

# THE FLINN REPORT

ILLINOIS GENERAL ASSEMBLY  
JOINT COMMITTEE ON ADMINISTRATIVE RULES

Elaine Spencer, Editor

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The Flinn Report is a weekly summary of regulatory actions of State agencies published in the *Illinois Register* and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules (JCAR). The Flinn Report honors founding JCAR member Representative Monroe Flinn, and is designed to inform and involve the public in changes taking place in agency administration.

## Proposed Rulemakings

### PAID LEAVE POLICIES

The DEPARTMENT OF LABOR proposed a new Part titled Paid Leave for All Workers Act (56 IAC 200; 47 Ill Reg 15559) implementing Public Act 102-1143, which established the Paid Leave for All Workers Act [820 ILCS 192]. The Act and the new Part will require all public and private employers in Illinois (except school districts and park districts), effective 1/1/24, to grant their employees a minimum of 1 hour of paid leave at their regular rate of pay for every 40 hours worked, up to a minimum of 40 hours paid leave per 12-month period. The employer may grant leave time as it is earned, or allow employees to use any or all of their leave time from the beginning of the 12-month period (frontloading). Employers with existing paid leave policies in place prior to 1/1/24 do not have to change them if they meet or exceed the minimum requirements of the Act. Employees who did not previously

earn paid leave shall begin to earn paid leave under the Act on 1/1/24 or the date they begin employment, whichever is later. If leave time is not frontloaded, employees must be allowed to start using their accrued leave time after having worked 90 days past the later of these dates. All

**Emergency Rule, Page 3**  
**Peremptory Rule, Page 3**  
**Adopted Rule, Page 4**  
**Second Notices, Page 4**

**Due to the Veterans' Day holiday, next week's Flinn Report will be published Monday, Nov. 13**

work time, including overtime, must be counted toward accrual of paid leave and an employee may use their paid leave time for any reason. Unused accrued paid leave time from one 12-month period must be carried over to the following 12-month period. The rulemaking outlines how paid leave time must be calculated

and documented in different employment situations; how employees will be notified of paid leave time they have earned and when it can be claimed; how the Act applies to unionized employees, domestic workers, and transferred employees; and how unused paid leave will be compensated upon termination of employment. Complaints may be filed against employers who violate the Act and each violation is subject to a \$2,500 fine. Small businesses, small municipalities and non-profit organizations are affected.

*Questions/requests for copies/comments through 12/18/23: Anna Koepfel, DOL, 524 S. Second St., Suite 400, Springfield IL 62701, 217-558-1270, [Anna.Koepfel@illinois.gov](mailto:Anna.Koepfel@illinois.gov)*

(cont. page 2)

**ADOPTED RULES:** Rules adopted by agencies this week. **EMERGENCY RULES:** Temporary rules adopted for no more than 150 days.  
**PROPOSED RULEMAKINGS:** Rules proposed by agencies this week, commencing a First Notice public comment period of at least 45 days.  
**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/or non-profit organizations. Agencies must consider comments from these groups and attempt to minimize regulatory burdens on them.  
**QUESTIONS/COMMENTS:** Submit mail, e-mail or phone calls to the agency personnel listed below each summary.  
**RULE TEXT:** First Notice proposed text, emergency rule and peremptory rule text is available at the Secretary of State website (<https://www.ilsos.gov/departments/index/register/home.html>) or at the Illinois General Assembly website (<http://www.ilga.gov>) under "Illinois Register". Second Notice text for proposed rulemakings (original version with any changes made by the agency during First Notice included) is available at the JCAR website.

# Proposed Rulemakings

(cont. from page 1)

## • EMISSIONS INSPECTIONS

The DEPARTMENT OF TRANSPORTATION proposed amendments to Diesel Emission Inspection Program (92 IAC 460; 47 Ill Reg 15634) that update its rules for Official Emissions Testing Stations (last amended in 2002) and add provisions for portable diesel emissions testing. Providers of portable emissions testing must apply for and obtain an Official Portable Diesel Emissions Permit from DOT and must maintain a recordkeeping office in Illinois, with records open for inspection by DOT at any time. The maximum allowable charge to a customer for an annual emissions inspection is \$50 (currently \$30) for the initial inspection and \$30 (currently \$25) for a reinspection. DOT will approve charge/rate schedules that are less than or equal to these amounts but will not approve higher charges. The application for a portable emissions testing permit must include the physical address of the applicant's Illinois recordkeeping office; the year, make, model and license plate number of each vehicle that will transport testing equipment; a list of the equipment that will be used to perform inspections; verification that the equipment meets Society of Automotive Engineers (SAE) standards; and a \$50 application fee to be submitted electronically. Applicants for either testing station permits or portable testing permits must file a \$10,000 bond with DOT before a permit can be issued. Portable emissions testing providers must, upon request, notify DOT at least 48 hours in advance of locations where inspections are scheduled, and must file an updated list of their vehicles at least annually. Individuals

