**Section 50.80 Allocation Appeals**

a) 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 calendar days after service of the Director's reconsideration decision. A copy of the notice of appeal must be served upon the Director. Such notice should state the name of the employee, his Department or Division, and a description of the classification dispute.

b) Upon the receipt of a notice of appeal, the Director, shall file with the Commission within 20 calendar days a submission setting forth in full a clear and brief recitation of all relevent facts, argumentative facts, and documentary evidence submitted in exhibit form to substantiate the reconsidered decision. If said submission, as a matter of law, does not set forth facts and reasons from which it could be reasonably concluded that the employee is properly classified, summary judgement may be granted. A copy of the submission shall be served upon the employee.

c) Within 20 calendar days of the receipt of the Director's submission, the employee must file with the Commission an answer setting forth all relevant facts, argumentative facts, and documentary evidence in exhibit form. A copy of such answer must be served upon the Director. The employee shall point out with particularity the employee's disagreement with the submission of the Director.

d) If upon reviewing the material submitted by the Director the employee desires an oral conference, he/she should so state at the beginning of his/her answer. If upon reviewing the employee's answer, the Director desires an oral conference, he/she should so indicate within five calendar days of the receipt of the employee's answer. An informal conference will be convened if requested by either of the parties, and at least 10 calendar days notice will be given the parties of the time and date of such hearing.

e) Parties may be heard either in person, by counsel, or by other representatives as they may respectively elect.

f) The Commission may make its decision on the pleadings, i.e., the submission and answer, if sufficient non-controverted facts exist or it may order formal hearings held on disputed issues of fact or law at the request of either party or upon its own motion.

g) Upon failure to comply with this Section, the Commission may make its decision on the facts before it if sufficient facts exist, or it may default the non-complying party. Such a decision shall be deemed to be a decision on the merits of the appeal. In making such decision an adverse inference shall be drawn against any party failing to comply with this Section.

h) Unless inconsistent with this Section, the procedures of Section 50.110 shall apply to formal allocation hearings.

(Source: Amended at 7 Ill. Reg. 17496, effective January 1, 1984)