

ILLINOIS REGISTER

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: State Universities Civil Service System
- 2) Code Citation: 80 Ill. Adm. Code 250
- 3) Section Number: 250.119 Proposed Action: Amendment
- 4) Statutory Authority: 110 ILCS 70
- 5) A Complete Description of the Subjects and Issues Involved: On September 30, 2017, this section ended. The agency feels that this section needs to exist on a permanent basis. Because of the uncertainties of the state budget employers within the State Universities Civil Service System are finding it necessary to implement Furlough Programs to assist with the reduction or lack of state funds. This section describes the requirements for employers and information for employees regarding the impact of a Furlough Program.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None.
- 7) Will this rulemaking replace an emergency rulemaking currently in effect? No.
- 8) Does this rulemaking contain an automatic repeal date? Yes.
- 9) Does this proposed rulemaking contain incorporations by reference? No.
- 10) Are there any other proposed amendments pending on this Part? No.
- 11) Statement of Statewide Policy Objectives: This proposed amendment will not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments on this proposed amendment within 45 days after the date of publication to the Illinois Register:

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: The agency did not anticipate this rulemaking.

The full text of the Proposed Amendment begins on the next page:

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER VI: STATE UNIVERSITIES CIVIL SERVICE SYSTEM

PART 250
STATE UNIVERSITIES CIVIL SERVICE SYSTEM

Section	
250.5	Definitions
250.10	Purpose, Adoption, and Amendment of Rules
250.20	The State Universities Civil Service System and its Divisions
250.30	The Classification Plan
250.40	Military Service Preference, Veterans Preference
250.50	Examinations
250.60	Eligible Registers
250.70	Nonstatus Appointments
250.80	Status Appointments
250.90	Probationary Period
250.100	Reassignments and Transfers
250.110	Separations and Demotions
250.119	Furloughs
250.120	Seniority
250.130	Review Procedures
250.140	Delegation of Authority and Responsibilities
250.150	Training
250.160	Suspension of Rules

AUTHORITY: Implementing and authorized by the State Universities Civil Service Act [110 ILCS 70].

SOURCE: Rules: State Universities Civil Service System, approved January 16, 1952, effective January 1, 1952; amended at 3 Ill. Reg. 13, p. 68, effective April 1, 1979; amended at 4 Ill. Reg. 10, p. 262, effective February 25, 1980; amended at 6 Ill. Reg. 2620, effective February 22, 1982; amended at 6 Ill. Reg. 7236, effective June 3, 1982; amended at 8 Ill. Reg. 4948 and 4950, effective March 29, 1984; codified at 8 Ill. Reg. 12936; amended at 8 Ill. Reg. 24732, effective December 6, 1984; amended at 9 Ill. Reg. 17422, effective October 23, 1985; amended at 11 Ill. Reg. 8942, effective May 8, 1987; amended at 12 Ill. Reg. 3457, effective February 1, 1988; amended at 12 Ill. Reg. 17079, effective October 7, 1988; amended at 13 Ill. Reg. 7324, effective May 1, 1989; amended at 13 Ill. Reg. 19427, effective February 6, 1990; amended at 18 Ill. Reg.

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1901, effective January 21, 1994; amended at 20 Ill. Reg. 4440, effective February 29, 1996; amended at 30 Ill. Reg. 17384, effective October 23, 2006; amended at 31 Ill. Reg. 15848, effective November 13, 2007; amended at 32 Ill. Reg. 17268, effective October 16, 2008; amended at 33 Ill. Reg. 11644, effective July 22, 2009; amended at 36 Ill. Reg. 6014, effective April 6, 2012; amended at 37 Ill. Reg. 419, effective December 26, 2012; amended at 39 Ill. Reg. 13504, effective December 1, 2015; amended at 40 Ill. Reg. 3105, effective January 26, 2016; emergency amendment at 40 Ill. Reg. 3772, effective March 1, 2016, for a maximum of 150 days; amended at 40 Ill. Reg. 11192, effective August 4, 2016; amended at 40 Ill. Reg. 16302, effective December 12, 2016; amended at 41 Ill. Reg. 11576, effective August 30, 2017; amended at 41 Ill. Reg. _____, effective _____.

