**Section 500.295 Discipline, Discharge, and Demotion**

a) Progressive Corrective Discipline: Unless grounds clearly are present warranting immediate discharge or suspension pending decision on discharge, employees shall be subject to corrective discipline progressively applied utilizing counseling, warnings, and/or suspensions, as the facts and circumstances dictate, prior to discharge. If an employee's work or work-related conduct remains unacceptable after the application of progressive corrective discipline, such employee may be discharged in accordance with the appropriate rules below.

b) Discipline – Written Warnings: A department head or designee may warn an employee either orally or in writing as a disciplinary measure. A copy of any written warning shall be placed in the employee's personnel file and it may be used in considering further discipline, demotion, withholding of salary increases, and other personnel transactions when such actions occur within 12 months of the date of issuance of the written warning. The employee shall sign one copy signifying he/she has received and read it and retain one copy for his/her own records. The written warning shall bear the signature of the issuing official.

c) Suspension Totaling Not More Than Thirty Days in Any Twelve Month Period: Disciplinary suspensions without pay totaling not more than 30 days in any 12 month period may be imposed upon an employee by a department head or designee. Unless delay in the imposition of discipline will result in clear harm or damage to a department, the employee shall be informed in writing of the proposed suspension and the reasons therefor at least 4 working days prior to the effective date of the proposed suspension and be provided with copies of pertinent documents on which the proposed suspension is based. The employee shall have 2 working days after being informed of the proposed suspension within which to address to the department head written rebuttal to the reasons given for the suspension. A decision of a department head or designee not to suspend the employee shall be rendered in writing before the proposed suspension date. Written notice of any suspension imposed with the reasons therefor must be served upon the employee on a form prescribed by the Director on or before the effective date of the suspension in person or by certified mail, return receipt requested, at the employee's last address appearing in the personnel file. The Personnel Director must be notified of any suspensions and copies of all written notices must be filed with the Director on the same day or prior to the date the suspension became effective.

d) Suspension Totaling More Than Thirty Days in Any Twelve Month Period: The department head or designee may, after complying with the procedures set forth in this subsection, initiate a disciplinary suspension of any employee totaling more than 30 days in any 12 month period and if such employee is certified, the department head shall file written charges for such suspension with the Director in the form and manner prescribed. Such written charges shall be signed by the department head or designee, and shall contain a clear and concise statement of facts showing good cause for such suspension. The charges shall be accompanied by a copy of the employee's performance records. Unless delay in the imposition of discipline will result in clear harm or damage to a department, the employee shall be informed in writing of the proposed suspension and the reasons therefor at least 4 working days prior to the effective date of the proposed suspension and be provided with copies of pertinent documents on which the proposed suspension is based. The employee shall have 2 working days after being informed of the proposed suspension within which to address to the department head or designee written rebuttal to the reasons given for the suspension. A decision of a department head or designee not to suspend the employee shall be rendered in writing before the proposed suspension date. A copy of the written decision must be forwarded to the Director on the day the decision is rendered.

e) Notice to Employee: Notice of approved charges for a disciplinary suspension totaling more than 30 days in any 12 month period shall be served on a certified employee by the Director, in person or by certified mail, return receipt requested, at the employee's last address appearing in the personnel file.

f) Employee Obligations: Upon receipt by the employee of a disciplinary suspension or charges for discharge, the employee shall leave the place of employment and if deemed appropriate by the department head, any housing or other accommodations furnished the employee by the Office of the Comptroller.

g) Hearing – Suspension Thirty Calendar Days or More: Employees who have been suspended for a period in excess of 30 calendar days in a 12 month period for cause may make a written request to the Commission for hearing thereof within 15 calendar days of receipt of written charges.

h) Suspension Pending Decision on Discharge: A department head or designee may suspend any employee for up to 30 days pending the decision of the department head whether charges for discharge shall be filed against such employee. The department head shall at the time of such suspension provide the employee with written reasons therefor in person or by certified mail, return receipt requested, at the employee's last address appearing in the personnel file. Notice of such suspension must also be filed immediately with the Director. The Department head shall thereafter promptly investigate the facts and circumstances and render his/her decision. Should the department head determine that the facts and circumstances do not warrant disciplinary suspension or charges for discharge, the employee shall be made whole. Should the department head determine that a disciplinary suspension is appropriate, Section 500.295(c) or (d), as the case may be, shall apply in its entirety. Should the department head determine that discharge of the employee is appropriate, Section 500.295(j) shall apply in its entirety.

i) Approval of Director of Personnel: No disciplinary suspension totaling more than 30 days in any 12 month period for a certified employee shall be effective without the approval of the Director.

j) Discharge of Certified Employee: The department head or his designee may initiate discharge of a certified employee by filing written charges for discharge with the Director in the form and manner prescribed by the Director. Written charges shall be signed by the department head and shall contain a clear and concise statement of facts showing good cause for discharge and shall be accompanied by a copy of the employee's file and performance records. No discharge of a certified employee shall be effective without the approval of the written charges for discharge by the Director.

k) Notice to Employee: Notice of approved charges for discharge shall be served on the employee by the Director, in person or by certified mail, return receipt requested, at the employee's last address appearing in the personnel file.

l) Appeal By Employee: A certified employee who has been served with approved charges for suspension in excess of 30 days or discharge may appeal to the Merit Commission, provided such appeal is made in writing within 15 days of receipt of such approved charges.

m) Discharge of Probationary Employee: The Director may approve the discharge or suspension of a probationary employee at the request of a department head or designee. In determining whether or not to approve the discharge of such employee, the Director shall consider the employee's employment record.

n) Reinstatement From Suspension or Discharge: An employee reinstated for the period for which he/she was suspended or discharged shall receive full compensation for such period. Full compensation shall mean compensation such suspended or discharged employee would have earned in the position classification during the period of suspension or discharge less amounts earned by the employee from any other source and any unemployment compensation payments received during such period.

o) Suspension or Discharge Resulting From Arrest or Criminal Indictment:

1) The arrest or criminal indictment of any employee shall not be grounds for suspension or discharge unless the arrest or indictment and facts in support of either made known to the Director:

A) Resulted from an employee's conduct in the course of employment duties, including a failure to perform such duties;

B) Occurred on or proximate to State premises and as a result of the employee's conduct thereon;

C) Raises reasonable doubt concerning the employee's suitability for continued State employment in the present assignment or position.

2) If an employee is not subject to suspension or discharge under this subsection, the Director may, at the request of the employee, place such employee on indefinite leave status, without pay, pending a final court determination of innocence or guilt, subject to reimbursement of salary if acquitted.

p) Prohibition of Discrimination:

1) Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, or any other personnel transaction, because of religion, race, national origin, sex, age, or any other non-merit factor is prohibited except where such may be a bona fide job qualification.

2) Any applicant or employee who feels adversely affected in employment because of such discrimination shall have resort to the grievance procedure hereunder and may be joined in such procedure by the Equal Employment Opportunity Officer or designee where necessary or appropriate.

(Source: Amended at 5 Ill. Reg. 890, effective January 9, 1981)