**Section 100.60 Appeals, Filing Requirements and Hearings**

a) Filing Requirements

1) A certified employee who has been served with written charges approved by the Director for removal, discharge, demotion or suspension for a period of more than 30 days within a 12-month period, or any certified employee or any employee exempt from Jurisdiction B served with an approved order for geographical transfer, may appeal to the Merit Commission, provided the appeal is made in writing and received by the Commission within 15 days after service of the approved charges, or in the case of geographical transfer, within 15 days of the date the employee is required to report to the new location.

2) Any employee affected by the allocation of a position to a class may appeal to the Commission, provided that the employee has requested and received a reconsideration decision from the Director, and that the appeal to the Commission is received within 15 days after service of the Director's reconsideration decision.

3) For the purpose of determining the timeliness of filing only, "receipt" is defined to mean either personal delivery or date of postmark when deposited in the U. S. mail, in a sealed envelope, with postage prepaid, and properly addressed. Holidays, Saturdays and Sundays will be excluded from computing filing dates if the last day for filing falls upon a weekend or legal holiday, in which event the last date for filing would be the first business day following the weekend or legal holiday.

b) Time of Hearing

 Within 30 days following actual receipt of a written request for hearing, except in position allocation and geographical transfer appeals, the Commission shall grant the parties a hearing. Hearings concerning geographical transfer and allocation appeals shall be granted as soon as practicable after receipt of a request for hearing.

c) Appeal Hearing File

 After a charge has been filed with the Commission, a hearing file shall be established which shall contain all documents pertinent to the charge. Either party to the hearing may inspect the file during regular business hours in the Office of the Commission.

d) Conduct of Hearing

 All disciplinary hearings shall be public. Parties may call witnesses to testify in their behalf and have the aid of counsel or other representation at their expense. Parties may cross-examine opposing witnesses and present documentary and demonstrative evidence. Hearings shall be conducted in accordance with the contested case provisions of the Illinois Administrative Procedure Act.

e) Filing Procedure - Computation of Time

1) Filing and Form of Papers

A) The original complaint, appeal, pleading, written motion, notice or other papers, except for responses to proposed decisions which is governed by Section 100.110(b), must be filed in the Office of the Commission.

B) Papers shall be signed in ink by the party filing the papers or by the party's representative and contain the address of the party, or if represented, the name, business address and telephone number of the representative. The party filing papers shall be responsible for service of the papers on all parties to the proceedings, and notice of service shall be given to the Commission.

C) Each document shall show on the first page the caption and case number assigned by the Commission and shall identify the party on whose behalf the document is filed. The final page of each filed document shall contain the name, address and telephone number of counsel, other representative or the party if the party is self-represented.

2) Computation of Time

 Whenever a time period commences upon a person's receipt of service or notice and service is by mail, receipt shall be deemed to have occurred on the 4th day after mailing.

3) Filing by Facsimile

 Filings may be by facsimile if done in accordance with all other rules in this Part, provided that within 5 days after the day of filing by facsimile, the original document is filed at the Office of the Commission.

f) Notice

 Notice to a designated representative is notice to the client. Notice to an employee who is not represented shall be served at the address specified in the employee's filing or, in the absence of such specification, to the last address shown in the employee's personnel file. A copy of the notice shall be sent to the Department Head, except in cases of allocation appeals notice shall be sent to the Director.

(Source: Amended at 19 Ill. Reg. 206, effective January 3, 1995)