**Section 310.100 Other Pay Provisions**

a) Transfer – Upon the assignment of an employee to a vacant position in a class with the same pay grade as the class for the position being vacated, the employee's base salary will not be changed. Upon separation from a position in a given class and subsequent appointment to a position in the same pay grade, no increase in salary will be given.

b) Entrance Base Salary – State agencies shall not seek, request or require a candidate's current wage or salary history. Agencies shall not use an applicant's current wage or salary history to screen applicants or request or require current wage or salary history information as a condition for being considered for employment or for an offer of employment. Agencies shall not verify a candidate's current wage or salary history. Each agency shall not request current or past wage or salary at any location (website, form or process). If a candidate inadvertently or voluntarily without prompting discloses the candidate's current or past wage or salary, including benefits or other compensation, the agency shall not consider or rely on the information in a current or future salary offer and shall disregard the information.

1) Qualifications Only Meet Minimum Requirements – When a candidate only meets the minimum requirements of the class specification upon entry to State service, an employee's entrance base salary is the in-hire rate or the minimum base salary of the pay grade.

2) Qualifications Above Minimum Requirements – If a candidate possesses directly-related education and experience in excess of the minimum requirements of the class specification, the employing agency may offer the candidate an entrance base salary that is not more than 5% above the candidate's current base salary. Any deviation from the 5% maximum is a special salary adjustment (see Section 310.80(e)).

3) Area Differential – For positions for which additional compensation is required because of dissimilar economic or other conditions in the geographical area in which the positions are established, a higher entrance step may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate shall be advanced to the new rate.

c) Geographical Transfer – Upon geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment effective the first day of the month following date of approval.

d) Differential and Overtime Pay – An eligible employee may have an amount added to the employee's base salary for a given pay period for work performed in excess of the normal requirements for the position and work schedule, as follows:

1) Shift Differential Pay –An employee may be paid an amount in addition to the employee's base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Department. The Director will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

2) Overtime Pay –

A) Eligibility − The Director will maintain a list of titles and their overtime eligibility as determined by labor contracts, Federal Fair Labor Standards Act (29 USC 203), or State law or regulations. Overtime shall be paid in accordance with the labor contracts, Federal Fair Labor Standards Act, and State law or regulations.

B) Compensatory Time –When Contract Contains No Provision − Employees who are eligible for compensatory time may request that time, which may be granted by the agency at its discretion, considering, among other things, its operating needs. Compensatory time shall be taken within the fiscal year it was earned at a time convenient to the employee and consistent with the operating needs of the agency. Compensatory time shall be accrued at the rate in which it is earned (straight time or time and a half), but shall not exceed 120 hours in any fiscal year. Compensatory time approved for non-union employees will be earned after 40 actual work hours in a workweek. Compensatory time not used by the end of the fiscal year in which it was earned shall be liquidated and paid in cash at the rate it was earned. Time spent in travel outside the normal work schedule shall not be accrued as compensatory time except as provided by labor contracts and the Federal Fair Labor Standards Act. At no time are overtime hours or compensatory time to be transferred from one agency to another agency.

3) Incentive Pay – An employee may be paid an amount in addition to the employee's base salary for work performed in excess of the normal work standard as determined by agency management. The additional compensation shall be at a wage rate and in a manner approved by the Director. The Director will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

4) Temporary Assignment Pay –

A) When Assigned to a Higher-Level Position Classification – A bargaining unit employee may be temporarily assigned to a bargaining unit position in a position classification having a higher pay grade and shall be eligible for temporary assignment pay. To be eligible for temporary assignment pay, the employee must be directed to perform the duties that distinguish the higher-level position classification and be held accountable for the responsibility of the higher classification. Employees shall not receive temporary assignment pay for paid days off except if the employee is given the assignment for 30 continuous days or more, the days off fall within the period of time and the employee works 75% of the time of the temporary assignment. Temporary assignment pay shall be calculated as if the employee received a promotion (see Section 310.80(d)(1)) into the higher pay grade. In no event is the temporary assignment pay to be lower than the minimum rate of the higher pay grade or greater than the maximum rate of the higher pay grade.