Section 250.119 Furloughs

~~This Section is applicable through September 30, 2017.~~

- a) Furlough. A furlough is the placement of an employee in a temporary nonduty, nonpay status for a continuous or noncontinuous period of time due only to a lack of funds. A furlough is not considered a layoff or a reduction in force action and, therefore, is not subject to Section 250.110(d) regarding a layoffs.
- b) Furlough Program Stipulations. A furlough program shall not be used by an employer for the following reasons:
 - 1) permanent shutdown;
 - 2) as a substitute for permanent part-time employment; or
 - 3) as a disciplinary measure.
- c) Criteria. Uniform participation and selection criteria shall be developed by the employer and consistently applied. This Section shall only apply to employees who are designated within the employer's furlough program in accordance with subsection (c) through (o).
- d) Temporary and Extra Help Appointments~~Employee Terminations. Prior to the implementation of a furlough program, all employees~~ An employee on a temporary appointment or extra help appointment shall be terminated~~prior to implementation of the furlough program, unless an exception is permitted subject to subsection (g)the~~

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~~appointment is required based on health and welfare or public safety, or a designated grant or other funding source.~~

- e) Student Appointments. ~~All Student student~~ appointments shall be terminated subject to Section 250.70(e); shall be placed in a furlough status for an amount of time which is generally equal to that of traditional civil service employees who are being furloughed, unless an exception is permitted subject to subsection (g)~~the student appointment is required for health and welfare or public safety, or the appointment is part of the student's financial aid, or if the student is receiving academic credit as part of the conditions of the student appointment.~~
- f) ~~e~~) Voluntary or Mandatory Furlough Program. A furlough can be either voluntary or mandatory. A voluntary or mandatory furlough program is not required to include all employees at a designated employer or within a division or program.
- g) Exceptions. Employers may exempt positions from a furlough program under the following conditions:
- 1) p~~P~~ositions/employees who have mandated funding, such as a grant or other funding source, or whose absence would jeopardize the funding for a position/employee or department; ~~may be exempted from the furlough program.~~
 - 2) e~~E~~mployees in positions considered essential to the critical mission of an employer, such as those related to health and welfare or public safety; ~~may also be excluded from participation in a furlough program. Uniform participation and selection criteria shall be developed by the employer and consistently applied. This Section shall only apply to employees who are designated within the employer's furlough program in accordance with subsections (e) through (m).~~
 - 3) employees in positions considered essential to maintain facilities during the furlough; or
 - 4) students whose position is part of his/her financial aid package or whose position results in the awarding of academic credit.
- h) ~~d~~) Notification of Furlough Program to Employees. No furlough program may be implemented unless ~~Once an employer plans to implement a furlough program,~~ the employer has notified ~~shall notify~~ all employees at least 30 days prior to a furlough program being implemented. The process by which the employer chooses to notify

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employees is at the employer's discretion, but must conform to the employer's policies related to contacting an employee for official business. The notice must inform the employee of the date or dates on which the employee is to be on furlough status and the end date of the furlough program.

~~i)e~~) Furlough Work Status. An employee who is furloughed shall not be at work, on standby or on-call, and shall not perform any work for the furloughing employer during his/her scheduled furlough time. However, for emergency situations, employees subject to a collective bargaining agreement may be called back to work in accordance with the agreement. For those employees not subject to a collective bargaining agreement, employees may be called back to work in accordance with standard employer policies.

