**Section 100.90 Allocation Appeals**

a) If an employee wants to appeal the allocation of a position to a class, the employee must, within 15 days after the day of receipt of the Director's decision on reconsideration, file the appeal at the Office of the Commission and serve a copy of the appeal upon the Director. The appeal shall include the name of the employee, the employee's department and a description of the factual basis for the classification dispute.

b) Upon the receipt of the appeal, the Director shall file with the Commission, within 20 days, a submission setting forth in full a clear and brief recitation of all relevant facts, arguments and documentary evidence submitted in exhibit form to substantiate the reconsidered decision. If the 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 judgment may be granted. A copy of the submission shall be served upon the employee.

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

d) If an employee or the Director desires an informal oral conference with the opposing party, a request for the conference shall be filed not later than 5 days after the employee's answer is due pursuant to subsection (c) above. An informal oral conference will be convened if requested by either of the parties and due notice will be given the parties of the time and date of the conference which will be conducted in the presence of either the Chair or a Hearings Officer.

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

f) Upon written request of either side, the Commission may issue subpoenas to compel the production of documents or persons having relevance to the issues of the dispute.

g) The Commission may make its decision on the pleadings, 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.

h) Upon failure to comply with these rules, the Commission may make its decision on the facts before it, if sufficient facts exist, or it may default the noncomplying party. Such action shall be a decision on the merits of the appeal. An adverse inference may be drawn against any party failing to comply with these rules.

i) Unless inconsistent with this Section, the procedures governing Section 100.70 shall apply to formal allocation hearings.

(Source: Amended at 20 Ill. Reg. 746, effective December 26, 1995)