

1 TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
2 SUBTITLE A: MERIT EMPLOYMENT SYSTEMS  
3 CHAPTER VI: STATE UNIVERSITIES CIVIL SERVICE SYSTEM  
4

5 PART 250  
6 STATE UNIVERSITIES CIVIL SERVICE SYSTEM  
7

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28 AUTHORITY: Implementing and authorized by the State Universities Civil Service Act [110  
29 ILCS 70].  
30

31 SOURCE: Rules: State Universities Civil Service System, approved January 16, 1952, effective  
32 January 1, 1952; amended at 3 Ill. Reg. 13, p. 68, effective April 1, 1979; amended at 4 Ill. Reg.  
33 10, p. 262, effective February 25, 1980; amended at 6 Ill. Reg. 2620, effective February 22,  
34 1982; amended at 6 Ill. Reg. 7236, effective June 3, 1982; amended at 8 Ill. Reg. 4948 and 4950,  
35 effective March 29, 1984; codified at 8 Ill. Reg. 12936; amended at 8 Ill. Reg. 24732, effective  
36 December 6, 1984; amended at 9 Ill. Reg. 17422, effective October 23, 1985; amended at 11 Ill.  
37 Reg. 8942, effective May 8, 1987; amended at 12 Ill. Reg. 3457, effective February 1, 1988;  
38 amended at 12 Ill. Reg. 17079, effective October 7, 1988; amended at 13 Ill. Reg. 7324, effective  
39 May 1, 1989; amended at 13 Ill. Reg. 19427, effective February 6, 1990; amended at 18 Ill. Reg.  
40 1901, effective January 21, 1994; amended at 20 Ill. Reg. 4440, effective February 29, 1996;  
41 amended at 30 Ill. Reg. 17384, effective October 23, 2006; amended at 31 Ill. Reg. 15848,  
42 effective November 13, 2007; amended at 32 Ill. Reg. 17268, effective October 16, 2008;  
43 amended at 33 Ill. Reg. 11644, effective July 22, 2009; amended at 36 Ill. Reg. 6014, effective

44 April 6, 2012; amended at 37 Ill. Reg. 419, effective December 26, 2012; amended at 39 Ill. Reg.  
45 13504, effective December 1, 2015; amended at 40 Ill. Reg. 3105, effective January 26, 2016;  
46 emergency amendment at 40 Ill. Reg. 3772, effective March 1, 2016, for a maximum of 150  
47 days; amended at 40 Ill. Reg. 11192, effective August 4, 2016; amended at 40 Ill. Reg. 16302,  
48 effective December 12, 2016; amended at 41 Ill. Reg. 11576, effective August 30, 2017;  
49 amended at 42 Ill. Reg. 24268, effective December 3, 2018; amended at 43 Ill. Reg. 6829,  
50 effective May 23, 2019; emergency amendment at 44 Ill. Reg. 6662, effective April 10, 2020, for  
51 a maximum of 150 days; emergency expired September 6, 2020; amended at 44 Ill. Reg. 18746,  
52 effective November 12, 2020; emergency amendment at 46 Ill. Reg. 20093, effective December  
53 1, 2022, for a maximum of 150 days; emergency expired April 29, 2023; amended at 47 Ill. Reg.  
54 6574, effective April 30, 2023; amended at 48 Ill. Reg. 2281, effective January 26, 2024;  
55 amended at 49 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

56

### 57 **Section 250.5 Definitions**

58

59 "Act": the State Universities Civil Service Act [110 ILCS 70].

60

61 "Allocation": assignment of a position to a class.

62

63 "Applicant": a person requesting permission to take an examination.

64

65 "Audit Charter": the document approved by the Merit Board on August 17, 2016,  
66 and any modifications or amendments, as later authorized by the Merit Board,  
67 regarding the authority for and administration of audits conducted by the  
68 University System.

69

70 "Candidate": a person on a register, as qualified by examination, seniority, or  
71 service.

72

73 "Certification": the act of certifying.

74

75 "Certified": referred from a register, in accordance with the Act, as a candidate  
76 for consideration for employment.

77

78 "Certify": to refer from a register, in accordance with the Act, the name of a  
79 candidate who shall be considered for employment.

80

81 "Class": a group of positions that are so similar in duties, responsibilities, and job  
82 worth, and require such similar education and experience, that each position in the  
83 group has been given the same job title and is filled by the same tests of ability.

84

85 "Classification": assignment of a position to a class.

86

87 "Designated Employer Representative (DER)": the person designated by the  
88 employer to act as its representative for the coordination of its acts and the  
89 exercise of its responsibilities in matters relating to the State Universities Civil  
90 Service Act and the Administrative Code.

91  
92 "Demotion": is defined in Section 250.110(g)(1) (Note for clarification: If a  
93 status employee, on their own initiative, requests a reassignment or a transfer to  
94 another position in their class or applies for, and takes, an examination and  
95 thereafter permits their name to be certified to a position in a class other than the  
96 one in which they are currently employed, and, in either case, accepts an  
97 appointment that results in a reduction in pay or pay potential, the reduction shall  
98 not be considered a demotion.)

99  
100 "Employee": a person legally employed to perform the work of a position.

101  
102 "Employer": the governing Board of an institution or agency specified in Section  
103 36e of the Act; and, for purposes of administration pursuant to this Part, any  
104 institution or agency specified in Section 36e of the Act as well as those approved  
105 by the Merit Board as a place of employment.

106  
107 "Executive Director": the Executive Director of the State Universities Civil  
108 Service System.

109  
110 "Law Enforcement Personnel": an individual who has statutory authority to  
111 search, seize, or make arrests.

112  
113 "Lesser Unit": a seniority unit within a class, within an institution or agency as  
114 specified in Section 36e of the Act, as determined by the Merit Board, provided  
115 two-thirds of the status employees within the class have agreed to the creation of  
116 the lesser unit.

117  
118 "Merit Board" or "University Civil Service Merit Board": the governing body of  
119 the University System as defined in Section 36c of the Act. The 11 members of  
120 the Merit Board represent the public universities of the State of Illinois and are  
121 appointed by their respective University governing boards. The powers and  
122 duties of the Merit Board are defined in Section 36d of the Act.

123  
124 "Nonstatus Appointment": appointment of a certified candidate to a position that  
125 has been classified and approved by the Executive Director as other than a status  
126 appointment.

127  
128 "Notice of Convening of Hearing": notice sent by the University System to  
129 parties of record in matters of discharge or demotion informing the parties of the

130 [date, time, and place of the hearing.](#)

131

132 "Place of Employment": an institution or agency as specified in Section 36e of  
133 the Act, or a unit of the institution or agency, as determined by the Merit Board,  
134 the designation of which has been for the purposes of maintenance of registers,  
135 computation of seniority, establishment of pay rates or ranges, and effecting  
136 transfers by an employer.

137

138 "Position": a group of duties and responsibilities; assigned or delegated by  
139 competent authority, requiring the full-time service of one person; or the part-time  
140 service of one or more persons.

141

142 "Reallocation": reassignment of an existing position to a class that is a part of a  
143 different promotional line; or to a class that is not a part of any promotional line.

144

145 "Reassignment": moving of an employee by an employer from one position to  
146 another in the same class within a place of employment, subject to limitations  
147 imposed by lesser units.

148

149 "Reclassification": reassignment of an existing position within a promotional line.

150

151 "Register": a list of one or more names of candidates; listed in accordance with  
152 the Act and this Part.

153

154 "Resignation": an act by which an employee voluntarily separates themselves from  
155 their employment.

156

157 "Rewrite Examination": an examination for a class that is taken by an applicant  
158 subsequent to failing a previous examination for the same class; or that is taken by  
159 an applicant subsequent to passing a previous examination for the same class in  
160 an attempt to improve their examination score.

161

162 "Seniority": after completion of the probationary period, a term used to describe  
163 time worked in a class or in classes within the same promotional line, computed  
164 in accordance with the provisions of the Act and this Part.

165

166 "Service": a term used to describe time worked in a class under a status  
167 appointment by an employee who is serving, but who has not completed, a  
168 probationary period in that class.

169

170 "Status Appointment": appointment of a certified candidate to a position that has  
171 been classified and approved by the Executive Director as a continuing position  
172 under the position control record plan of the University System.

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"Status Employee": an employee who has successfully completed a probationary period in a class.

"Status Position": a position that has been classified and approved by the Executive Director under the position control record system.

"Termination": discontinuance of services of an employee having a nonstatus appointment; discontinuance of services of an employee in one place of employment who has transferred within the System to another place of employment; failure of a provisional employee to meet certification requirements; and/or death, retirement, or inability of an employee to return from a leave of absence in accordance with Section 250.110(c).

"Transfer": moving of an employee from one position to another in the same class between constituent places of employment.

"Transfer List": a list of applicants who have been employed as sworn police officers within the past 24 months for employers to use to hire in lieu of the original entry register.

"University System": the State Universities Civil Service System.

