**Section 50.90 Layoff Appeals**

a)

1) A certified employee who has been laid off may appeal to the Merit Commission, provided said appeal is made in writing within 15 calendar days after the effective date of layoff.

2) The appeal shall set forth both the provisions of the Merit Employment Code and/or Personnel Rules which are alleged to have been violated and a brief recitation of the facts of said violation.

b) An investigation shall be conducted by the Commission and the proposed findings shall be served upon all parties to the dispute. The parties shall then have 21 calendar days to file in the office of the Commission a response to the proposed findings and a request for hearing if either party so desires.

c) If in the judgement of the Commission a material issue of fact or law exists, the parties will be notified of a date of hearing. The notice will set forth a short statement of the issue of fact and/or law. If the Commission determines that no material issue of fact or law exists, it will issue its decision based upon the findings of the investigation and the parties' responses thereto.

d)

1) The burden of proof in all layoff hearings shall be upon the employee to show that a violation of the Merit Employment Code or Personnel Rules has occurred.

2) Unless inconsistent with this Section, the procedures of Section 50.110 shall apply to layoffs.

(Source: Added at 8 Ill. Reg. 1988, effective February 10, 1984)