~~i)d~~) Employee Benefits

- 1) Employees who are furloughed are not permitted to use vacation, sick leave, personal leave, "floating" holidays, or any other compensable time or similar benefit for the time during which he/she is being furloughed.
- 2) Notwithstanding any other Section in this Part, or the fact that an employee's work hours or pay is reduced by the requirement to take a furlough:
 - A) furlough time will be credited as if the employee were in pay status for employee benefit programs such as health, life, dental and vision insurance and any similar benefits; and
 - B) pension credit for furlough time can be purchased by an employee as provided under Section 15-113.11 of the Illinois Pension Code [40 ILCS 5] (i.e., for furlough time taken between July 1, 2015 and June 30, 2017, pension credit can be purchased; otherwise, it cannot).
- 3) A furloughed employee shall be entitled to the same benefits to which he/she was entitled on the paid workday immediately preceding the furlough day. These benefits include, but are not limited to, continued accumulation of vacation and sick leave, holiday benefits, and benefits established by the Merit Board Policy Relating to Employee Benefits as approved by the Merit Board and by the Governing Boards of the universities and agencies served by the University System.

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- 4) A furloughed employee shall continue to accrue seniority during any and all furlough work days.
- ~~k)g)~~ Maximum Number of Furlough Work Days. A furlough program shall only be instituted for a maximum of 15 work days in any fiscal year (July 1 through June 30).
- ~~l)h)~~ Employer's Tracking of Furlough Days. ~~The In order for an employee to continue under the State Employees Group Insurance Act of 1971 [5 ILCS 375], the~~ employer is required to track designated furlough days for each employee.
- ~~i)~~ ~~Accumulation of Seniority during a Furlough Status. An employee shall continue to accrue seniority during any and all furlough work days.~~
- ~~m)j)~~ Military Leave during a Furlough Program. An employee on military leave shall not be scheduled for any furlough days during his/her leave and may be scheduled for furlough days that may be prorated dependent upon the date the employee returns to work, if a furlough program remains in effect.
- ~~k)~~ ~~Furlough Program Stipulations. A furlough program shall not be used by an employer for the following reasons:~~
- ~~1) Permanent shutdown;~~
 - ~~2) As a substitute for permanent part time employment; or~~
 - ~~3) As a disciplinary measure.~~
- ~~n)l)~~ Collective Bargaining Agreements. Implementation of furloughs for employees covered under a collective bargaining agreement is subject to applicable State and federal labor laws and regulations. This Section is not intended to circumvent or supersede other State or federal labor laws and/or regulations that apply.
- ~~om)~~ Notification to the State Universities Civil Service System of a Furlough Program. An employer may institute a voluntary or mandatory furlough program upon notification to the Executive Director at least 30 calendar days prior to the implementation of any employee being furloughed. The employer shall include in the notification the following:

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- 1) whether ~~Whether~~ the furlough program is for the entire employer or designated divisions or programs;
 - 2) what ~~What~~ considerations have been contemplated or invoked for other employees, such as those listed in Section 36e of the Act;
 - 3) an ~~An~~ explanation of the facts related to the temporary nature of the event causing the furlough program;
 - 4) the ~~The~~ funding deficit related to the affected work areas;
 - 5) the ~~The~~ approximate number of employees affected by the furlough program; and
 - 6) the ~~The~~ beginning ~~date~~ and ending date of the furlough program for the employer.
- p) Reporting Requirements for a Furlough Program. An employer shall provide specific reports to the University System office within 10 calendar days following the implementation of a Furlough Program. These reports shall contain:
- 1) Summary of Positions affected by the furlough program:
 - A) headcount of total employees impacted and his/her classifications;
 - B) number of furlough days being implemented;
 - C) approximate amount of savings for the designated positions/employees; and
 - D) impact of furloughs invoked for other employees, such as those listed in Section 36 of the Act.
 - 2) An explanation of the facts related to the temporary nature of the event causing the furlough program.
 - 3) Other related documentation as requested by the University System office or other state and federal officials.

(Source: Added at 41 Ill. Reg. _____, effective _____)