(Source: Amended at 49 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 250.20 The State Universities Civil Service System and its Divisions**

- a) Classification and Allocation. All staff positions at the Illinois Community College Board, Southern Illinois University, University of Illinois, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, State Universities Civil Service System, State Universities Retirement System, the Illinois Student Assistance Commission, ~~and~~ the Board of Higher Education, and those places of employment approved by the Merit Board, except those positions specifically exempted by Section 36e of the Act, are subject to classification functions as described in Section 250.30.
  
- b) Other Personnel Functions. All positions in the institutions and agencies covered by the Act and those places of employment approved by the Merit Board, except those exempted by Section 36e of the Act, are subject to the examination, appointment, and other personnel functions described under Sections 250.40 through 250.150 inclusive.

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- c) Designated Employer Representative to Act for the Place of Employment~~Employer~~.
- 1) DER Appointment and Form. Each employer governed by the Act and those places of employment approved by the Merit Board and ~~by~~ this Part shall appoint a Designated Employer Representative (DER) as described by Section 36d(12) of the Act [110 ILCS 70/36d(12)]. The employer shall file with the Executive Director the name of the Designated Employer Representative (DER)~~administrative official~~ of the place of employment who the employer designated~~employer who has been designated by the employer~~ to act as its representative for the coordination of its acts and the exercise of its responsibilities in matters relating to the Act and this Part. The employer shall complete a DER~~Designated Employer Representative (DER)~~ form provided by the University System that includes the following information: place of employment, DER contact information, name and title of administrative official or (DER), address, phone number, email address, and the effective date of the appointment. This form shall be signed by the appointed DER and the employer's chief administrative officer~~of the employer~~. The University System will acknowledge receipt of the form. No one may seek to appoint themselves as the DER; such an attempted appointment will be without force or effect. The employer is responsible for maintaining~~It is the responsibility of the employer to maintain~~ a current DER form with the University System. ~~If the employment of the individual appointed as DER is terminated for any reason, or if the employer withdraws its appointment as DER, the employer shall immediately appoint a new DER. In the event of an unplanned or emergent departure of the appointed DER, the employer shall have 3 business days to appoint a new DER.~~
  - 2) DER Termination/Departure. If the employment of the appointed DER is terminated for any reason, or if the employer withdraws its DER, the employer shall appoint a new DER within 3 workdays. An employer~~Absent such an unplanned or emergent departure, an employer without a current DER form on file with the University System~~ shall not be permitted to complete any employment transactions subject to the Act and ~~by~~ this Part until a new DER is appointed and the DER appointment form is submitted~~and the procedures~~.
  - 3) DER Signature Authorization Form. The DER may authorize other staff members to act on their behalf. The DER may submit a DER Signature Authorization forms~~form~~ naming the~~an additional~~ staff members~~member~~ to sign ~~documents~~ on their behalf ~~should they be absent from the workplace~~. The DER Signature Authorization form ~~by the University~~

259 ~~System~~ shall include the following information: place of employment,  
 260 designee's name, specimen signature (wet ink and/or digital if available),  
 261 ~~address, phone number, email address, and the~~ effective date, and  
 262 certification by the DER (wet ink signature and/or digital if available).  
 263 ~~The DER must certify and date the form.~~ The University System will  
 264 acknowledge receipt of ~~each~~ the form submitted. The form or forms shall  
 265 remain in effect until the DER revokes the form(s) or upon the  
 266 appointment of a new DER in which the University System will  
 267 automatically revoke the DER Signature Authorization form(s). ~~This form~~  
 268 ~~shall remain in effect until the DER notifies the University System of any~~  
 269 ~~change. If the employment of the additional staff member permitted to~~  
 270 ~~sign for the DER is terminated for any reason, or if the employer~~  
 271 ~~withdraws its authorization for this additional staff member to sign for the~~  
 272 ~~DER, the employer shall immediately notify the University System of this~~  
 273 ~~change. In the event of an unplanned or emergent departure of an~~  
 274 ~~appointed DER, this signature authority shall expire upon the appointment~~  
 275 ~~of a new DER or within 3 business days, whichever is sooner.~~

277 4) DER Designee Revocation Form. When a designee is no longer employed  
 278 with the employer or the DER chooses to revoke signature authorization  
 279 for a specific designee, the DER Designee Revocation form shall be  
 280 completed. The DER Designee Revocation form shall include the  
 281 following information: place of employment, designee's name to be  
 282 revoked, effective date of revocation, and certification by the DER. The  
 283 University System will acknowledge receipt of the form. Upon the  
 284 appointment of a new DER, all DER Signature Authorization forms on file  
 285 with the University System will be automatically revoked by the  
 286 University System.

288 (Source: Amended at 49 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
 289

290 **Section 250.110 Separations and Demotions**  
 291

- 292 a) Resignation. An employee having a nonstatus or status appointment, as described  
 293 in Sections 250.70 and 250.80, may resign by presenting a signed resignation to  
 294 ~~their~~ his/her employer or by demonstrating to the employer by other means  
 295 ~~their~~ his/her intent to separate from employment. Upon receipt of a signed  
 296 resignation by the employee or other evidence of intent to separate from  
 297 employment, the employee will be separated from ~~their~~ his/her employer. The  
 298 employer shall maintain all resignations or other documentation of evidence in  
 299 accordance with the employer's record retention policy.  
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 301 b) Leave of Absence

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- 1) Leave of Absence for Classification Changes. A status employee who accepts a position that represents a promotion in a class outside ~~their~~his/her promotional line shall be granted a leave of absence from a position of ~~their~~his/her former class for the duration of any intern appointment, provisional appointment, and/or probationary period in the new class.
- 2) Leave of Absence for Disciplinary Actions. An employee placed on a Disciplinary Suspension or on a Suspension Notice Pending Discharge shall be placed on a leave of absence from ~~their~~his/her position.
- 3) Leave of Absence for Disability Leave
  - A) If an employee is no longer able to perform the duties and responsibilities of ~~their~~his/her position in the class due to a disability as determined by the employer's medical and/or psychological evaluation procedures, and/or in accordance with State and federal laws, the employee will be required to take a disability leave in accordance with subsection (b)(3)(B).
  - B) A status employee who becomes eligible for disability benefits to be paid by the employer or, as later determined, by the Illinois State retirement system to which the employee contributed, or becomes eligible for payment benefits as defined by the Workers' Compensation Act [820 ILCS 305], the Illinois Occupational Diseases Act [820 ILCS 310], or a State self-insurance program, shall be granted a disability leave. The disability leave shall be the period for which the employee applies for such benefits, until the time of the expiration of the benefits or a final administrative decision denying or terminating the benefits, including any gap in benefit payments between the expiration of institutional benefits and those available under the approving authority.
  - C) The employer may require an employee to take a medical and/or psychological examination prior to returning to work after a disability leave. The examination shall be conducted by a licensed practitioner selected by the employer to determine the physical and/or mental capability to perform the essential duties of the employee's position. The employer may supply the examining practitioner with facts relating to the employee's difficulty or inability to perform the essential functions of the job and may supply additional information, including but not limited to physical



345 and mental requirements of the employee's position, duty  
346 statement, job classification specification, and position description.  
347 The employee may also present an alternative opinion provided by  
348 a licensed practitioner to be selected and paid for by the employee.  
349 If there is a difference of opinion, a third outside practitioner shall  
350 be selected by the 2 physicians. The employer shall pay for all  
351 examinations, except those initiated by the employee.  
352

353 D) An employee's refusal to submit to an examination as described in  
354 subsection (b)(3)(C), the unexcused failure to appear for such an  
355 examination, or the refusal to release the results of the examination  
356 may be deemed by the employer as an  
357 ~~acknowledgment~~ acknowledgement that the employee is not fit for  
358 duty and may subject the employee to termination actions as  
359 defined in subsection (c).  
360

361 E) A disability leave may be revoked by the employer upon evidence  
362 that the cause for granting the leave was misrepresented.  
363

364 F) At the expiration of all disability benefits, an employee shall be  
365 entitled to return to a position in ~~their~~ his/her class without any loss  
366 of status due to the disability leave, providing that they  
367 ~~return~~ he/she returns upon the expiration of all disability benefits to  
368 which entitled.  
369

370 G) Reemployment  
371

372 i) If an employee does not return to work at the expiration of  
373 all disability benefits and is terminated in accordance with  
374 subsection (c)(2), the employee may, within one year  
375 following the expiration of all disability benefits, request  
376 reinstatement and, the employer shall place ~~upon approval~~  
377 ~~of the Executive Director,~~ the employee's name ~~may be~~  
378 ~~placed~~ on the reemployment register in the class in which  
379 ~~they were~~ he/she was employed at the time the disability  
380 leave was granted and in accordance with total seniority  
381 earned.  
382

383 ii) If, within one year following the expiration of all disability  
384 benefits, the employee requests reinstatement, but, because  
385 of ~~their~~ his/her disability, is deemed unable to perform the  
386 duties in the class, the employee may be required to pass

387 physical or other tests to determine employability under the  
388 University System.

