**Section 302.705 Pre-Termination Hearing**

Before an agency shall suspend any certified employee pending decision on discharge or bring charges for discharge against any certified employee, that agency shall apprise the employee of the basis for such action and provide the employee an opportunity to respond to the charges in accordance with the following standards:

a) The agency will notify the employee in writing of the intended discharge or suspension pending discharge.

b) A statement of charges in support of the proposed action, full and complete to the knowledge of the agency at the time it is drawn, will be given to the employee, including the name of any known witness and a copy of any document pertinent to the charges.

c) The employee shall have 5 scheduled working days after receipt of the charges and prior to the effective date of the suspension or discharge in which to respond to them orally or in writing.

d) The employee is entitled to representation in any meeting either through the collective bargaining representative or in the absence of such representation by any person or organization.

e) The employee shall remain in paid status pending the response but not necessarily permitted to work.

f) The employee or the employee's representative shall be permitted access to a designated area or a secure area of the work place to investigate the charges and, upon request, be provided a copy of other pertinent documents.

g) The failure of the employee to respond to the charges within the time limits shall not bar the agency from proceeding with discharge.

h) When the investigation of the charges causes them to be altered in fact, form, context, or reference from those given the employee at the time the notice of suspension pending discharge was issued and for which the employee has not had an opportunity to respond, a second notice and opportunity for response will be given to the employee.

i) The agency head or a designee shall receive the response of the employee, whether it is oral or written.

(Source: Added at 10 Ill. Reg. 13940, effective September 1, 1986)