**Section 420.600 Grievance Procedure**

a) Definition: Any employee of the Office of the Secretary of State may grieve as to the application of the Merit Employment Code, this Part or any policy arising under this Part as to the impact of the applications upon the employee's employment condition or status. The grievance must be filed on the form prescribed by the Director of Personnel.

b) Limitation: The Secretary of State Merit Employment Code, this Part and the official policy arising under this Part, the Pay Plan, and the Rules of the Merit Commission (80 Ill. Adm. Code 50) are not grievable matters. Terminations of noncertified employees, layoffs, charges seeking discharge, demotions, suspensions totaling more than 30 days in any 12 month period of certified employees, appeals of allocation of duties, or geographical transfers are not subject to the grievance procedure.

c) Abandonment – Extension: Failure of the grievant to comply with the form or time requirements of the grievance procedure shall result in forfeiture of the grievance, ending the grievance process. Failure of the employer to comply with the time requirements shall automatically advance the grievance to the next level. The parties may mutually extend the time limits at any level of the procedure, except in cases of hearings arising from demotion or discharge of a certified employee.

d) Representation: Parties to a grievance may be represented by themselves or by a person of their own choosing at any level of the proceedings.

e) Grievance Procedure – Level 1:

1) Employees who believe that they are aggrieved may within 5 scheduled work days of knowledge of the circumstance giving rise to the grievance, present their grievance in writing on the prescribed form to their immediate supervisor and it shall contain a specific statement as to the nature of the grievance. The supervisor shall attempt to adjust the problem, or, if he/she is without authority to do so, he/she shall advise the employee as to the appropriate beginning level for institution of their grievances.

2) Immediate supervisors who are authorized to resolve grievances shall note the receipt date of the grievances and shall make response within 10 working days.

f) Grievance Procedure – Level 2:

1) If an employee does not accept the response of an appropriate supervisor at Level 1, the employee may present the grievance to the department director or designee. The grievance shall be submitted within 10 working days after the employee's official notification of the supervisor's decision at Level 1 and it shall contain a specific statement as to the nature of the grievance and as to the reason for rejecting the resolution of the immediate supervisor.

2) The department director or designee shall note the receipt date of the grievance and shall make written response within 10 working days. The written response shall be specific as to the reasons for approval or denial of the grievance. In making a decision, the department director or designee may make an investigation of the problem.

g) Grievance Procedure – Level 3:

1) An aggrieved employee who does not accept the decision received at Level 2 may forward a written request on the prescribed form to the Director of Personnel. The request shall be filed within 10 working days after the employee's receipt of the Level 2 decision and it shall be specific as to the reasons for rejection of that decision.

2) The Director of Personnel or designee, in his or her discretion, shall review the matter on its face or cause a meeting of the parties. Following the review, or upon receipt and review of the recommendation from the designee, the Director of Personnel shall release a decision to all of the parties. The decision shall be in writing and shall be final and binding upon the parties.

3) If a meeting is granted by the Director of Personnel under subsection (g)(2), the Director of Personnel or designee shall designate the location and time of grievance meetings and notify in writing all parties involved. The Director of Personnel or designee shall grant a continuance if either party demonstrates good cause. At the meeting, the parties to a grievance may introduce such materials, documents and witnesses as are necessary to resolve the problem. A list of all witnesses anticipated to be called and documents to be presented shall be submitted to the Director of Personnel 5 working days prior to the meeting. Necessary documents maintained by the Office of the Secretary of State shall be reproduced without cost. Witnesses who are employees of the Office of the Secretary of State shall not be docked for absence from work while testifying at a grievance meeting. Should a dispute arise as to the necessity of certain appearances or of the reproduction of certain documents, the Director of Personnel shall be advised and shall resolve the dispute.

(Source: Amended at 35 Ill. Reg. 4278, effective March 1, 2011)