389  
390 4) Military Leave of Absence. An employee shall be granted a Military  
391 Leave of Absence in accordance with State and federal laws and  
392 regulations.

393  
394 5) Notification

395  
396 A) The employer may select:

397  
398 i) to notify the Executive Director of all leaves of absence,  
399 including military, disability, or any other leave otherwise  
400 granted; or

401  
402 ii) to maintain these records for inspection upon request by the  
403 Executive Director or designee during the on-site audit  
404 program or other specified time.

405  
406 B) The notification shall include the beginning and ending dates of  
407 leaves that exceed 30 calendar days of non-pay status.

408  
409 c) Termination

410  
411 1) An employee having a non-status appointment, as described in Section  
412 250.70, may be terminated by ~~their~~his/her employer at any time during the  
413 training period and/or upon completion of the work assignment.

414  
415 2) An employee on a disability leave, as defined in subsection (b)(3), who  
416 has exhausted all of ~~their~~his/her disability benefits and is unable to resume  
417 the duties and responsibilities of a position in ~~their~~his/her class may be  
418 terminated from employment in accordance with subsection (c)(~~6~~5), or the  
419 employer and employee may agree upon employment in a more suitable  
420 classification. The alternative employment options shall be subject to  
421 standard civil service employment protocols.

422  
423 3) An employee who fails to report for duty after a disability leave of  
424 absence has expired or has been denied, disapproved, revoked, or canceled  
425 by the approving authority, or any other failure to report for duty as  
426 scheduled after a disability leave of absence, may be terminated from  
427 employment in accordance with subsection (c)(6).

428  
429 4) An employee who fails to report for duty after ~~they have~~he/she has  
430 exhausted benefits under the Family and Medical Leave Act (FMLA) may

- 431 be terminated from employment in accordance with subsection (c)(6).  
432  
433 5) An employee who fails to maintain ~~their~~~~his/her~~ right to work in the United  
434 States, as evidenced by a Permanent Resident Card (also known as a  
435 Green Card), an Employment Authorization Document (also known as a  
436 work permit), or an employment-related visa granted by the government  
437 of the United States, shall have ~~their~~~~his/her~~ employment terminated as of  
438 the last date that employee had a right to work in the United States. It is  
439 the responsibility of the employee to do all things necessary to maintain  
440 ~~their~~~~his/her~~ right to work in the United States, as governed by U.S. law.  
441 The employer shall notify the employee of the termination.  
442  
443 6) Appropriate notification shall be provided to an employee, as specifically  
444 referenced in subsections (c)(2), (c)(3) and (c)(4), which shall include the  
445 notification provisions outlined in this subsection (c)(6).  
446  
447 A) The employer shall notify the employee that ~~they~~~~he/she~~ will be  
448 terminated from the employer's service to become effective 7  
449 calendar days from the date of mailing of the notification to the  
450 employee. The notification shall be sent, by an overnight delivery  
451 service that requires a signature upon receipt, to the most recent  
452 address of the employee as shown on the employer's records.  
453  
454 B) At any time prior to the effective date of termination, the employee  
455 shall have the opportunity to provide to the employer evidence of  
456 the reason for the unauthorized absence. The employer shall  
457 revoke the termination if the employee provides satisfactory  
458 evidence of the reason for the unauthorized absence. If the  
459 employer determines that the evidence is not satisfactory, the  
460 employer shall notify the employee ~~within 2 workdays~~~~immediately~~  
461 that the termination will remain in effect.  
462  
463 C) Pursuant to Section 250.130 (Review Procedures), the employee  
464 may request a review of the employer's final notice of termination.  
465 The review is limited to a determination of whether this Section  
466 has been properly applied and whether the employer's decision is  
467 deemed arbitrary or capricious. In the event a review is not  
468 requested within the allotted timeframe, the employee's  
469 termination from service shall be effective 7 calendar days after the  
470 original notification.  
471  
472 d) Layoff  
473  
474 1) The Executive Director shall be provided with all notices of layoff within

475 3 workdays of any notice to an employee,~~notified promptly~~ of all  
476 employees on layoff status, together with the dates of the beginning of  
477 layoff and of return to employment from layoff status, when the layoff  
478 exceeds 30 consecutive workdays~~work-days~~. A status employee shall  
479 receive a written notice, at least 30 calendar days in advance of the  
480 effective date of the layoff; when the layoff exceeds 30 consecutive  
481 workdays~~work-days~~; however, the effective date of layoff may be  
482 extended up to 15 calendar days without the requirement of further notice.  
483

484 2) Whenever it becomes necessary to lay off one or more employees, except  
485 as provided in subsection (d)(3), the employee who has the least amount  
486 of service in the class shall be laid off first, and additional layoffs shall be  
487 made in the ascending order of the place of the employee on the service  
488 and seniority lists for that class.  
489

490 3) An employee who is the incumbent of a position for which the Executive  
491 Director has authorized specialized certification under Section  
492 250.60(d)(9), or who is the incumbent of a position that has previously  
493 been identified as requiring specialized training or experience as required  
494 by the position in accordance with minimum acceptable qualifications for  
495 the class, may not be bumped by another employee with greater seniority  
496 unless the employee with greater seniority possesses the special and  
497 identified qualifications authorized for the incumbent's position.  
498

499 4) Whenever it becomes necessary to reemploy one or more employees in a  
500 class, the employee last laid off by seniority shall be reemployed first, and  
501 further reemployment shall be made in the order of seniority until the  
502 reemployment register for that class is exhausted. Work of short duration  
503 requiring reemployment of one or more employees will not require a new  
504 written 15 calendar day advance notice of layoff if the work period is to be  
505 5 consecutive working days or less and the work is emergent in nature.  
506

507 5) A status employee who is subject to layoff from a part-time position may  
508 bump an employee in a full-time status position, providing the part-time  
509 employee's equivalent full-time accrued seniority based on hours in pay  
510 status is greater than that of the least senior employee in a full-time  
511 position. A full-time status employee who is subject to layoff may bump  
512 the least senior full-time employee, who then may bump the part-time  
513 employee having the highest percent-time appointment, providing the full-  
514 time employee has more accrued seniority.  
515

516 6) Names of employees laid off during their probationary periods shall be  
517 returned to the register from which they were certified to their position in

518 accordance with service in a status appointment earned as of the date of  
519 layoff.

520

521 e) Disciplinary Suspension. An employer may suspend an employee as a  
522 disciplinary measure for not more than 30 calendar days.

523

524 1) The employer shall discuss the specific problem pertaining to the  
525 contemplated suspension with the employee and the Human Resource  
526 Director or their~~his/her~~ designee before a suspension notice is served. The  
527 employee shall be told at that time that suspension is being considered.

528

529 2) In imposing a disciplinary suspension, the employer shall serve a written  
530 suspension notice on the employee showing the reason or reasons for the  
531 suspension, and shall, within 3 workdays, ~~immediately~~ report the  
532 suspension to the Executive Director and shall send a copy of the notice  
533 served on the employee, along with proof of service, to the Executive  
534 Director.

535

536 3) Causes justifying suspension, not discharge as provided for in subsection  
537 (f)(1), shall include, but are not limited to: unauthorized and unexcused  
538 absence; leaving work without authority; failure to accurately record one's  
539 arrival for and/or departure from work; habitual lateness; recording  
540 another person's arrival for and/or departure from work; falsification of  
541 documents; key duplication and/or unauthorized possession of keys;  
542 misrepresentation of absence; falsification of records; refusal to do work  
543 assigned; failure to follow work schedules; failure to follow time  
544 schedules; rude, disrespectful, and/or unprofessional behavior; failure to  
545 adhere to departmental regulations of appearance; disregard of safety  
546 regulations; careless workmanship resulting in spoilage, waste, or delay;  
547 unauthorized use of institutional property; gambling on institutional  
548 property; creating or contributing to unsanitary conditions; horseplay or  
549 scuffling; fighting; sleeping during working hours; unauthorized visiting;  
550 failure to follow official university policy and procedures; reporting to  
551 work with one's mental or physical ability, alertness, or judgment impaired  
552 by substances and/or fatigue in a way that makes it impracticable or unsafe  
553 to perform one's job duties; and inability or failure to perform assigned  
554 duties in a competent and satisfactory manner.

555

556 AGENCY NOTE: It is to be noted that an employee's allegation that a  
557 Disciplinary Suspension was unfairly imposed is subject to the grievance  
558 procedure established by the employing institution, but is not reviewable  
559 by the ~~State Universities Civil Service System~~ (University System).

