**Section 310.220 Negotiated Rate**

a) Rates by Geographic Area, Agency or Agency Area − The rate of pay for a class in any specific area or agency, or in a specific area for an agency, is established and approved by the Director of Central Management Services after having conducted negotiations for this purpose, or as certified as being correct and reported to the Director of Central Management Services by the Director of the Illinois Department of Labor for designated classifications.

b) Rates for Positions Excluded from Bargaining Unit Representation − An employee occupying a position in a class normally subject to contract, but whose position is excluded from the bargaining unit, shall be assigned to the Merit Compensation System (Subpart C) and receive the rates, within the Merit Compensation System Salary Schedule (Appendix D) based on the salary range assigned to the classification title in Section 310.410 or within the Broad-Band Pay Range Classes Salary Schedule (Appendix G) based on the salary range assigned to the classification title.

c) Rates for Higher Duties − As provided in certain collective bargaining agreements, an employee may be paid at an appropriate higher rate when assigned to perform the duties of a higher level position. Eligibility for and the amount of this pay will be as provided in the contract.

d) Promotion from Step 8 − The employee shall be paid as provided in Section 310.80(d)(1)(A)(ii).

e) To Locate Rates − The negotiated rates of pay for classifications in specified operating agencies, in specified agency facilities or with specified duties shall be as indicated in Appendix A, unless the rates are red-circled.

f) Red-Circled Rates – Red-circled rates are the negotiated or arbitrator assigned base salaries not otherwise on a step in the pay grade assigned to a classification or in the Pay Plan. The base salaries may be above the pay grade's maximum base salary or between two base salaries on consecutive steps. An employee who takes a position in a Trainee Program (see 80 Ill. Adm. Code 302.170) classification that represents a reduction when comparing classifications (see Section 310.45) shall receive the higher amount of either the in-hire rate or the base salary red-circled at the amount of the former classification. Upon completion of a trainee period, the employee who is promoted to a targeted title shall receive the rate on a step that results in a minimum of one dollar increase based on the difference between the two steps, which the red-circled rate is between, added to the red-circled rate. If through negotiation of a classification assignment to a pay grade where the base salary exceeds Step 8, the base salary shall be red-circled at its current rate and may receive contractual adjustments.

(Source: Amended at 44 Ill. Reg. 12146, effective July 13, 2020)