**Section 500.310 Grievance Procedure**

a) Grievance – Definition: Any employee of the Comptroller may grieve as to the application of the Merit Employment Code, this Part or any policy arising hereunder as to the impact of such application upon his/her employment condition or his/her status.

b) Grievance Procedure – Limitation:

1) The Rules of the Department and the official policy arising thereunder are not grievable matters. Probationary terminations, charges seeking discharge, demotion, or suspensions totaling more than 30 days in any 12 month period of certified employees, appeals of allocation of duties, or transfers from one geographical area in the State to another are not subject to grievance procedure.

2) An employee shall be allowed reasonable time with pay during working hours for the presentation of a grievance, provided the employee has obtained permission from his/her immediate supervisor and the employee's absence will not interfere with agency operations.

c) Grievance Procedure – Abandonment – Extension:

1) Failure of either party to comply with the form or time requirements of the grievance procedure shall resolve the matter in favor of the other. The parties may mutually extend the time limits in writing at any level of the procedure excepting in cases of hearings arising from demotion or discharge of a certified employee.

2) An employee's failure to submit a grievance, or to submit or appeal it to the next level of this procedure within specified time limits therefore, shall mean that the employee has withdrawn the grievance or accepted the last answer given in the grievance procedure.

d) Grievance Procedure – Steps of:

1) Step 1: A grieving employee shall present the grievance orally to the immediate supervisor explaining its nature and circumstances within 5 scheduled working days after learning of the circumstances or condition which gave rise to it. The immediate supervisor shall answer within 5 scheduled working days of its presentation.

2) Step 2: If the grievance is not satisfactorily resolved or no answer is given within 5 scheduled working days of its presentation, the employee may, within 10 days of the date the Step 1 answer was due, submit the grievance to the next higher supervisor by reducing the grievance to writing on a form prescribed by the Department for such purpose and presenting it to the next higher supervisor or the person designated to act at this Step. A written answer thereto shall be given within 5 working days of its receipt by such person.

3) Step 3: If the grievance is not satisfactorily resolved or no answer is given within 5 scheduled working days after its written submission at Step 2, the employee may, within 10 working days after the Step 2 answer was due, appeal the grievance to the head of the department by using the same or a different form. Within 20 working days after the Step 3 appeal is filed, the head of the department shall render a written decision thereon, and shall serve a copy of said written decision upon the grievant. Failure of the department head to render a written decision and to serve it upon the grieving employee within the specified time shall automatically move the grievance to Step 4.

4) Step 4: If the grievance is not satisfactorily resolved or no answer is given within the time limit set forth in Step 3, the employee may submit a copy of the written statement of grievance theretofor submitted in Step 3 within 10 working days from the date the decision was due to the Director of Personnel for review and final determination.

e) Grievance Committee:

1) The Director of Personnel shall appoint 10 employees of the State of Illinois to comprise a grievance committee panel to hear grievances. In addition to State employees, the Director shall appoint persons to the panel who are not employees of the State of Illinois but who have knowledge and experience in personnel administration or employee relations. Committees of 3 persons may be selected by the Director of Personnel from the grievance committee panel to hear employee grievances. Not more than one panel member shall be selected from any one department, and no panel member shall be appointed to a committee which is convened to hear a grievance arising from the department in which the panelist is an employee.

2) In addition to the 3 committee members appointed to hear a grievance, there shall be an employee of the Department present at all grievance hearings and deliberations thereon to assist the panel in its determination. The Department employee shall act as secretary-chairperson of the committee, and shall be entitled to vote on its recommendations. Unless an expedited Step 4 procedure is agreed to by the parties pursuant to procedures and policies issued by the Director, the members of the grievance committee shall reduce their recommendations as to the disposition of the grievance to writing and submit them to the Director of Personnel. A dissenting member of the committee may make separate recommendations. All recommendations will bear the signature of the concurring committee members.

3) Upon receipt of recommendations from a grievance committee, the Director shall approve, disapprove, or modify the panel recommendations, shall render a decision thereon in writing, and cause a copy of such decision to be served upon the parties. The Director's decision shall be final.

4) The written statement of the employee's grievance, the recommendations of the grievance committee, and the decision of the Director of Personnel thereon shall be made a part of the permanent record of the grieving employee in the files of the Department.

f) Representation: In discussions or meetings with the employer in Steps (2), (3) or (4) of the grievance procedure, the employee shall be entitled to be present and may be accompanied by a representative of his/her choice.