560

- 561 f) Discharge Proceedings and Effective Date of Discharge  
562  
563 1) Reason for Discharge. Causes justifying discharge and any suspension  
564 during the discharge proceedings shall include, but are not limited to:  
565  
566 A) all those listed as cause for suspension if they become recurring  
567 offenses; and  
568  
569 B) theft; consuming intoxicating liquors or other illicit drugs on  
570 institutional time or property; consuming intoxicating substances  
571 resulting in mental impairment at work; malicious damage to  
572 property, tools, or equipment; inciting or instigating a physical  
573 altercation, or continuing a physical altercation beyond immediate  
574 self-defense; immoral or indecent conduct that violates common  
575 decency or morality; conduct that is a clear departure from  
576 ordinary standards of honesty, good morals, justice, or ethics so as  
577 to cause shock to the moral sense of the community.  
578  
579 2) Pre-discharge Proceedings  
580  
581 A) Notification Procedures. Prior to initiating any proceedings before  
582 the Merit Board for the discharge of an employee, the employer  
583 shall notify the employee in writing, served upon the employee in  
584 person if the employee is present on the job or, otherwise, by an  
585 overnight delivery service that requires signature upon receipt to  
586 the most recent address of the employee as shown on the  
587 employer's records, and also by First Class U.S. Mail, of the  
588 employer's intention to initiate the proceedings. The notification  
589 shall advise the employee of the substance of the charges proposed  
590 to be filed in sufficient detail to inform the employee of the nature  
591 of the conduct on which the proposed charges are based. (Note: It  
592 is the employee's responsibility to maintain a current mailing  
593 address with ~~their~~his/her employer.) The notification shall also  
594 advise the employee that either or both of the following options are  
595 available to the employee:  
596  
597 i) within 3 ~~workdays~~work days after service of the employer's  
598 notification, the employee may notify the employer of  
599 ~~their~~his/her decision to require the employer to hold a  
600 conference with the employee or ~~their~~his/her representative  
601 for the purposes of responding to the matters contained in  
602 the notification and of attempting to achieve a  
603 reconciliation or understanding; and

604  
605 ii) within 3 ~~work days~~ workdays after service of notification,  
606 the employee may deliver to the employer a written  
607 response to the matters contained in the employer's  
608 notification; provided that, if the employee elects to require  
609 the conference identified in subsection (f)(2)(A)(i), at that  
610 conference the employee may request and receive an  
611 opportunity to respond further in writing within 3  
612 ~~work days~~ workdays after the conclusion of the conference.  
613

614 B) Employer's Decision

615  
616 i) Within 7 ~~work days~~ workdays after compliance with the  
617 provisions of subsection (f)(2)(A), the employer shall  
618 either:  
619  
620 • notify the employee that no further action will be  
621 taken to initiate discharge proceedings with the  
622 Merit Board against the employee based solely on  
623 the matters contained in the employer's notification;  
624 or  
625  
626 • initiate proceedings before the Merit Board under  
627 this subsection (f) seeking the discharge of the  
628 employee based solely on the matters contained in  
629 the employer's notification.  
630  
631 ii) The employer's election not to initiate discharge  
632 proceedings with the Merit Board shall not preclude the  
633 employer from imposing a suspension in accordance with  
634 subsection (e) or some lesser penalty.  
635

636 C) Excused Absence with Pay. An employee who has been served  
637 with an employer's notification as provided in subsection (f)(2)(A)  
638 may be placed on an excused absence with pay during all or any  
639 part of the period covered by this subsection (f)(2) to provide the  
640 employer an opportunity to investigate serious charges.  
641

642 3) Actual Discharge Proceedings

643  
644 A) Initiating Discharge Proceedings. Proceedings before the Merit  
645 Board seeking the discharge of an employee shall be initiated by  
646 the employer by completing and filing a Written Charges for

647 Discharge form with the Merit Board/University System,  
 648 employee, legal counsel for the employer, and the employer,  
 649 setting forth the causes for discharge in sufficient detail to inform  
 650 the employee of the nature of the conduct on which the charges are  
 651 based. The Written Charges for Discharge form shall be set forth  
 652 in separately numbered charges. Also, the employer shall develop  
 653 and attach a document that contains the dates, names of persons,  
 654 places and facts necessary to properly allege the cause for  
 655 discharge. If a breach of duty, statute, or rule of the employer is  
 656 alleged, the statute, law, or rule shall be cited in connection with  
 657 the charge. Any and all exhibits that the employer plans to present  
 658 at the time of the hearing shall be submitted in accordance with  
 659 subsection (f)(5)(~~GE~~) or as appropriate to the circumstances. The  
 660 exhibits shall not be attached to the Written Charges for Discharge  
 661 form.

662  
 663 B) Written Charges for Discharge Form. The Written Charges for  
 664 Discharge form will be provided by the University System and the  
 665 employer shall include the following information on the form:  
 666 employee's contact information as it appears in the employer's  
 667 records; civil service class and position number; place of  
 668 employment; charges in numbered format and clearly stated;  
 669 DER's signature; and the "Proof of Service on Employee" section  
 670 shall be completed in its entirety. The employer shall also  
 671 attach~~shall be accompanied by~~ a "Certification" stating ~~certification~~  
 672 ~~by the employer~~ that all procedures set forth in subsection (f)(2)  
 673 have been followed and that there has been full compliance with  
 674 any options elected by the employee. The certification shall  
 675 include the employee's name; civil service class and position  
 676 number; signed and dated. At the time the Written Charges for  
 677 Discharge form and the certification are filed with the Merit Board  
 678 (~~University System~~)-~~office~~, the employer shall also serve copies  
 679 upon the employee in person if the employee is present on the job;  
 680 otherwise, service shall be by an overnight delivery service that  
 681 requires a signature upon receipt to the most recent address of the  
 682 employee as shown on the employer's records, and also by First  
 683 Class U.S. Mail. The employer shall file proof of service with the  
 684 Merit Board (~~University System~~)-~~office~~. The DER shall sign the  
 685 Written Charges for Discharge form to be filed with the Merit  
 686 Board (University System) and the employer.

687  
 688 C) Amended Written Charges for Discharge Form. At any time prior  
 689 to the commencement of the hearing, the Executive Director may



690 direct or authorize the Written Charges for Discharge form to be  
 691 amended to correct technical defects or to set forth additional facts  
 692 or allegations that clarify the subject matter of the original charges.  
 693 The technical amendments shall relate back to the original proof of  
 694 service date of the Written Charges for Discharge form. The  
 695 employer shall serve copies of the Amended Written Charges for  
 696 Discharge form upon the employee in person if the employee is  
 697 present on the job; otherwise, service shall be by an overnight  
 698 delivery service that requires a signature upon receipt to the most  
 699 recent address of the employee as shown on the employer's  
 700 records, and also by First Class U.S. Mail. The employer shall file  
 701 "Proof of Service on Employee" ~~proof of service on employee~~ for  
 702 the amended charges ~~Amended Charges~~, on the form provided by  
 703 the University System, ~~with the Secretary for the Merit Board~~.  
 704 Nothing in this subsection (f)(3)(C) shall change the timing  
 705 requirements in subsection (f)(5).  
 706

707 D) Suspension Without Pay. An employee who has been served with  
 708 Written Charges for Discharge in accordance with subsections  
 709 (f)(3)(A) and (B) and/or (C) may be suspended without pay by the  
 710 employer during all or any part of the period that the discharge  
 711 proceeding is pending, and until final disposition, if the employer  
 712 is of the opinion that the employee's presence on the job might  
 713 constitute a substantial risk of injury to life or property, or might  
 714 cause a disruptive effect on the employer's operations. Any  
 715 suspension without pay shall become effective on the date the  
 716 employer serves the Suspension Notice Pending Discharge form  
 717 upon the employee. ~~The Suspension Notice Pending Discharge~~  
 718 ~~form~~ which may be served with the Written Charges for Discharge  
 719 form or on any date thereafter, or until a decision is made by the  
 720 Merit Board. The Suspension Notice Pending Discharge form  
 721 shall include the following: employee's contact information as it  
 722 appears in the employer's records; civil service class and position  
 723 number; place of employment; date of suspension; date the Written  
 724 Charges for Discharge form was served; DER's signature; and  
 725 proof of service on employee shall be completed in its entirety.  
 726 Service shall be upon the employee in person if the employee is  
 727 present on the job; otherwise, service shall be by an overnight  
 728 delivery service that requires a signature upon receipt to the most  
 729 recent address of the employee as shown on the employer's  
 730 records, and also by First Class U.S. Mail. The employer shall file  
 731 the Suspension Notice Pending Discharge form, with the Merit  
 732 Board (University System), employee, legal counsel for the

733 ~~employer, and employer with the Merit Board/University System~~  
734 ~~office a copy of the Suspension Notice Pending Discharge and~~  
735 ~~proof of service.~~  
736

