**Section 520.1800 Definitions**

The following definitions are applicable to this Subpart R.

"Act" means Section 1k of the Retailers' Occupation Tax Act [35 ILCS 120/1k].

"Aircraft maintenance facility" means a facility operated by an interstate carrier for hire that is used primarily for the maintenance, rebuilding or repair of aircraft, aircraft parts and auxiliary equipment owned or leased by that carrier and used by that carrier as rolling stock moving in interstate commerce.

"Contractually obligated" means the business enterprise has entered into a legally binding agreement with the Department to comply with Section 1k of the Retailers' Occupation Tax Act.

"Department" means the Department of Commerce and Economic Opportunity.

"Eligible investments" means a $400,000,000 investment in qualified property at an aircraft maintenance facility located in a county with population not less than 150,000 and not more than 200,000 and that contained three enterprise zones as of December 31, 1990. Qualified properties are statutorily defined in Section 201(f) of the Illinois Income Tax Act [35 ILCS 5/201(f)] or are noncapital/nonroutine investments, and associated service costs (direct labor or contractual fees) that will be placed in service at an aircraft maintenance facility.

*"Full-time equivalent job" means a job in which the new employee works for the recipient or for a corporation under contract to the recipient at a rate of at least 35 hours per week. A recipient who employs labor or services at a specific site or facility under contract with another may declare one full-time, permanent job for every 1820 man hours worked per year under that contract. Vacations, paid holidays, and sick time are included in this computation. Overtime is not considered a part of regular hours.* [20 ILCS 655/3(i)]

*"Full-time retained job" means any employee defined as having a full-time or full-time equivalent job preserved at a specific facility or site, the continuance of which is threatened by a specific and demonstrable threat, which shall be specified in the application for development assistance. A recipient who employs labor or services at a specific site or facility under contract with another may declare one retained employee per year for every 1750 man hours worked per year under that contract, even if different individuals perform on-site labor or services.* [20 ILCS 655/3(j)]

"Job creation" means at least 5000 full-time equivalent employees have been hired at an aircraft maintenance facility. Job titles being filled or refilled as a result of strikes cannot be computed as job creation.

"New employee" means a full-time equivalent job that represents a net increase in the number of the recipient's employees statewide."New employee" includes an employee who previously filled a new employee position with the recipient who was rehired or called back from a layoff that occurs during or following the base years. The term "new employee" does not include any of the following:

An employee of the recipient who performs a job that was previously performed by another employee in this State, if that job existed in this State for at least 6 months before hiring the employee;

Any individual who has a direct or indirect ownership interest of at least 5% in the profits, capital or value of any member of the recipient;

A child, grandchild, parent or spouse, other than a spouse who is legally separated from the individual, of any individual who has a direct or indirect ownership interest of at least 5% in the profits, capital or value of any member of the recipient;

Employee positions being filled or refilled as a result of strikes or layoffs, or replacement workers used to replace recipient company locked out employees.

"Placed in service" means the state or condition of readiness and availability for a specifically assigned function as defined in 26 CFR 1.46-3(d). Eligible investments as defined in this Section shall be considered placed in service on the earlier of the date the property is placed in a condition of readiness and availability for use or the date on which the depreciation period of that property begins.

(Source: Added at 40 Ill. Reg. 10858, effective July 29, 2016)