**Section 302.846 Change in Position Factors Affecting Term Appointment Exclusion**

a) Any position excluded from Term Appointment whose status, salary, pay plan assignment or source of funding is changed to cause the position to be subject to Term Appointment under Section 302.810 shall become immediately so subject. The Director of Central Management Services shall so advise the Director or Chairman of the Department, Board or Commission and notify the incumbent. The incumbent may directly petition the Director of Central Management Services for reconsideration of the decision pursuant to Section 302.850.

1) The incumbent in the position selected shall be allowed to apply for the position. The Director or Chairperson of the Department, Board or Commission in which such position is located within 30 days of the decision by the Director that the position is subject to Section 302.810 shall notify the Director and the incumbent employee in writing of the decision whether to appoint the employee to a Term Appointment in that position.

2) If the Director or Chairperson of the Department, Board or Commission in which the position is located fails to notify the Director within 30 days, the Department will prepare documents necessary to terminate the incumbent, effective 60 days following the effective date the position becomes subject to term appointment. These documents will be sent to the Director or Chairperson of the Department, Board or Commission who must either sign the appropriate documents confirming the decision to terminate the incumbent or return the documents unsigned and notify the Department that the decision is to appoint the incumbent to the term position.

3) In no case may such a position be filled by other than the provisions for Term Appointment for more than 60 days following the effective date the position becomes subject to Term Appointment.

b) Any position may be excluded from Term Appointment under Section 302.810 due to changes in: status, salary, pay plan assignment or source of funding as reported to the General Assembly. The exclusion shall become effective upon the date of the change and any incumbent shall be continued in the position under Jurisdiction A, B or C of the Personnel Code as appropriate.

(Source: Section repealed, new Section adopted at 13 Ill. Reg. 3722, effective March 13, 1989)