737 4) Effective Date of Discharge When There Is No Request for Hearing.  
738 Once an employer files the Written Charges for Discharge on the  
739 employee and the~~If the~~ employee does not file a written request for a  
740 hearing with the Secretary for the Merit Board within the required 15  
741 calendar days from the date specified in the "Proof of Service on  
742 Employee" section on the Written Charges for Discharge form, the  
743 employee's discharge shall become effective at the end of the 15-day  
744 period. ~~No~~~~without~~ further action shall be taken by the Merit Board. The  
745 Secretary for the Merit Board shall promptly notify the employer of the  
746 employee's failure to file a timely written request for a hearing.  
747

748 5) Written Hearing Request/Timing of Parties' Actions  
749

750 A) Written Request for Hearing. An employee who has been served  
751 with Written Charges for Discharge may request a hearing by  
752 filing a written request for a hearing with the Secretary for the  
753 Merit Board within 15 calendar days from the "Proof of Service on  
754 Employee" section on the Written Charges for Discharge form ~~that~~  
755 ~~is the date of either personal delivery or mailing of the Written~~  
756 ~~Charges for Discharge form to the employee.~~ Any request for a  
757 hearing must include a postal address, ~~and~~ a telephone number  
758 where the employee can be reached, and/or an email address ~~and~~  
759 where notices to the employee under this subsection (f) shall be  
760 sent. If the employee provides ~~has~~ a personal email ~~mail~~ address,  
761 the employee agrees ~~at which the employee is willing~~ to accept  
762 notices under this subsection (f), ~~the employee may also provide~~  
763 ~~that e-mail address.~~ The employee shall notify the Secretary for  
764 the Merit Board and the employer of any change to their  
765 contact ~~this notice~~ information. The Secretary for the Merit Board  
766 shall immediately acknowledge receipt of the request for a hearing  
767 and notify the employer that the employee has filed ~~for a~~ request  
768 for a hearing. Thereafter, further proceedings shall be as provided  
769 in this subsection (f), and any discharge shall be effective on the  
770 date of the Decision and Order of the Merit Board ~~discharge order~~  
771 ~~of the Merit Board~~, unless otherwise expressly stated in the order.  
772

773 B) Standing Order. The Executive Director may enter any standing  
774 orders deemed appropriate for a fair, effective, and efficient  
775 discharge process. Any such standing Orders shall be posted on

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the University System's website.

C) Notice of Convening of Hearing and Order. The University System shall issue a Notice of Convening of Hearing to the parties of record. This notice shall contain the date, time, and place of the hearing or manner (in-person or via a video conference) at the sole discretion of the Executive Director. The University System may also issue an order providing further instructions to the parties of record.

D) Requests for ~~Documents~~~~Document~~ and Other Tangible Items. Any party may, by written request, direct any other party to produce for inspection, copying, reproduction, photographing, testing, or sampling specified documents, including electronically stored information, objects, or tangible things, relevant to the Written Charges for Discharge or the employee's defense to the charges.

i) The request shall specify a reasonable time and place for production or review of the requested items, no fewer than 10 calendar days prior to the scheduled hearing.

ii) A party directed to produce documents or other tangible items that ~~are~~~~is~~ unable to produce the requested items by the date requested by the other party may file an objection or request an extension of time to produce the requested items. The objection or request for an extension of time shall be sent to the Executive Director and shall state the cause of the anticipated delay.

iii) All written requests or objections under this subsection (f)(5)(B) shall be served on the Secretary for the Merit Board at the same time it is served on the other party.

iv) All actions taken under this subsection (f)(5)(~~DB~~) shall be taken as early as practicable and shall be taken in good faith.

~~E~~) Evidence Depositions. Upon request to the Executive Director and upon good cause shown (which shall include, but is not restricted to, the potential unavailability of a witness at the time the hearing is scheduled, scheduling or travel arrangement considerations, or agreement of the parties), any party may request a deposition of any witness to be taken for evidence in a hearing. The use of this

819 provision shall be severely restricted, and designated as a "last  
 820 resort" option. If desired, subpoenas may be requested upon  
 821 application to the Executive Director in a manner consistent with  
 822 this Part. The deposition shall proceed in the manner provided by  
 823 law for depositions in civil actions in the circuit courts of the State  
 824 of Illinois.

825  
 826 FD) Subpoena~~Subpoenas~~. A request~~Requests~~ for a subpoena~~subpoenas~~  
 827 shall be directed to the Executive Director at least 5 calendar days  
 828 before the scheduled hearing, unless an exception is granted by the  
 829 Executive Director. A subpoena~~Subpoena~~ requests may be granted  
 830 if reasonably designed to produce or lead to the production of  
 831 evidence related to the alleged charges, and the terms of  
 832 compliance are reasonable given the time frames and other  
 833 circumstances. The party requesting the subpoena~~subpoenas~~ shall  
 834 be responsible for service and costs related to the witness's  
 835 subpoena~~of a witness~~. A subpoena may be served by personal  
 836 delivery of an executed original to the individual, or by leaving an  
 837 executed original at the individual's usual place of abode, with  
 838 some person of the family who is age 13 years or older, provided  
 839 the server also sends a copy of the subpoena, postage prepaid,  
 840 addressed to the individual at the individual's usual place of abode.  
 841 The fees of the witnesses for attendance and travel shall be the  
 842 same as the fees of witnesses before the circuit courts of the State  
 843 of Illinois. A subpoena is~~Subpoenas are~~ effective throughout the  
 844 course of the proceedings. A request~~Requests~~ for a  
 845 subpoena~~subpoenas~~ must be submitted in writing and include the  
 846 following:

- 847
- 848 i) the name of the employee, employer, and case number;
- 849
- 850 ii) the name and address of the witness~~witnesses~~ sought;
- 851
- 852 iii) date and time of the hearing;
- 853
- 854 iv~~ii~~) any specific documents the witness~~witnesses~~ will be  
 855 required to bring; ~~and~~
- 856
- 857 v~~iii~~) a brief statement of the relevant facts or testimony that the  
 858 witness~~witnesses~~ will be providing; ~~and~~;
- 859
- 860 vi) information regarding the party requesting the subpoena.
- 861

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GE) Witness and ~~Proposed Exhibit Document~~ Lists and Proposed Exhibits Documents for Hearing

- i) At least 5 ~~workdays~~calendar days prior to the hearing, each party shall serve upon the other party and file a copy with the Secretary for the Merit Board, to be submitted to the Hearing Board or Hearing Officer, the following information~~;~~ to the extent available at that time:
- a list of the names and addresses of the witnesses the party proposes to call in its case-in-chief; ~~and~~
  - all documents the ~~employer~~party proposes to offer in its case-in-chief shall be pre-marked using Arabic numerals (e.g., 1, 2, 3 numbered; and-
  - all documents the employee proposes to offer in its case-in-chief shall be pre-marked using capital English letters (e.g., A, B, C).
- ii) The University System will provide each party Bates numbered documents of all the proposed exhibits~~Each party shall bring to the hearing 4 identical copies of each document the party proposes to use at the hearing.~~

HF) Commencement of Discharge Hearing. The Executive Director, the Hearing Board or Hearing Officer, the employee~~2~~, and the employer shall all make good faith efforts to commence the hearing within 10 calendar days after receipt of the employee's written request for a hearing, but in no event shall the hearing commence later than 45 calendar days after service of the Written Charges for Discharge as stated in the proof of service, unless a continuance is granted pursuant to subsection (f)(15)(B). Dilatory tactics or actions will not be permitted. ~~The and the~~ Executive Director, the Hearing Board or Hearing Officer, the employee~~2~~, and the employer shall all make good faith efforts to conduct the hearings in no more than 3 hearing days~~;~~ unless justice, due process, and fundamental fairness require otherwise.

6) Hearing Proceedings

A) Appointment of Hearing Board or Hearing Officer. Upon receipt of the employee's written request for a hearing on the Written

905 Charges for Discharge, the ~~Merit Board~~/University System ~~office~~  
906 shall promptly appoint a Hearing Board or Hearing Officer to hear  
907 the charges and the employee's response.  
908

909 B) Disqualification of Assigned Hearing Board or Hearing Officer. A  
910 Hearing Board or Hearing Officer may be disqualified on grounds  
911 of bias or conflict of interest. An adverse ruling, or the fact that a  
912 Hearing Board or Hearing Officer has had contact with the  
913 University System, by itself, shall not constitute bias or conflict of  
914 interest.  
915

916 i) Disclosing a Potential Conflict of Interest. The Hearing  
917 Board or Hearing Officer shall communicate with the  
918 ~~Executive Director~~~~Secretary for the Merit Board~~ and all  
919 parties immediately upon suspecting that the Hearing  
920 Board or Hearing Officer may have a conflict of interest.  
921

922 ii) Whenever any party believes a Hearing Board or Hearing  
923 Officer should be disqualified from conducting an assigned  
924 proceeding, that party may file a request with the Executive  
925 Director to disqualify the Hearing Board or Hearing  
926 Officer, setting forth by affidavit the alleged grounds for  
927 disqualification, with proof of service on all parties. The  
928 Executive Director shall rule and make the final  
929 determination on all requests for disqualification.  
930

931 iii) The Executive Director, on ~~their~~~~his~~~~her~~ own motion, may  
932 disqualify a Hearing Board or Hearing Officer if the  
933 Hearing Board or Hearing Officer has deviated from, or  
934 failed to comply with, this subsection (f), and such  
935 disqualification, in the judgment of the Executive Director,  
936 is required for justice, due process, and fundamental  
937 fairness.  
938

939 iv) Upon the disqualification of any Hearing Board or Hearing  
940 Officer under this subsection (f)(6)(B), a new Hearing  
941 Board or Hearing Officer shall be appointed by the ~~Merit~~  
942 ~~Board or by the~~ Executive Director. If the hearing has  
943 already been convened, the parties of record shall be  
944 notified of the disqualification and the appointment of a  
945 new Hearing Board or Hearing Officer. The Executive  
946 Director shall make all other such orders as required for  
947 justice, due process, and fundamental fairness.

