**Section 310.495 Broad-Band Pay Range Classes**

Broad-band pay range classes shall be covered by all provisions of the Merit Compensation System except for the provisions identified in the following subsections:

a) Salary Range − The salary range for broad-band classes shall be as set out in Appendix G.

b) Entrance Base Salary – 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 wage or salary history, 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. In-hire rates assigned to trainee program classifications are the entrance base salary (see Section 310.47).

1) When the new-to-State-government candidate only meets the minimum of the classification requirements, the entrance base salary is the lowest salary in the anticipated starting salary range, the anticipated starting salary, or the in-hire rate.

2) Qualifications Above Minimum Requirements –

A) For Other Than Trainee Classification Titles When the Candidate is New to State Government – For other than trainee classification titles when the candidate is new to State government, State agencies shall not seek, request or require a candidate’s current wage or salary history. Agencies shall not use a candidate’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 stop the verification of a candidate’s current wage or salary history. When the new-to-State-government candidate exceeds the minimum of the classification requirements, the entrance base salary is the in-hire rate, the anticipated starting salary, within the anticipated starting salary range, or the rate resulting from a special salary request that is pre-approved by the Department. The anticipated starting salary and the selected new-to-State-government candidate’s qualifications shall inform the entrance base salary offer. The qualifications that shall be considered are documented education and experience directly-related to the position description and exceeding the minimum requirements on the class specification. The agency shall tell the new-to-State-government candidate not to disclose his or her current wage or salary history. The new-to-State-government applicant may discuss his or her salary expectations for the position being filled. If the tentatively accepted offer is not the in-hire rate, anticipated starting salary, or within the anticipated starting salary range, the agency shall complete a Special Salary Request-New Employee form (CMS-163) identifying both the pre-established anticipated starting salary and the justification for hiring the selected candidate at the tentatively offered and accepted higher starting salary.

B) For Other Than Trainee Classification Titles in Which the Current State Government Employee is a Candidate for a Position Subject to the Personnel Code – For other than trainee classification titles in which the current State government employee is a candidate for a position subject to the Personnel Code, 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 310.470).

c) Salary Adjustment for Substantial Additional Duties and Responsibilities within the Same Position or for Transfer to Another Position with Substantial Additional Duties and Responsibilities in the Same Title – An upward salary adjustment that is not more than 5% above the employee's current base salary in a broad-band position classification may be made by the employing agency where the employee's position has been given substantial additional duties and responsibilities but will remain in the same classification or where the employee transfers to another position with substantial additional duties and responsibilities in the same broad-band class. Any deviation from the 5% maximum is a special salary adjustment (see Section 310.470). The salary adjustment shall not change the creditable service date.

d) Movement between Salary Systems − Salary treatment on movement of an employee between one position in the broad-band class series and another position outside of the broad-band class series will be as recommended by the employing agency and approved by the Director of Central Management Services.

e) Salary Treatment upon Initial Placement of Positions in Other Occupational Broad-Band Classes − For the purpose of establishing salary treatment upon initial placement of positions, it is necessary to determine the "lowest corresponding Merit Compensation grade". The Merit Compensation range with a minimum salary closest to, but not lower than, that of the broad-band range minimum is known as the "lowest corresponding Merit Compensation grade".

1) The incumbent of a position with a current salary range maximum equal to or greater than the maximum of the "lowest corresponding Merit Compensation grade" will be placed in the broad-band range with no change in salary.

2) The incumbent of a position with a current salary range maximum less than the maximum of the "lowest corresponding Merit Compensation grade" will be placed in the broad-band range with a 5% increase in current base salary. However, in no event shall the resulting salary be lower than the minimum or higher than the maximum rate of the new salary range. The creditable service date of an employee will not be changed unless an increase of 10% or greater is provided to move the employee to the minimum of the new range.

f) Pay Treatment upon Illinois Labor Relations Board State Panel Revocation of Certification of Representation by a Bargaining Unit – Upon the Illinois Labor Relations Board (ILRB) State Panel issuing a Revocation of Certification of representation by a bargaining unit when an agreement exists between the bargaining unit and the State assigning pay, effective the date of the issuance, the position is subject to the jurisdiction of the Merit Compensation System (Section 310.410) and assigned to the broad-band salary range assigned to the position's classification (Appendix G), and may receive an immediate downward adjustment in base salary (Section 310.480(e)).

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