B) When Required to Use Second Language Ability – Employees who are bilingual or have the ability to use sign language, Braille, or another second language (e.g., Spanish) and whose job descriptions do not require that they do so shall be paid temporary assignment pay when required to perform duties requiring the ability. The temporary assignment pay received is prorated based on 5% or $100 per month, whichever is greater, in addition to the employee's base rate.

e) Out-of-State Assignment – Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate differential during the period of the assignment, as approved by the Director. The Director will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

f) Part-Time Work – Part-time employees whose base salary is other than an hourly or daily basis shall be paid on a daily basis computed by dividing the annual rate of salary by the total number of work days in the year.

g) Lump Sum Payment – Lump sum payment shall be provided for accrued vacation, sick leave, and unused compensatory overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary layoff (per 80 Ill. Adm. Code 302.510) are not separations and therefore lump sum cannot be given in these transactions. Method of computation is explained in Section 310.70(a).

AGENCY NOTE – The method to be used in computing the lump sum payment for accrued vacation, sick leave and unused compensatory overtime payment for an incumbent entitled to shift differential during the employee's regular work hours will be to use the employee's current base salary plus the shift differential pay. Sick leave earned prior to January 1, 1984 and after December 31, 1997 is not compensable. Sick leave earned and not used between January 1, 1984 and December 31, 1997 will be compensable at the current base daily rate times one-half of the total number of compensable sick days.

h) Salary Treatment Upon Return From Leave –

1) An employee returning from Military Leave (80 Ill. Adm. Code 302.220 and 303.170), Peace Corps Leave (80 Ill. Adm. Code 302.230), Service-Connected Disability Leave (80 Ill. Adm. Code 303.135), Educational Leave (80 Ill. Adm. Code 302.215), Disaster Service Leave With Pay (80 Ill. Adm. Code 303.175), Disaster Service Leave With Pay – Terrorist Attack (80 Ill. Adm. Code 303.176), Family Responsibility Leave (80 Ill. Adm. Code 303.148), leave to accept a temporary, emergency, provisional, exempt (80 Ill. Adm. Code 303.155) or trainee position, leave to serve in domestic peace or job corps (80 Ill. Adm. Code 302.230) or leave to serve in an interim assignment will be placed on the step that reflects satisfactory performance increases to which the employee would have been entitled during the employee's period of leave. Creditable service date will be maintained.

2) An employee returning to the employee's former pay grade from any other leave (not mentioned in subsection (i)(1)) of over 14 days will be placed at the step on which the employee was situated prior to the employee's leave, and the employee's creditable service date will be extended by the duration of the leave.

i) Salary Treatment Upon Reemployment –

1) Upon the reemployment of an employee in a class with the same pay grade as the class for the position held before layoff, the employee will be placed at the same salary step as held at the time of the layoff, and the employee's creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the step in the lower pay grade that provides the base salary nearest in amount to, but less than, the current value of the step held at the time of layoff, and the employee's creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

j) Reinstatement –

1) For Former State Employees Subject to the Personnel Code Who Had Intervening Employment Outside of State Government – For former State employees subject to the Personnel Code who had intervening employment outside of State government shall be paid under the conditions and requirements applicable to entrance base salary (see subsection (b)).

2) For Former State Employees Subject to the Personnel Code Who Had No Intervening Employment or Only Had Intervening State Government Employment – For former State employees subject to the Personnel Code who had no intervening employment or only had intervening State government employment, the salary upon reinstatement should not provide more than a 5% increase over the candidate's current base salary or exceed the current value of the salary step held in the position for which previously certified without prior approval by the Director. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the pay grade. Any deviation from the 5% maximum, except when the resulting salary is the minimum rate of the pay grade, is a special salary adjustment (see Section 310.80(e)).

k) Longevity Pay or Longevity Step and Bonus –The Step 8 rate shall be increased by $25 per month for those employees who have attained 10 years of service and have three years of creditable service on Step 8 in the same pay grade. The Step 8 rate shall be increased by $50 per month for those employees who have attained 15 years of service and have three years of creditable service on Step 8 in the same pay grade.

l) Bilingual Pay – Individual positions whose job descriptions require the use of sign language, Braille, or another second language (e.g., Spanish) shall receive 5% or $100 per month, whichever is greater, in addition to the employee's base rate.

(Source: Amended at 46 Ill. Reg. 11713, effective July 1, 2022)