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- C) Role and Responsibilities of the Hearing Board or Hearing Officer. The Hearing Board or Hearing Officer shall be responsible for the following activities:
- i) conduct the pre-hearing conference;
  - ii) facilitate the timely completion of the hearing process, taking necessary steps to avoid delay;
  - iii) establish reasonable limits on the duration of witness testimony;
  - iv) limit repetitive or cumulative testimony;
  - v) rule on motions, objections, or evidentiary questions;
  - vi) hear evidence as presented at the hearing by the employer and the employee on behalf of their respective positions (the evidence may include matters in aggravation, mitigation, and justification, which may pertain to the question of "just cause" for discharge);
  - vii) direct questions to witnesses at any time, but restrict questioning to the clarification of the testimony already presented;
  - viii) prepare and transmit to the Merit Board ~~a~~-signed findings of fact within 15 calendar days after receipt of the transcript and exhibits of the hearing proceedings. The findings of fact shall set forth each of the written charges alleged in the Written Charges for Discharge, including an evaluation of the facts presented by the employer and employee with respect to each charge, and based on this evaluation, a determination as to whether the charges are sufficiently supported by the evidence presented. The findings of fact shall be based exclusively on the evidence and on matters officially noticed. The findings of fact presented by the Hearing Board or Hearing Officer are advisory only to the Merit Board. It is not the role of the Hearing Board or Hearing Officer to determine whether just cause for discharge exists. The determination of just cause is the sole province of the Merit Board; and

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ix) enter any order that further carries out the purpose of this subsection (f)(6)(C).

D) Ex Parte Communications

i) Except in the disposition of matters authorized by law to entertain or dispose of on an ex parte basis, the Merit Board, the Executive Director, employees of the University System, and the assigned Hearing Board or Hearing Officer shall not, after the Notice of Convening of Hearing has been issued to the parties of record, communicate, directly or indirectly, with any party or the party's representative regarding any issue of fact or with any person or party in connection with any other issue regarding the case, except upon notice and opportunity for all parties to participate. However, the Merit Board, the Executive Director, employees of the University System, and the Hearing Board or Hearing Officer may communicate with each other. Also, members of the Merit Board and the Hearing Board or Hearing Officer may have the aid and advice of one or more personal assistants not associated or affiliated with any party.

ii) Neither party shall make direct contact with the Hearing Board or Hearing Officer in any manner or for any purpose after the Notice of Convening of Hearing has been issued to the parties of record.

iii) Communications regarding procedure, including interpretation and application of Section 360 of the Act, subsection (f), and related procedures, are not considered ex parte communications.

E) Open Hearings. All hearings shall be open to the public unless, upon motion of either party, the Hearing Board or Hearing Officer finds it necessary to close the hearing or parts of the hearing in instances in which personal safety is of concern or when confidential testimony/exhibits are to be referenced or revealed. There shall be a presumption that hearings will be closed only under extraordinary circumstances.



- 1033 F) Transcript of Hearing. A transcript of the hearing, including the  
1034 exhibits admitted at the hearing, shall be made and shall be filed  
1035 with the Secretary for the Merit Board as soon as possible  
1036 following the conclusion of the hearing. Transcripts and exhibits  
1037 will be provided by the Secretary for the Merit Board to all parties  
1038 simultaneously. No party may request or obtain a copy of the  
1039 transcript or exhibits of the hearing from the court reporter or any  
1040 other source. If a party or ~~their~~his/her representative receives the  
1041 transcript or exhibits of the hearing from any source other than the  
1042 Secretary for the Merit Board, the party shall immediately send,  
1043 without first having read the transcript or exhibits and without  
1044 retaining any copy, to the Secretary for the Merit Board.  
1045
- 1046 G) Findings of Fact by the Hearing Board or Hearing Officer. Within  
1047 15 calendar days after receipt of the transcript and exhibits from  
1048 the Secretary for the Merit Board, the Hearing Board or Hearing  
1049 Officer shall file its findings of fact and any other  
1050 recommendations with the Secretary for the Merit Board, unless  
1051 that time is extended by the Executive Director for good cause  
1052 shown. For the purpose of this subsection (f)(6)(G), good cause  
1053 shall include, but not be limited to, ~~:-~~ sickness, required attendance  
1054 at court proceedings, death, and weather conditions that prevent  
1055 the members of the Hearing Board or Hearing Officer from  
1056 meeting.  
1057
- 1058 H) Failure of Hearing Board or Hearing Officer to Submit Findings of  
1059 Fact. If, by 15 calendar days after receipt of the transcript and  
1060 exhibits from the Secretary for the Merit Board, the findings of fact  
1061 have not been received by the Secretary for the Merit Board, the  
1062 Executive Director shall either appoint another approved Hearing  
1063 Board or Hearing Officer that shall then review the record and  
1064 submit findings of fact within 10 calendar days after the  
1065 appointment, or the Executive Director shall give written notice to  
1066 the Hearing Board or Hearing Officer and to all parties to the  
1067 proceeding that ~~they~~he/she will, within 10 calendar days,  
1068 discontinue the hearing and commence a new hearing and that the  
1069 present Hearing Board or Hearing Officer will be dismissed  
1070 without pay. Within this 10-day period following the Executive  
1071 Director's notice, the Hearing Board or Hearing Officer can appeal  
1072 to the Executive Director by showing cause why time should be  
1073 extended.  
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- I) Certification of Hearing Record. The Executive Director shall certify as the Hearing Record the Written Charges for Discharge, the Suspension Notice Pending Discharge, the employee's request for a hearing, the transcript and exhibits, the Hearing Board's or Hearing Officer's findings of fact and other recommendations, and other documents that have been filed. Upon certification by the Executive Director, the Secretary for the Merit Board shall, by an overnight delivery service that requires a signature upon receipt, immediately forward a copy of the Hearing Record, along with notice that the Hearing Record has been certified, to all parties of record.
  
  - J) Objections to Hearing Record. Any objections to the form or contents of the Hearing Record, or briefs, abstracts, or excerpts from the Hearing Record, or arguments, motions, or recommendations, relating to the hearing proceedings or the Hearing Record, or requests for further hearing or for permission to supplement further the Hearing Record by other evidence, must be filed with the Secretary for the Merit Board within 14 calendar days after the date of the overnight delivery service that the Hearing Record has been certified, with proof of service on all parties. If such an objection is made, the non-objecting party may file an answer to the objection with the Secretary for the Merit Board within 14 calendar days after the date of the overnight delivery service of the Objection, with proof of service on all parties. No further briefs and/or arguments in response to these filings will be permitted unless expressly authorized by the Executive Director or the Merit Board or its Chair.
- 7) Conduct of Hearing
- A) Pre-hearing Conference. In all hearings, it is recommended that the Hearing Board or Hearing Officer hold a pre-hearing conference immediately preceding the hearing on the first day of the hearing. The Hearing Board or Hearing Officer shall give the parties an opportunity to discuss issues and share information at the pre-hearing conference that will allow them to present their cases in a fair, efficient, and timely manner. Generally, the Hearing Board or Hearing Officer shall conduct the pre-hearing conference for the purpose of achieving one or more of the following points, as determined by the Hearing Board or Hearing Officer on a case-by-case~~case by case~~ basis:

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- i) defining and simplification of the issues;
  - ii) negotiating admissions or stipulations of fact to avoid unnecessary proof;
  - iii) reviewing each party's witness and exhibit list;
  - iv) limiting redundant witness testimony or duplication of evidentiary material, if necessary;
  - v) determining the length of time each party will need to present its case;
  - vi) exchanging exhibits;
  - vii) discussing any matter that may aid in the efficient and timely disposition of the case; and
  - viii) work with each party to determine if a settlement agreement can be achieved. If a settlement is reached during the pre-hearing conference, the hearing shall be formally convened, and the parameters of the settlement agreement shall be entered into the record in written form or by testimony/statement and agreement by each party.
- B) Length of Pre-hearing Conference. The length and scope of the pre-hearing conference ~~are~~<sup>is</sup> at the discretion of the Hearing Board or Hearing Officer, but should generally be conducted within~~with~~ a one-hour~~one hour~~ timeframe.
- 8) Evidence and Motions
- A) Admissibility of Evidence
    - i) As a general matter, the rules of evidence and privilege as applied in civil cases in the circuit courts of the State of Illinois shall be followed. However, evidence not admissible under those rules may be admitted (except when precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the investigation and conduct of serious matters of this nature. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

