**Section 2915.2 Services in Instructional, Research or Principal Administrative Capacity and Other Capacities**

a) For purposes of Section 612 of the Act, examples of services performed in an instructional, research or principal administrative capacity include, but are not limited to, services as a teacher, school principal, assistant school principal, dean, assistant dean, researcher, guidance counselor, social worker, head school registered nurse or licensed practical nurse, tutor, sports coach, athletic director, and substitute teacher.

b) For purposes of Section 612 of the Act, examples of services that are not performed in an instructional, research or principal administrative capacity include, but are not limited to, services as a teacher's aide, primarily clerical staff, custodian, assistant or auxiliary librarian, cafeteria worker, assistant registered nurse or licensed practical nurse, groundskeeper, or school bus driver.

c) For purposes of Section 612 of the Act, if an individual's employment during an academic year or term entails performing services that are in an instructional, research or principal administrative capacity, as well as performing services that are in other than an instructional, research or principal administrative capacity, if more than 50% of the individual's services during that academic year or term are in an instructional, research or principal administrative capacity, then all of the services of the individual during that academic year or term shall be deemed to be performed in an instructional, research or principal administrative capacity; but if 50% or more of the individual's services during that academic year or term are in other than an instructional, research or principal administrative capacity, then all of the services of the individual during that academic year or term shall be deemed to be performed in other than an instructional, research or principal administrative capacity. However, if the employer reports the wages performed in an instructional, research or principal administrative capacity separately, then the foregoing shall not apply.

EXAMPLE 1: Employee X is an individual with a license to teach. Employer Z is a public school system in Illinois. For the 2019-2020 school year, Z hires X to work as a teacher's aide. During the first semester of the 2019-2020 school year, X performs all her services as a teacher's aide. During the second semester of the 2019-2020 school year, 80% of X's time and services are spent working as a teacher's aide, and 20% of X's time and services are spent working in the position of a substitute teacher, teaching one class per day. During each of the semesters of the 2019-2020 school year, since 50% or more of X's services are performed in other than an instructional, research or principal administrative capacity, then for both semesters of the 2019-2020 school year, all of X's services are deemed to be performed in other than an instructional, research or principal administrative capacity.

EXAMPLE 2: The same facts as EXAMPLE 1 except that the employer reports X's wages as a teacher separately from her wages as a teacher's aide. In this case, the provisions of Section 612 of the Act shall be applied separately for the teaching and non-teaching wages.

(Source: Added at 44 Ill. Reg. 17668, effective October 23, 2020)