**Section 2770.106 Post-2002 Contribution Rate for Non-Experience Rated Employers**

a) For calendar year 2003 and each calendar year thereafter, the contribution rate under Section 1500(B) of the Act, for each employer who has not incurred liability for the payment of contributions within each of the three calendar years immediately preceding the calendar year for which a rate is being determined, shall be the greater of:

1) 2.7%, plus any applicable fund building rate, as imposed by Section 1506.3 of the Act [820 ILCS 405/1506.3]; or

2) 2.7%, multiplied by the adjusted State experience factor, plus any applicable fund building rate, as imposed by Section 1506.3 of the Act; or

3) The employer's contribution rate calculated pursuant to Sections 1501 through 1507 of the Act [820 ILCS 405/1501 through 1507], but only if this employer has had at least 13 consecutive months experience with the risk of unemployment by the June 30 preceding the calendar year for which a rate is being determined, plus any applicable fund building rate, as imposed by Section 1506.3 of the Act; or

4) The mean average contribution rate of all experience rated employers within the specific Economic Sector, plus any applicable fund building rate, as imposed by Section 1506.3 of the Act.

A) The mean average contribution rate for an Economic Sector shall be determined by adding the rates of all experience rated employers in that sector and dividing the sum by the number of the employers. The rate computation shall be made for each of the applicable years as of July 31 of the preceding year. Any change in the industrial classification or the contribution rate of the experience rated employers made after the date of computation shall not affect the established average rate for the Economic Sector.

B) Experience rated employers whose liability was terminated on or before July 31 of the calendar year used in the computation in subsection (a)(4)(A) shall be included for computation purposes, unless prior to such date, a successor has succeeded to the experience rating record of the employer. In these instances, only the successor rate shall be used.

b) The mean average contribution rate for each Economic Sector, determined pursuant to subsection (a)(4)(A) and (B), shall be announced annually by the Director, during the last quarter of the year preceding the applicable year. For calendar year 2009 and each calendar year thereafter, the Director shall announce the contribution rate calculated for an Economic Sector pursuant to subsection (a)(4) by posting it on the Department's website, www.ides.state.il.us, during the last quarter preceding the applicable year, and not by rulemaking.

c) Appeals from any determinations under Section 2770.101 or 2770.106 shall be taken pursuant to and governed by Section 1509 of the Act.

(Source: Amended at 32 Ill. Reg. 18966, effective December 1, 2008)