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- ii) Consistent with these requirements and in order to expedite the hearing, any part of the evidence may be received in written form, provided the parties interests ~~of the parties~~ are not jeopardized.
  - iii) Employee performance~~Performance~~ records ~~of the employee~~ or past disciplinary records are admissible and relevant for the purpose of mitigation or aggravation, except if otherwise excluded by a local employer policy or collective bargaining agreement.
- B) Oath or Affirmation. All testimony shall be presented under oath or affirmation.
- C) Objections. Objections to testimony or evidentiary offers shall be noted in the record.
- D) Standard of Proof. The standard of proof applied by the Hearing Board or Hearing Officer when evaluating the charges will be the preponderance of the evidence.
- E) Notice Taken by Hearing Board or Hearing Officer. The Hearing Board or Hearing Officer may, on its own motion or upon motion of one of the parties, take notice of matters of which the circuit courts of the State of Illinois take judicial notice.
- F) Non-Dispositive Motions. The Hearing Board or Hearing Officer has the authority to rule on all motions that do not dispose of the proceedings. Examples of motions that can be ruled on by the Hearing Board or Hearing Officer are motions in limine or motions to suppress evidence. Motions directed at the Hearing Board or Hearing Officer shall be presented at the pre-hearing conference, if possible, and actions taken by the Hearing Board or Hearing Officer shall be entered into the record.
- G) Dispositive Motions. Motions that dispose of the proceedings must be directed to the Merit Board. Examples of motions that are to be directed to the Merit Board are motions to dismiss, motions to decide a proceeding on the merits, or motions claiming lack of jurisdiction. Motions must be filed with the Secretary for the Merit Board within 14 calendar days after the date of the overnight delivery service of the certified Hearing Record. Motions will be

1204 ruled on by the Merit Board at the Merit Board meeting in which  
1205 the case is being considered. The filing of a motion of this nature  
1206 shall not be allowed to cause any delay in the proceedings.  
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1208 9) Order of Hearing  
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1210 A) Convening of Hearing. All hearings shall be convened by and  
1211 under the control of the Executive Director or authorized  
1212 representative.  
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1214 B) Recording of Pre-hearing Conference Information. The Hearing  
1215 Board or Hearing Officer shall enter into the record any action  
1216 taken and any agreements made by the parties as to the matters  
1217 considered.  
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1219 C) Excluding Witnesses from Hearing Room. The Executive  
1220 Director, or authorized representative, shall request all persons  
1221 who have been asked to serve as witnesses, other than a party or  
1222 employer representative, to be excluded from the hearing room  
1223 while the hearing is in process, except during their own testimony  
1224 and cross-examination. Except as ~~they~~he/she might intervene, or  
1225 be requested to intervene, the Executive Director, or authorized  
1226 representative, shall empower the Hearing Board or Hearing  
1227 Officer to proceed with the hearing in such a manner as to provide  
1228 the employer and the employee a full opportunity to present their  
1229 positions to the Hearing Board or Hearing Officer.  
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1231 D) Stipulations. Parties may agree by stipulation upon any facts  
1232 involved in the hearing. The facts stipulated shall be considered as  
1233 evidence in the hearing. It is the policy of the Merit Board to  
1234 encourage the stipulation of facts whenever practicable.  
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1236 E) Opening Statements. The parties may make a brief opening  
1237 statement at the beginning of the hearing. The employer shall  
1238 proceed first, followed by the employee. Opening statements may  
1239 be waived or may be reserved and presented at the commencement  
1240 of the party's case-in-chief.  
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1242 F) Employer's Case. The employer shall first present its case-in-  
1243 chief, with an opportunity for the employee to cross-examine the  
1244 employer's witnesses. The employee may be called as an adverse  
1245 witness during the course of the hearing.  
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- G) Employee's Case. The employee shall then present ~~their~~his/her case-in-chief, with an opportunity for the employer to cross-examine the employee's witnesses.
  - H) Rebuttal. Each party may call rebuttal witnesses if found to be necessary by the Hearing Board or Hearing Officer.
  - I) Closing Arguments. After both parties have concluded the presentation of their case, the Hearing Board or Hearing Officer may call for a break in the proceedings for up to 30 minutes to allow each party to make final preparations ~~for~~of their closing argument. After any such break, the parties may make an oral closing argument. The employer shall proceed first, followed by the employee. The employer shall be permitted a brief rebuttal at the end of the employee's closing argument.
  - J) Closing the Hearing. The hearing shall be closed when the employer and the employee have had a fair and reasonable opportunity to present their positions to the Hearing Board or Hearing Officer.
  - K) Motion for Permission to Make Oral Argument. Oral argument is reserved for presentation of extraordinary matters regarding the discharge case. A party desiring to present oral argument before the Merit Board in cases of discharge must file a Motion to Make Oral Argument with the Secretary for the Merit Board within 14 calendar days after the date of the overnight delivery service of the certified Hearing Record, with proof of service on all parties. The Motion must specifically state the extraordinary issues to be presented, any relevant law, and a synopsis of the argument to be presented. Any Motions without the required information shall not be considered by the Merit Board. The Merit Board will decide whether to grant the Motion for Permission to Make Oral Argument at the same meeting where the case is to be decided. Oral Argument shall not be intended to be a recitation or summary of either party's case as presented at the hearing. The Merit Board's chair has the authority to halt or redirect either party's oral argument as circumstances warrant.
- 10) Failure to Appear. Failure of a party to appear on the date set for the hearing may result in a loss of rights by default.
- A) Failure to Appear by Employee

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- i) A Notice of Convening of Hearing will be sent to all parties of record confirming the date, time, and place of the hearing. If an employee or ~~their~~his/her representative is not present on the designated hearing date and time, the Executive Director or authorized representative shall try to make reasonable contact with the employee or ~~their~~his/her representative immediately. If, within a reasonable time on the hearing date, the Executive Director or authorized representative is unable to contact the employee, the hearing will commence.
  
- ii) The Executive Director or authorized representative shall commence the hearing with an opening statement. At the conclusion of the opening statement, if the employee or ~~their~~his/her representative has still failed to appear, the hearing will be suspended for 3 ~~workdays~~work days. During this 3 ~~workday~~work-day period, the Executive Director or authorized representative shall try to make contact with the employee or ~~their~~his/her representative using the last known address, phone, e-mail or any similar method as shown on the employee's request for a hearing.
  
- iii) If the employee or ~~their~~his/her representative cannot be reached within 3 ~~workdays~~work days or if the employee is unable to produce a reasonable explanation for failure to attend the hearing, the hearing will be closed, and the employee's discharge shall become effective at the end of the 15-day period of the date on the Proof of Service on Employee, as found on the Written Charges for Discharge form, without further action by the Merit Board. The Merit Board/University System office shall notify the parties of record immediately of the action.
  
- iv) If the employee or ~~their~~his/her representative has been reached within 3 workdays and has a reasonable explanation for not attending the hearing, the Executive Director or authorized representative shall schedule a new hearing date. A new Notice of Convening of Hearing will be issued to the parties of record, and the Executive Director or authorized representative shall appoint either the same Hearing Board or Hearing Officer or appoint a

new Hearing Board or Hearing Officer to conduct the hearing.

B) Failure to Appear by Employer. If the employer's representative fails to appear at the hearing and cannot be reached by the end of the next business day, or if the employer is unable to produce a reasonable explanation for the failure to attend the hearing, the hearing will be closed, and the employee will be reinstated to their~~his/her~~ position without loss of compensation as of the Proof of Service on Employee date on the Written Charges for Discharge form.

C) Reasonable Explanations. Reasonable explanations can include, but are not limited to: injury on the day or preceding day of the scheduled hearing, traffic accident, death or significant injury of a family member, or other cause that is deemed reasonable by the Executive Director or authorized representative. In any event, the party that failed to appear is required to demonstrate that there was a reasonable effort made to contact the Merit Board/University System office.

11) Settlement Agreements. Following the request for a hearing by the employee set forth in subsection (f)(5)(A), the employer and the employee may enter into a settlement agreement that may include a suspension of no more than 120 calendar days. Such a suspension is only permissible if the employer files with the Executive Director~~Secretary for the Merit Board~~ the terms of that suspension, which must include a signed waiver of the rights provided by Section 360 of the Act. The employer is otherwise limited to a suspension of no more than 30 calendar days as set forth in subsection (e).

