

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

• DAY & TEMPORARY WORKERS

The DEPARTMENT OF LABOR proposed amendments to the Part titled Day and Temporary Labor Services Act (56 IAC 260; 49 Ill Reg 7232) implementing Public Acts 103-437 and 103-1030. These amendments establish a process by which an interested party (an organization that monitors or is attentive to compliance with public or worker safety laws, wage requirements, or other statutory requirements) may pursue a civil action to enforce the Act, and add definitions for new terms used throughout the Part, including "clerical" work, "hazard", "interested party", "labor dispute", and "right to sue letter." If a placement agency or client employer fails to contest or respond to a complaint from an interested party within 180 days, the interested party may pursue civil action and DOL will issue a right to sue letter to that party. DOL will also issue

a right to sue letter in instances where it believes the dispute is outside its administrative jurisdiction. The Director of DOL may attempt to resolve a complaint by conference, voluntary mediation, conciliation, or persuasion before the complaint is referred for an administrative hearing. Statutory penalties of \$100 to \$18,000

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for a first violation of the Act and \$250 to \$7,500 for each subsequent violation are reflected in this rulemaking. DOL may cite separate violations for each day/temporary employee affected by a violation and when determining penalties, may consider factors such as economic harm to affected workers, the agency or client's past history of violations, and efforts to correct the violations. Other provisions add email addresses and photo IDs to the list of items a

placement agency must include when registering with the Department; reflect statutory increases in registration fees (from \$1,000 to \$3,000 per agency and from \$250 to \$750 per branch office); and outline provisions for day and temporary labor service agencies and client employers to comply with the equal pay, hazard awareness, safety training, and labor dispute provisions of the Act. Workers must also be notified if their placement agency will charge a placement fee to their client employer should the employer want to hire them directly; the rulemaking includes examples of how a placement fee may be calculated according to statutory requirements. The rulemaking allows a circuit court to revoke, suspend, or deny a day and temporary labor service agency's registration; clarifies procedures for appealing a DOL finding; clarifies recordkeeping requirements; and

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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.ilso.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

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codifies the process for service of documents. Businesses that employ day and temporary workers and temporary worker placement agencies are affected.

Questions/requests for copies/comments through 7/7/25: Anna Koeppel, DOL, 524 S. Second St., Suite 400, Springfield IL 62701, 217-558-1270, Anna.Koeppel@illinois.gov or DOL.Rules@illinois.gov

▪ CONSUMER LENDERS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to Consumer Installment Loan Act (38 IAC 110; 49 Ill Reg 7187) and Sales Finance Agency Act (38 IAC 160; 49 Ill Reg 7197) that require credit insurance refunds on loans that have been paid off, canceled, refinanced, renewed, or reduced to judgment to be computed according to the methodology prescribed in Department of Insurance regulations at 50 IAC 1053.10. Consumer installment lenders, financing agencies, and their customers are affected.

Questions/requests for copies/comments on the 2 DFPR rulemakings through 7/7/25: Craig Cellini, DFPR, 320 W. Washington St., 2nd Floor, Springfield IL 62786, 217-785-0810, fax 217-557-4451, Craig.Cellini@illinois.gov

SCHOOLS

The ILLINOIS STATE BOARD OF EDUCATION proposed amendments to Requirements for Accounting, Budgeting, Financial Reporting, and

HFS Public Hearings

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES will hold public hearings on proposed extensions of and amendments to Illinois' current Section 1115 Medicaid Waivers on **Wednesday, May 28, from 2 to 4 p.m.**, Hanley Building Conference Center, 2300 S. Dirksen Parkway, Springfield; and **Monday, June 2, from 2:30 to 4:30 p.m.**, HFS Office, 1st Floor Video Conference Room, 401 S. Clinton St., Chicago. There will be Webex conference line options for both meetings (see below). The hearings seek input regarding the following HFS initiatives:

- Continued authority under the 1115 Waiver to re-enroll Medicaid beneficiaries into their prior Managed Care Organization (MCO) when a beneficiary submits late redetermination paperwork and is reinstated within 90 days after disenrollment;
- Continued authority to waive Hospital Presumptive Eligibility (HPE) for an additional 18 months, with State implementation of HPE to begin 7/1/27;
- A new waiver request to allow out of State address changes submitted through the US Postal Service National Change of Address database, or reported directly by Medicaid MCOs, to be accepted as valid without additional confirmation from enrollees.

