**Section 1.90 Allocation Appeals Procedure**

a) An employee shall, within 15 days after receipt of the Director of the Department of Central Management Services' decision on reconsideration, serve notice upon the Commission of his or her intent to appeal the reconsideration decision of the Director. The employee shall simultaneously serve a copy of the notice of intent upon the Director of the Department of Central Management Services. The notice shall state the name of the employee, the employee's appointing agency, a description of the disputed classification issue, and the class for which the employee is appealing.

b) Upon receipt of a notice of intent to appeal, the Director of the Department of Central Management Services shall file with the Commission within 30 days a submission setting forth the facts and reasons for the reconsideration decision. A copy shall be served upon the employee. In the submission there shall be a clear and brief recitation of all relevant facts and documentary evidence submitted in exhibit form.

c) Within 30 days after receipt of the Director's submission, the employee shall file with the Commission an answer setting forth all relevant facts and documentary evidence in exhibit form. A copy of the answer shall be served upon the Director of the Department of Central Management Services. The employee shall point out with particularity his or her disagreement with the submission of the Department of Central Management Services.

d) Within 30 days after receipt by the Commission of the submissions of the parties, notification will be served by the Commission of the date of the hearing that will be held for the purpose of presenting argument and/or accepting evidence on material and substantial issues of fact. By agreement of the parties and the Commission, the hearing may be waived.

e) Parties may represent themselves or be represented by counsel or by other representatives as they may elect.

f) After the completion of the hearing, a proposal for decision by the Administrative Law Judge shall be served upon the parties. The parties shall have 10 days after service to file written comments and arguments before the Commission renders its final decision. The filing of the parties' responses shall be in accordance with Section 1.302.

g) Employees who are subject to collective bargaining agreements that permit an appeal to the Commission of class study reclassifications not resolvable under the applicable contract shall use the procedure set forth in this Section if they appeal to the Commission.

(Source: Amended at 42 Ill. Reg. 16395, effective September 1, 2018)