**Section 2110.30 Definitions**

a) Wherever used in the Plan, the following terms have the following meanings and when the defined meaning is intended, the term is capitalized:

"Anticipated Payroll" means those payrolls in which the Participant is issued a paycheck during the Pay Period that the deduction is taken.

"Change in Family Status" means marriage, divorce, death of Spouse or child, adoption of child, return to work after birth of a child, termination of employment of Spouse, or any other events the Department determines constitute a Change in Family Status.

"Code" means the Internal Revenue Code of 1954 (26 USC 1 et seq.) and applicable regulations, or any successor statute.

"Compensation" means wages, salaries and other employee Compensation received by a Participant or Spouse, including the net earnings from self-employment within the meaning of section 1402(a) of the Code.

"Delayed Payroll" means those payrolls in which the Participant is issued a paycheck following the Pay Period that the deduction is taken.

"Department" means the Illinois Department of Central Management Services.

"Dependent" means a Participant's Qualifying Child, Spouse or Qualifying Relative.

"Dependent Care Expenses" mean expenses incurred by a Participant that:

are incurred for the well-being and protection of a Dependent of the Participant,

are paid to a Dependent Care Service Provider, and

are incurred to enable the Participant and his or her Spouse to be gainfully employed.

Dependent Care Expenses may be for household services if part of the services are for the care of the Dependent.

Dependent Care Expenses do not include expenses paid or incurred for services provided by:

a child of the Participant who is under the age of 19 at the close of the Plan Year; or

an individual who the Participant or Spouse can claim as an exemption on his or her income tax form.

Examples of eligible expenses are:

Day care centers. The centers must comply with all applicable laws and regulations of a State or unit of local government.

Nursery schools and pre-schools (private or public).

Before and after-school care.

Babysitters or nurses or grandparents or any other Dependent Care Service Providers inside or outside the Participant's home.

Household services. The services of a housekeeper, maid, or cook are eligible expenses if performed partly for the benefit of the Dependent.

Work-related expenses. Any work-related expenses that allow the Participant (and Spouse, if married) to work. Examples are meals and lodging for a housekeeper and Social Security and Federal unemployment taxes paid on wages.

Summer day camps (full day camps used as day care) and special instruction camps (i.e., dance, music, sports).

Examples of expenses that are not eligible are:

The cost of schooling for children in kindergarten or higher.

Chauffeur or gardener services.

Expenses claimed on the Participant's income tax return or by another taxpayer.

Transportation related to dependent care services.

Summer camp (not day care and usually includes an overnight stay).

Expenses not allowed by the Internal Revenue Service for the child and dependent care credit on an income tax return.

"Dependent Care Service Provider" means a person or institution that provides care or other services described in the definition of Dependent Care Expenses.

"Eligible Employee" means any employee working fulltime or not less than half time who is eligible to participate in the Health Plan authorized by the State Employees Group Insurance Act of 1971 [5 ILCS 375]. It includes those employees who have lost eligibility to participate in the Health Plan because of a reduction in hours worked but have chosen continuation coverage through payroll deduction as authorized by the Consolidated Omnibus Budget Reconciliation Act (COBRA) (P.L. 99-272) as long as there is no break in coverage or payroll deductions. An Eligible Employee of the Employer excludes independent contractors, temporary employees and retirees who return to work for not longer than 75 days per year after they retire.

"Employer" means the State of Illinois, which includes all officers, boards, commissions, and agencies created by the Illinois Constitution, whether in the executive, legislative or judicial branch; all officers, departments, boards, commissions, agencies, institutions, authorities, universities, bodies politic and corporate of the State; administrative units or corporate outgrowths of the State government that are created by or pursuant to statute, other than units of local government and their officers, school districts and boards of election commissioners; and all administrative units and corporate outgrowths of the above as may be created by executive order of the Governor.

"Enrollment Form" means the form provided by the Department for the purpose of filing an election and Compensation reduction agreement and for making changes authorized by the Plan.

"Health Plan" means health, dental and vision coverage offered by the Department to eligible persons.

"Highly Compensated Participant" means any Participant who was in either of the following categories at any time during the current year:

an officer of the State or its administrative units or corporate outgrowths who has annual total Compensation greater than $75,000, or

a Participant who receives Compensation in excess of $50,000 and is in the top 20% of all State employee salaries.

"Participant" means each Eligible Employee who participates in the Plan in accordance with Section 2110.210 of this Part.

"Pay Period" means a regular accounting period established by the State of Illinois for measuring and paying Compensation earned by employees. A Pay Period may be monthly, semi-monthly or biweekly.

"Plan" means the State of Illinois Dependent Care Assistance Plan as set forth in this Part, and as may be amended from time to time in compliance with the Illinois Administrative Procedure Act [5 ILCS 100].

"Plan Administrator" means an organization, company or other entity designated by the Director to perform certain duties related to the administration of a specific plan in accordance with the terms of the contract between the organization and the Department.

"Plan Year" means the 12-consecutive-month period comprising the State fiscal year beginning July 1.

"Qualifying Child" means an individual who has a specified family-type relationship to the Participant, lives in the Participant's household for more than half of the taxable year, is 12 years old or younger and has not provided more than one-half of his or her own support for the taxable year.

"Qualifying Relative" means an individual who is physically and/or mentally incapable of self care, is not someone else's Qualifying Child, lives in the Participant's household for more than half of the taxable year, spends at least eight hours per day in the Participant's home, has a gross income less than the exemption allowed under section 151(d) of the Internal Revenue Code, and receives more than one-half of his or her support from the Participant during the tax year.

"Reimbursement" means to pay a Participant in this Plan for Dependent Care Expenses from his or her dependent care assistance account.

"Spouse" means the person to whom the Participant is married. Spouse does not include a person separated from the Participant under a decree of divorce. A Participant is entitled to receive Reimbursement for Dependent Care Expenses for the Spouse if the Spouse is physically or mentally incapable of self care, lives in the Participant's household for more than half of the taxable year and spends at least 8 hours per day in the Participant's home.

"Termination" means the permanent severance of the Participant's employment relationship with the Employer as provided by the appropriate rules of the Employer.

b) A pronoun or adjective in the masculine gender includes the feminine gender and the singular includes the plural, unless the context clearly indicates otherwise.

(Source: Amended at 31 Ill. Reg. 352, effective December 28, 2006)