For the May 28 meeting, the Webex link is <https://illinois.webex.com/weblink/register/ra0e30984be20e6468e71e5146b398be7>, the meeting number (access code) is 2870 881 5314, and the meeting password is PH528.

For the June 2 meeting, the Webex link is <https://illinois.webex.com/weblink/register/r574836f831e5e3fabeb4e88a0579da94>, the meeting number (access code) is 2870 936 1986, and the meeting password is PH6225.

All comments not provided at the hearing must be in writing and received by 5:00 PM on June 23, 2025, and addressed to: HFS, Division of Medical Eligibility, Bureau of Medical Eligibility and Special Programs, 201 S. Grand Ave. East, Springfield IL 62763-0001, 217-782-1233, HFS.1115waiver@illinois.gov

Auditing (23 IAC 100; 49 Ill Reg 7107) that update or remove outdated references and streamline current and potential future reporting requirements. These amendments include a recommended account code structure and allow ISBE to collect annual financial report (AFR) copies electronically so that Regional Offices of Education no longer have to mail paper copies to ISBE. AFRs must include, in addition to items already

listed in rule, a schedule of restricted local tax levies and selected revenue sources; a schedule of tort immunity expenditures; and a report on shared services or outsources. AFRs for all districts (currently, other than Chicago Public Schools) must also include budget-to-actual comparison schedules and a schedule of other payments. Other changes allow signa-

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Proposed Rulemakings

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tures to be collected electronically when submitting required documents and require districts to submit a corrective action plan for findings on the auditor questionnaire at the time that district accepts the audit. Local school districts are affected.

Questions/requests for copies/comments through 7/7/25: Azita Kakvand, ISBE, 555 W. Monroe St., Suite 900, Chicago IL 60661, 312-783-2757, rules@isbe.net

• ILRB PROCEEDINGS

The ILLINOIS LABOR RELATIONS BOARD proposed amendments to General Procedures (80 IAC 1200; 49 Ill Reg 7266) and Unfair Labor Practice Proceedings (80 IAC 1220; 49 Ill Reg 7271). The Part 1200 rulemaking states that parties to a hearing before ILRB are responsible for sharing the costs of court reporting when there is no State master contract for court reporting services available to the Board. Also, when parties are responsible for sharing the costs of court reporting, they are also responsible for retaining the court reporter's services. An amendment to Part 1220 clarifies that parties who seek enforcement of a Board order must petition the Board for enforcement, since the Board no longer has a dedicated compliance officer to perform this function in the absence of such a petition. ILRB also proposed repeal of the Part titled Police Officer Decertification

Proceedings (80 IAC 1240; 49 Ill Reg 7276) because amendments to the Illinois Police Training Act have transferred these proceedings to the Law Enforcement Training and Standards Board. Those affected by these rulemakings include entities with hearings pending before ILRB.

Questions/requests for copies/comments on the 3 ILRB rulemakings through 7/7/25: Anna Hamburg-Gal, ILRB, 160 N. LaSalle St., Ste. 400, Chicago IL 60601, 312-793-6380, Anna.Hamburg-Gal@Illinois.gov

DoIT PUBLIC INFORMATION

The DEPARTMENT OF INNOVATION & TECHNOLOGY proposed amendments to the Part titled Access to Records of the Department of Innovation and Technology (2 IAC 1531; 49 Ill Reg 7205) updating the Part to reflect changes to the Freedom of Information Act. The rulemaking updates the definition of "news media" to include newspapers in either print or electronic format; clarifies procedures for requesting records and responding to requests; and clarifies certain procedures for Public Access Counselor review of FOIA request denials.