12) Final Decision of the Merit Board. In the course of reaching its decision, the Merit Board may request the Executive Director to make recommendations that they deem~~he/she deems~~ appropriate with respect to the discharge proceedings. Nothing in this subsection (f)(12) is intended to eliminate or limit the Merit Board's discretion to determine the appropriate disposition on a case-by-case basis. The Merit Board shall enter findings of fact and shall order the following decision and order or any other decision and order it deems appropriate:

A) Discharge, if just cause is found to exist. No employee shall be discharged except for just cause. Just cause is defined as some substantial shortcoming that renders the employee's continuance in



1375 ~~their~~his/her position in some way detrimental to the discipline and  
1376 efficiency of the service and that the law and sound public opinion  
1377 recognize as good cause for the employee no longer holding the  
1378 position; or  
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1380 B) Reinstatement, if just cause for discharge is found not to exist. An  
1381 employee shall be reinstated as follows:

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1383 i) Reinstatement with no loss of compensation when none or  
1384 few of the significant charges are proven and/or when the  
1385 proven charges do not justify disciplinary action.  
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1387 ii) Reinstatement with an unpaid suspension of a minimum of  
1388 3 calendar days to a maximum of 120 calendar days when  
1389 the proven charges do not rise to the level of just cause for  
1390 discharge, but some disciplinary action is justified based on  
1391 the severity of the proven charges. If the Merit Board  
1392 orders reinstatement with a suspension, any time served  
1393 while on suspension pending discharge shall be applied  
1394 towards the fulfillment of the suspension. The Merit Board  
1395 shall not order a reinstatement with a suspension past the  
1396 day of the action taken by the Merit Board.  
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1398 13) Final Decision and Order of the Merit Board. The Secretary for the Merit  
1399 Board shall immediately forward copies of all Merit Board orders to the  
1400 employer and the employee by an overnight delivery service that requires  
1401 signature upon receipt. The employer is required to enact the Decision  
1402 and Order of the Merit Board in a timely manner. No later than 14  
1403 calendar days after the date that a copy of the final Notice of Decision and  
1404 Order of the Merit Board has been served upon the parties, any employee  
1405 who has been reinstated, as ~~provided~~provide in subsection (f)(12)(B), shall  
1406 be returned to pay status. The employer shall take all other required  
1407 actions to enact the Decision and Order of the Merit Board within 30 days  
1408 after the serving of the Notice of Decision and Order of the Merit Board.  
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1410 14) Administrative Review. All final decisions of the Merit Board shall be  
1411 subject to appeal by the parties to the proceedings under the  
1412 Administrative Review Law [735 ILCS 5/Art. III]. A complaint for  
1413 administrative review must be filed and summons issued within 35 days  
1414 after the date that a copy of the final Merit Board decision has been served  
1415 upon the party affected. A final decision of the Merit Board shall be  
1416 deemed served either when personally delivered or when deposited in the  
1417 United States mail in a sealed envelope or package, with postage paid,  
1418 addressed to the party affected by the decision at ~~their~~his/her last known

1419 residence or place of business.

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1421 15) Time Periods for Proceedings

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1423 A) Requests for Extensions. On the motion of either party with notice  
 1424 to the other party, or by independent action of the Chair of the  
 1425 Merit Board or the Executive Director communicated to both  
 1426 parties, any time period set forth in this subsection (f) may be  
 1427 extended by the Chair of the Merit Board or by the Executive  
 1428 Director for good cause shown. The Executive Director, in  
 1429 ~~their~~his/her discretion, may grant an extension by written  
 1430 agreement of the parties.

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1432 B) Extensions to be Granted by Executive Director. No extension  
 1433 may be beyond a period established by statute, except for cases in  
 1434 which a written motion for continuance of a scheduled hearing is  
 1435 filed with the Secretary for the Merit Board at least 2 workdays~~48~~  
 1436 ~~hours~~ prior to the time scheduled for hearing, unless an exception  
 1437 is granted by the Executive Director. The moving party must set  
 1438 forth emergency grounds for a continuance, which are limited to  
 1439 unforeseen, unavoidable, or uncontrollable circumstances, such as  
 1440 an Act of God; the sudden illness or death of the movant, a  
 1441 member of ~~their~~his/her immediate family, or ~~their~~his/her legal  
 1442 counsel; or if the movant is able to demonstrate some other real  
 1443 and compelling need for additional time. If there is an arrest or  
 1444 criminal indictment of any employee that resulted from an  
 1445 employee's conduct in the course of employment duties, the  
 1446 Executive Director, at the request of the employee, may grant a  
 1447 continuance of hearing pending some resolution of the criminal  
 1448 charges. ~~A request~~Requests for ~~a continuance~~continuances must  
 1449 be preceded by contacting the opposing party and asking for  
 1450 agreement to the continuance.

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1452 C) Deadlines That May Be Extended. The time periods set forth in  
 1453 this subsection (f), except for the 15-day period set forth in  
 1454 subsection (f)(5)(~~A~~B) and except for any time period provided for  
 1455 seeking administrative review of a final decision of the Merit  
 1456 Board, shall be deemed directory and not mandatory; and no  
 1457 failure to comply with any of the time periods set forth in this  
 1458 subsection (f), except for the 15-day period set forth in subsection  
 1459 (f)(5)(~~A~~B) and except for any time period provided for seeking  
 1460 administrative review of a final decision of the Merit Board, shall  
 1461 cause the Merit Board to lose jurisdiction of any matter.

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- D) Weekends and ~~Holidays~~Holiday. If the last date for filing falls on a weekend or a legal holiday, the last date for filing is the first ~~workday~~business day following that weekend or legal holiday.
- 16) Hearing Expenses
  - A) Employer Expenses. All customary and reasonable court reporter and copying expenses incident to the preparation of the Hearing Record and providing copies to parties to the proceedings shall be paid by the employer.
  - B) Merit Board Expenses. The Merit Board will pay all expenses of the Hearing Board or Hearing Officer and any legal expenses incurred by a Hearing Board or Hearing Officer, to the extent that those expenses have been approved by the Merit Board or its Executive Director. The Merit Board shall determine the reimbursement rate for the Hearing Board or the Hearing Officer.
- g) Demotion
  - 1) Any of the actions described in this subsection (g)(1) are considered to be a demotion when that action has been initiated by the employer. A demotion may occur when a status employee:
    - A) is subject to a reduction in salary in ~~their~~his/her current position; or in a position of the same class to which ~~they have~~he/she has been reassigned, except when the reduction in pay results from an overall reduction in pay to persons employed in the same class and/or when the Merit Board, on the basis of supporting evidence, determines that the pay potential should be lowered for a class;
    - B) is subject to a reduction in the percentage of time worked;
    - C) is appointed to a position in a lower class in a promotional line;
    - D) is appointed to a position in a class outside a promotional line with a lower pay potential;
    - E) is given a nonstatus appointment.
  - 2) None of the actions described in subsection (g)(1) are considered to be a demotion when the action has been initiated, or willingly accepted, by the

1505 employee.

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A) Evidence of initiation by, or willing acceptance by, an employee (i.e., a "voluntary demotion" or "voluntary downgrade" or similar action) shall be: a statement signed by the employee (to be filed by the employer with the notice of employment) indicating that the new appointment is at ~~their~~his/her request and/or is acceptable to ~~them~~him/her, or the employee applied for, and took, the Civil Service examination, upon the results of which the new appointment is based, after the date of certification to ~~their~~his/her most recent position.

B) Without the evidence indicated in subsection (g)(2)(A), the action will be considered to have been initiated by the employer and, therefore, will be considered to be a demotion.

3) Any classification plan changes authorized and implemented by the University System and/or the Merit Board that may result in a lower pay potential will not be considered a demotion.

4) An employer may effectuate a demotion by filing a Notice of Demotion form with the Merit Board and serving a copy of the Notice of Demotion on the employee by personally serving the employee, or by an overnight delivery service that requires signature upon receipt, and also by First Class U.S. Mail. The Notice of Demotion form shall designate the position and class to which the employee has been demoted and shall factually state the causes justifying demotion. The effective date of the demotion shall be the "Proof of Service on Employee" date on the Notice of Demotion form. A demotion shall be subject to the same hearing and review procedures as are provided to an employee in the case of a discharge. (See subsection (f).) During any hearing and review proceedings, the employee shall be paid the approved rate for the class of the position to which ~~they have~~he/she has been demoted, as set forth in the Notice of Demotion form.

5) A status employee who is demoted by action of the Merit Board to a position in a class in which ~~they have~~he/she has never been employed on a status appointment shall be placed in a designated class without requiring further examination or probationary period.

h) Dismissal

1) An employer may dismiss an employee whose name has been certified

1548 and who has been subsequently employed in a status position at any time  
1549 during the probationary period of employment in a class, if the employer  
1550 determines, pursuant to Section 250.90(a), that the employee has failed to  
1551 demonstrate the ability and the qualifications necessary to furnish  
1552 satisfactory service.

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1554 2) The employer shall notify the Executive Director promptly of dismissals,  
1555 setting forth the reasons for the dismissal.

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1557 (Source: Amended at 49 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)