director**