ADA PROCEDURES

DoIT also proposed amendments to the Part titled Discrimination Procedures (4 IAC 1660; 49 Ill Reg 7221) that update procedures for filing an Americans With Disabilities Act (ADA) grievance against the Department or its personnel. Grievances alleging discrimination based on disability may be filed by e-

mail or U.S. mail, and alternative means of presenting a grievance (e.g., personal interviews, tape recordings) will be made available upon request to persons with disabilities. Grievances not resolved by the Department's ADA Coordinator will be heard by a 3-person review panel within 15 days after an appeal is filed; this panel will recommend final action to the Secretary of the Department. The Department shall also provide public notice of its ADA compliance to all applicants, participants, beneficiaries, and other interested persons.

Questions/requests for copies/comments on the 2 DoIT rulemakings through 7/7/25: Adam Bourdette, DoIT, 555 W. Monroe St., Suite 200-N, Chicago IL 60661, 773-909-8887, Adam.Bourdette@illinois.gov

DCFS RULE WITHDRAWAL

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES has withdrawn proposed amendments to the Part titled Services Delivered by the Department of Children and Family Services (89 IAC 302; 48 Ill Reg 16617) in response to a JCAR Objection. The proposed amendments, published in the 11/22/24 *Illinois Register*, implemented a Public Act requiring DCFS to transition youth in its care from fee-for-service based Medical Assistance to Medicaid managed care plans. DCFS will incorporate the changes in the withdrawn rulemaking into a future rulemaking on the same Part.

Adopted Rules

▪ CONSTRUCTION BID CREDITS

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY adopted amendments to the Part titled Illinois Works Jobs Program Act (14 IAC 680; proposed at 48 Ill Reg 10489) effective 5/7/25 at 49 Ill Reg 7298, that add provisions for a new Illinois Works Bid Credit Program and also update other aspects of the Illinois Works Jobs Program. The rulemaking, which has undergone extensive changes since 1st Notice, provides that eligible contractors and subcontractors may earn bid credits, applicable to future bids on State projects, for employing qualified apprentices. For projects costing \$500,000 or more, the program's goal is to have at least 10% of estimated or actual labor hours (whichever is less) in each prevailing wage classification performed by apprentices. Credits are determined by the mean statewide wage for the applicable construction trade and the number of hours worked by qualified apprentices (for each hour worked by a qualified apprentice, the credit is 50 cents per \$1 of the mean statewide prevailing wage for the apprentice's trade). To participate in the bid credit program, contractors and subcontractors must submit monthly reports of work performed by each qualified apprentice and send payroll documentation to DCEO (if the work was performed on a non-public works project) or the Illinois Department of Labor (if the work was for a public works project). DCEO will record and track all credits in the Illinois Works Credit Bank and issue bid credit certificates to contractors that earn credits. A list of active Bid Credit Program participants and available bid credits will be published on the DCEO website. Bid credits will expire 10 years after they are earned. When a public works project is opened for bid,

the awarding authority will advise contractors that they may use bid credits (until 7/1/27, only bid credits earned in the same region (Northern or Southern) may be used), and note the maximum amount of bid credits that can be applied to the project: for projects under \$5 million, 3% of total project cost; for projects of \$5 million up to \$50 million, 4% of project cost; for projects of \$50 million or more, 5% of project cost. A contractor may use bid credits to outbid, by no more than \$1, the lowest qualified and responsible bidder that does not use bid credits. If two or more bidders that use bid credits end up bidding the same amount, pre-existing selection criteria will be used to select the winning bidder, with no advantage to the bidders using credits. Bid credits not applied to the project will be returned to the contractor. Bid credits may be combined for specific projects or transferred to another entity as the result of a merger or acquisition, but may not be bought, sold or gifted to another contractor. Additionally, this rulemaking updates apprenticeship goals for various programs and allows these goals to be waived if the contractor or subcontractor demonstrates that not enough graduates of the Illinois Works Pre-Apprenticeship Program are available to meet the requirements of this Part. Penalties for intentional failure to comply with the program now include termination of the project contract or agreement involved, the contractor being barred from bidding on State projects for 3 years, a monetary penalty of up to 25% of the contract cost, or any combination of these penalties. Changes since 1st Notice include requiring bid credits to have been earned in the same region as the project being bid on through 6/30/27; removing bid credit stipulations based on how long apprentices must remain employed;