applying for certification as diesel emissions testers must submit a current digital photo and a copy of a government-issued photo identification card with their application. Certified Diesel Emissions Tester (CDET) applicants must also pass an open-book test with a score of at least 88% (currently, 70%) and pay a \$25 fee for a retest if they fail. CDET certifications are valid for one year (currently, no time period is specified) and renewable if the tester maintains compliance with this Part. DOT may require a tester to retake the open-book test, physically perform a diesel emissions test, or demonstrate proficiency in operating emissions testing equipment as part of annual recertification. The rulemaking also removes obsolete testing standards, updates procedures for recording test results, directs correspondence regarding the emissions testing program to DOT's Bureau of Investigation and Compliance (formerly, Division of Traffic Safety) and updates contact information. Businesses that operate vehicles subject to emissions testing or that provide emissions testing are affected.

*Questions/requests for copies/comments through 12/18/23: [DOT.AdministrativeRules@illinois.gov](mailto:DOT.AdministrativeRules@illinois.gov)*

## AIR POLLUTION

The POLLUTION CONTROL BOARD proposed amendments to Definitions and General Provisions (35 IAC 211; 47 Ill Reg 15589) that implement a recent change in federal Environmental Protection Agency (USEPA) regulations. The rulemaking revises the definitions of volatile organic material (VOM) and volatile organic compound (VOC) to exclude a compound that USEPA has determined makes only a negligible impact on ozone formation.

A public hearing will be held by teleconference on **Thursday, Dec. 7, at 11:30 a.m.** in Room N505 of the Bilandic Building, 160 N. La Salle St., Chicago, and at IEPA headquarters, Room 1244N, 1021 N. Grand Ave. East, Springfield.

*Questions/requests for copies/comments through 12/18/23: Don A. Brown, PCB, 60 E. Van Buren St., Suite 630, Chicago IL 60605, 312-814-3461, [don.brown@illinois.gov](mailto:don.brown@illinois.gov). Please reference Docket 24-8.*

## STATE TRAVEL

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed amendments to the Part titled The Travel Regulation Council (80 IAC 3000; 47 Ill Reg 15547) implementing amendments to the State Finance Act. The rulemaking adopts rates established for per diem, meal and lodging reimbursement for federal government employees as the rates applicable to State employees on travel status. The rulemaking also allows a member of the Council (which oversees all State travel boards) to participate in a meeting remotely if the member has been prevented from physically attending, has notified and obtained approval from the Council, and a quorum is physically present at the meeting site.

*Questions/requests for copies/comments through 12/18/23: Administrative Rules Coordinator, Travel Regulation Council, 313 S. Sixth St., 3<sup>rd</sup> Floor, Springfield IL 62702, [CMS.Rule@illinois.gov](mailto:CMS.Rule@illinois.gov)*

## DOR PUBLIC INFORMATION

The DEPARTMENT OF REVENUE proposed amendments to Public Information, Rulemaking and Organization (2 IAC 1200; 47 Ill Reg

(cont. page 3)

# Proposed Rulemakings

(cont. from page 2)

15616) and Access to Records of the Illinois Department of Revenue (2 IAC 1201; 47 Ill Reg 15624) that update contact information for DOR regional offices, for obtaining tax forms and tax filing information, and the fee schedule for requesting copies of documents under the Freedom of Information Act (FOIA). DOR also proposed an amendment to Charitable Games Act (86 IAC 435; 47 Ill Reg 15629) that updates contact information for DOR's Office of Bingo and Charitable Games.

*Questions/requests for copies/comments on the 3 DOR rulemakings through 12/18/23: Brian Fliflet, DOR, 101 W. Jefferson St., Springfield IL 62794, 217-782-2844, [REV.GCO@illinois.gov](mailto:REV.GCO@illinois.gov)*

## SOS RULE WITHDRAWAL

The SECRETARY OF STATE has withdrawn proposed amendments to Cancellation, Revocation or Suspension of Licenses or Permits (92 IAC 1040; 47 Ill Reg 14311) that appeared in the 10/13/23 *Illinois Register*. SOS is withdrawing this rule-making in order to complete additional changes and updates to the offense code.

