**Section 721.200 Definitions**

The following definitions shall apply to this Part:

"Act" means the Illinois Secure Choice Savings Program Act [820 ILCS 80].

"Account" means the IRA of a participant established and maintained under the Program.

"Account Revocation Period" means the period of time starting from the date an employee's IRA is established and the employee receives the disclosure statement and ending on the earlier of:

90 days after the date of the employee's first Secure Choice Account contribution; or

the Close of Business on the Business Day that the employee makes an Alternate Contribution Election;

provided, however, the Account Revocation Period shall last a minimum of seven days from the date the IRA is established and the employee receives the disclosure statement.

"Administrative Expenses" means all expenses associated with the implementation and administration of the Program, including fees payable to third parties providing services related to the Program.

"Administrative Fund" means the Illinois Secure Choice Administrative Fund created in Section 5.867 of the State Finance Act [30 ILCS 105].

"Beneficiary" means any person or entity designated by the participant to receive the benefits of the account in the event that the participant dies.

*"Board" means the Illinois Secure Choice Savings Board* or its designee or designees, which includes the Treasurer or one or more third party service providers*.* [820 ILCS 80/5]

"Business Day" means any day on which the New York Stock Exchange is open for trading.

"Client Employer" means an individual or entity that has contracted with a Professional Employer Organization to supply it with, or assume responsibility for, personnel management of one or more workers who perform services on an ongoing basis, rather than under a temporary help arrangement as defined in Section 15 of the Employee Leasing Company Act [215 ILCS 113]. For purposes of this Part, an employee who is performing services for a client employer pursuant to a contract between the client employer and a PEO shall be treated as employed by the client employer.

"Close of Business" means the time of day that trading closes on the New York Stock Exchange, generally 4 p.m. Eastern Standard Time.

"Day" means any calendar day.

*"Department" means the Illinois Department of Revenue*. [820 ILCS 80/5]

*"Employee" means any individual who is employed by an employer* or client employer*, and who has wages that are allocable to Illinois during a calendar year under the provisions of Section 304(a)(2)(B) of the Illinois Income Tax Act* [35 ILCS 5]*.* "Employee" includes both part-time and full-time employees. [820 ILCS 80/5]

*"Employer" means a person, entity* or client employer *engaged in a business, industry, profession, trade, or other enterprise in Illinois, whether for profit or not for profit, that:*

*has employed at least 5 employees in the State* *during every quarter of the previous calendar year* as indicated in employer-reported quarterly data submitted to the Department*;*

*has been in business at least 2 years; and*

*is not offering or contributing to a qualified retirement plan.*

*"Employer" does not include the federal government, the State, any county, any municipal corporation, or any of the State's units or instrumentalities.* [820 ILCS 80/5]

*"Fund" means the Illinois Secure Choice Savings Program Fund.* [820 ILCS 80/5]

*"Internal Revenue Code" means Internal Revenue Code of 1986* (26 U.S.C.)*, or any successor law, in effect for the calendar year.* [820 ILCS 80/5]

"Investment Policy" means the Investment Policy Statement adopted by the Board, pursuant to the Act, which includes a risk management and oversight program and sets forth the policies, objectives and guidelines that govern the investment of contributions to the Program.

*"IRA" means a Roth or Traditional IRA (individual retirement account) under section 408 or 408A of the Internal Revenue Code.* [820 ILCS 80/5]

"IRS" means the Internal Revenue Service.

"Online Portal" means the electronic platform utilized by the program administrator to manage the daily operations of the Program.

"Participant" or "Enrollee" means any individual who has an account.

*"Participating Employer" means an employer*, *small employer,* or client employer *that facilitates a payroll deposit retirement savings arrangement as provided for by the Act for its employees.* [820 ILCS 80/5]

*"Payroll Deposit Retirement Savings Arrangement" means an arrangement by which a participating employer facilitates payroll deduction contributions from enrollees to the Program.* [820 ILCS 80/5]

"Professional Employer Organization" or "PEO" means an individual or entity that contracts with a client employer to supply or assume responsibility for personnel management of one or more workers who perform services for the client employer on an ongoing basis, rather than under a temporary help arrangement as defined in Section 15 of the Employee Leasing Company Act. For purposes of this Part, PEOs are not the employer of any employee who is performing services for a client employer pursuant to a contract between the client employer and a PEO.

*"Program" means the Illinois Secure Choice Savings Program.* [820 ILCS 80/5]

"Program Administrator" means the person or firm selected by the Board to administer the daily operations of the Program and provide marketing, recordkeeping, investment management, custodial, and other services for the Program.

"Qualified Retirement Plan" includes a plan qualified under section 401(a), 401(k), 403(a), 403(b), 408(k) or 408(p) of the Internal Revenue Code. The term also includes an eligible governmental plan under section 457(b) of the Internal Revenue Code, as well as Simplified Employee Pension (SEP) plans, Savings Incentive Match Plan for Employees (SIMPLE) plans, and Taft-Hartley plans. Payroll deduction IRA programs are not qualified retirement plans.

*"Small Employer" means a person or entity engaged in a business, industry, profession, trade, or other enterprise in Illinois, whether for profit or not for profit, that:*

*employed fewer than 5 employees during any quarter of the previous calendar year*, as indicated in employer-reported quarterly data submitted to the Department*;*

*has been in business less than 2 years; or*

meets both of these criteria,

*but notifies the Board that it is interested in being a participating employer.* [820 ILCS 80/5]

"Treasurer" means the duly elected Treasurer of the State of Illinois or their designee or designees.

"Wages" means W-2 wages, as defined in26 CFR 1.415(c) through 2(d)(4), that are *received by an enrollee from a participating employer during the calendar year.* [820 ILCS 80/5] For purposes of this Part, wages paid to employees by PEOs on behalf of a client employer shall be deemed wages paid by a client employer. [820 ILCS 80/5]

"Withdrawal" means a distribution of assets from an account.

(Source: Amended at 47 Ill. Reg. 17903, effective November 16, 2023)