adjusting the due dates for bid credit apprentice reports; and requiring DCEO to publish summary data from completed projects, including estimated and final costs and labor hours worked by apprentices, on its website quarterly. Those affected by this rulemaking include construction trades apprenticeship programs and construction businesses that bid on public works projects.

Questions/requests for copies: Gina Arterberry, DCEO, 1011 S. Second St., Springfield IL 62704-3004, 217-524-8974, Gina.M.Arterberry@Illinois.gov

▪ FOOD BANKS

The DEPARTMENT OF HUMAN SERVICES adopted an amendment to the Part titled Administration of Social Service Programs (89 IAC 130; proposed at 48 Ill Reg 13061) effective 5/9/25 at 49 Ill Reg 7328, implementing the Illinois Farm to Food Bank Program Act. The program is intended to expand availability within the Department's existing Emergency Food Assistance Program (EFAP) of nutritious foods locally grown, raised or processed by Illinois farmers. An administering entity for the Farm to Food Bank Program will be chosen by DHS from among the non-profit entities currently participating in EFAP. Foods acquired through the program must be surplus, seconds, or market-grade quality and safe for consumption. No fees may be charged to individual or household recipients or to distribution sites or programs. Funding to participating food banks will be based on the current weighted county allocations used by EFAP. A participating food bank must supply cash or in-kind contributions from non-State sources that match 100% of the Farm to Food Bank resources

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Adopted Rules

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supplied (changed since 1st Notice from a 50% match of the cost of program activities). Funding not accepted or used before the end of the State fiscal year may be reallocated to other food banks. At least 75% of funds received must be used for picking, packing, processing, transportation, and other costs directly related to acquisition and distribution of food. Separate matching grants will be available to

qualifying agricultural entities, food banks, food pantries, soup kitchens, and other agencies that provide food or meals to the needy to fund facility upgrades, equipment, or other capacity-building measures. The administering entity must also establish goals, preferences and incentives to promote equity in the farm industry and prioritize acquisition of food from socially disadvantaged farmers and ranchers as defined by USDA. Since 1st Notice, DHS has aligned this rulemaking more closely with federal and State regulations and definitions and has

specified the State and federal food regulations that participants must comply with. Those affected by this rulemaking include farms, ranches, food banks, food pantries, soup kitchens and other entities that participate in the Emergency Food Assistance Program.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. East, Harris Building, 3rd Floor, Springfield IL 62762, 217/785-9772, DHS.AdministrativeRules@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 June 17, 2025 meeting in Chicago. Further comments on these rulemakings should be addressed to JCAR at jcar@ilga.gov.

DEPT OF HEALTHCARE AND FAMILY SERVICES

Medical Assistance Programs (89 IAC 120; 49 Ill Reg 2395) proposed 3/7/25

STATE BOARD OF EDUCATION

Transitional Bilingual Education (23 IAC 228; 48 Ill Reg 15681) proposed 11/8/24

State Seal of Biliteracy (23 IAC 680; 48 Ill Reg 15706) proposed 11/8/24

STATE BOARD OF INVESTMENT

State (of Illinois) Employees' Deferred Compensation Plan (80 IAC 2700; 49 Ill Reg 1378) proposed 2/7/25

Next JCAR Meeting: Tuesday, June 17, 11 a.m.

Room C-600, Bilandic Bldg., 160 N. La Salle, Chicago
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 Napoleon Harris, III
Senator Sally Turner

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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