## Emergency Rule

### ▪ COMMUNITY CARE PROGRAM

The DEPARTMENT ON AGING adopted emergency amendments to Community Care Program (89 IAC 240; 47 Ill Reg 15675) effective 10/18/23 for a maximum of 150 days. Companion (not identical) proposed amendments appear in this week's *Illinois Register* at 47 Ill Reg 15309. The emergency and proposed amendments implement enhanced options for Emergency Home Response Services (EHRS) that include fall detection and global positioning systems monitoring, and also implement extension of a federal waiver allowing a legally responsible individual (LRI), such as a spouse, representative payee, or power of attorney, to serve as a home care aide when a qualified CCP aide is not available or unable to provide services in the customer's plan of care. Both rulemakings update outdated requirements for EHRS and remove a prohibition of LRIs from being homecare aides. The proposed rulemaking, in addition, adds provisions for DonA to terminate provider contracts and for providers to appeal terminations or other adverse decisions; requires 2 additional hours of in-service Alzheimer's/dementia training for employees of EHRS and automated medication dispensing service providers and for home care service and adult day service employees; removes or updates outdated citations and definitions; allows DonA to grant variances from the rules in this Part on a case-by-case basis; and implements inclusive/gender neutral language. Providers of Community Care Program services and their customers are affected by these rulemakings.

*Questions/requests for copies/comments on the proposed rulemaking through 12/18/23: Priscilla Chapman, DonA, One Natural Resources Way, Suite 100, Springfield IL 62702-1271, 217-606-1256, [aging.rulemaking@illinois.gov](mailto:aging.rulemaking@illinois.gov)*

## Peremptory Rule

### STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted peremptory amendments to Pay Plan (80 IAC 310; 47 Ill Reg 15712) effective 10/18/23, implementing a 4-year contract with the American Federation of State, County and Municipal Employees (AFSCME) for the period 7/1/23 through 6/30/27. The contract includes a \$1,200 stipend for AFSCME members effective 7/1/23 and general pay raises of 4% effective 7/1/23 and 2.5% effective 1/1/24. Other provisions increase longevity pay effective 1/1/24 for certain employees with 10 or 15 years of continuous service and increase pay grades for various positions. About 35,000 State employees represented by AFSCME bargaining units are affected.

*Questions/requests for copies: Jason R. Doggett, CMS, 504 Stratton Building, Springfield IL 62706, 217-782-4267, fax 217-524-4570, [CMS.PayPlan@Illinois.gov](mailto:CMS.PayPlan@Illinois.gov)*

# Adopted Rule

## IEPA GRANTS

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY adopted a new Part titled General Grantmaking (EPA) (44 IAC 7070; 47 Ill Reg 6226) effective 10/19/23, implementing Section 50 of the Grant Accountability and Transparency Act (GATA), which

requires State agencies that make State awards to non-federal entities to adopt the federal uniform grant rules at 2 CFR 200. Small businesses, municipalities and non-profit entities receiving grants from IEPA may be affected.

*Questions/requests for copies: Christine Zeivel, IEPA, 1021 N. Grand Ave. East, P.O. Box 19726, Springfield IL 62794-9276, 217-782-5544, christine.zeivel@illinois.gov*

# 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 considered at the November 7, 2023 meeting in Springfield. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR at [jcar@ilga.gov](mailto:jcar@ilga.gov).

### IL CRIMINAL JUSTICE INFORMATION AUTHORITY

Violent Crime Witness Protection Program (20 IAC 1590; 47 Ill Reg 7219) proposed 6/2/23

### DEPT OF HUMAN SERVICES

Child Care (89 IAC 50; 47 Ill Reg 9555) proposed 7/14/23

### DEPT OF HEALTHCARE AND FAMILY SERVICES

Medical Payment (89 IAC 140; 47 Ill Reg 315) proposed 1/13/23

Specialized Health Care Delivery Systems (89 IAC 146; 46 Ill Reg 19321) proposed 12/9/22

### DEPT OF NATURAL RESOURCES

Injurious Species (17 IAC 805; 47 Ill Reg 12345) proposed 8/18/23

### OFFICE OF THE STATE TREASURER

Secure Choice Savings Program (74 IAC 721; 47 Ill Reg 13071) proposed 9/8/23

## Next JCAR Meeting: Tues. Nov. 7, 10:30 a.m.

Room D-1, Stratton Bldg., 401 S. Spring St., Springfield

Meeting will be live streamed on the JCAR website

## Joint Committee on Administrative Rules

Senator Bill Cunningham, Co-Chair  
Senator Cristina Castro  
Senator Donald DeWitte  
Senator Dale Fowler  
Senator Kimberly Lightford  
Senator Sue Rezin

Representative Ryan Spain, Co-Chair  
Representative Eva-Dina Delgado  
Representative Jackie Haas  
Representative Steven Reick  
Representative Curtis Tarver, II  
Representative Dave Vella

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