

# **SUMMARY OF ADMINISTRATIVE RULES GOVERNING THE DISCHARGE PROCESS**

**Note: A demotion shall be subject to the same hearing and review procedures as are provided an employee in the case of a discharge.**

*All Civil Service Rules referred to herein are cited as the Illinois Administrative Code found at 80 Ill. Adm. Code § 250.110(f)*

<b>STEP 1</b>	<b>Section 250.110(f)(1)(A) and (C) of the Illinois Administrative Code</b>
<p>The employer shall notify the employee in writing of Intent to Discharge in sufficient detail to advise the employee of the nature of the conduct on which the proposed charges are based. The employer shall specifically state the proposed charges in a list format (1, 2, 3, etc.). The employee may be placed on excused absence with pay during the pre-discharge proceedings to provide the employer with an opportunity to investigate serious charges or if the employer believes the employee's presence on the job might cause a disruption in the employer's operations. Refer to Intent to File Written Charges for Discharge sample letter available on our web site at <a href="http://www.sucss.illinois.gov">www.sucss.illinois.gov</a>.</p>	

<b>STEP 2</b>	<b>Section 250.110(f)(1)(A)(i) and (ii) of the Illinois Administrative Code</b>	
<p>Within three (3) work days of service of the notification of Intent to Discharge, the employee may select one of the following options. If the employee fails to respond to the notification of Intent to Discharge, the employer may go directly to Step 5.</p>		
<b>Option 1</b>	<b>Option 2</b>	<b>Option 3</b>
Respond in writing to the employer on the matters contained in the proposed charges.	Request the employer to hold a reconciliation conference.	Request a reconciliation conference and respond in writing to the employer on the matters contained in the proposed charges.

<b>STEP 3</b>	<b>Section 250.110(f)(1)(A)(i) and (ii) of the Illinois Administrative Code</b>
<p>Within a reasonable time from the employees' request to hold a reconciliation conference, the employer shall hold such conference with the employee and the employee's representative to discuss the matters in the proposed charges in an attempt to achieve a reconciliation or an understanding. At the conclusion of the reconciliation conference, the employee may request and receive an opportunity to respond further in writing within three (3) work days.</p>	

<b>STEP 4</b>		<b>Section 250.110(f)(1)(B) of the Illinois Administrative Code</b>
Within seven (7) work days after considering the employee's written response and/or conclusion of the reconciliation conference the employer has the following options:		
Option 1	Option 2	
File Written Charges for Discharge.	The employer notifies the employee that no further action will be taken or that some other disciplinary action will be taken.	

<b>STEP 5</b>	<b>Section 250.110(f)(2)(A) and (B) of the Illinois Administrative Code</b>
<p>The employer shall initiate discharge of the employee by serving a Written Charges for Discharge form on the employee by either personal service or by overnight delivery that requires a signature upon receipt. The Written Charges for Discharge form shall set forth the causes for discharge in sufficient detail to inform the employee of the nature of the conduct on which the charges are based, including dates, names of persons, places and facts necessary to properly alleged cause for discharge. The employer shall specifically state the charges in a list format (1, 2, 3, etc.), followed by the relevant factual documentation in support of the charges. The Written Charges for Discharge should essentially contain the same charges listed in the Intent to Discharge letter referenced in Step 1, unless any of the charges are withdrawn. Refer to the Written Charges for Discharge form available on our web site.</p> <p>The Written Charges for Discharge form shall be filed with the State Universities Civil Service System (University System) Office, along with a certification by the employer verifying that all procedures set forth in section 250.110(f)(1) of the Illinois Administrative Code have been followed and there has been full compliance with any options elected by the employee in Step 2. Refer to Certification form available on our web site at <a href="http://www.sucss.illinois.gov">www.sucss.illinois.gov</a>.</p> <p><b>NOTE: The Proof of Service on Employee section at the bottom of the Written Charges for Discharge form must be completed in full by the employer when filed with the University System Office.</b></p>	

<b>STEP 6</b>	<b>Section 250.110(f)(2)(D) of the Illinois Administrative Code</b>
<p>The employer may suspend the employee without pay during all or any part of the period pending discharge if the employer believes the employee's presence on the job might constitute a substantial risk of injury to life or property, or might cause a disruptive effect on the employer's operations. A Suspension Notice Pending Discharge form may be served with the Written Charges for Discharge form or any time thereafter. Refer to Suspension Notice Pending Discharge form available on our web site at <a href="http://www.sucss.illinois.gov">www.sucss.illinois.gov</a>.</p> <p><b>NOTE: The Proof of Service on Employee section at the bottom of the Suspension Notice Pending Discharge form must be completed in full by the employer when filed with the University System Office.</b></p>	

<b>STEP 7</b>		<b>Section 250.110(f)(3)(A) and (B) of the Illinois Administrative Code</b>
After the employee has been served with the Written Charges for Discharge form, the employee has the following options:		
<b>Option 1</b>	<b>Option 2</b>	
Take no action. At the end of the 15-calendar day period, the University System Office notifies the employer that a request for a Hearing was not made and that the discharge became effective at the end of the 15th day without further action by the Merit Board.	Request a Hearing. The request must be made within fifteen (15) calendar days from the date of Proof of Service on Employee as provided on the Written Charges for Discharge form. The employee may request a Hearing by a signed written letter mailed or hand delivered to the University System Office, by facsimile, or by email.	
<b>NOTE: The 15-calendar days begin from the date on the Proof of Service on Employee section of the Written Charges for Discharge form.</b>		

<b>STEP 8</b>	<b>Section 250.110(f)(4)(A) of the Illinois Administrative Code</b>
When a request for a Hearing has been received, the University System Office shall send an acknowledgment of the requested Hearing to the employee, the employee's representative or the employee's legal counsel, and the Employer. The University System Office shall then appoint a Hearing Officer and schedule a Hearing. The Hearing shall be held within 45-calendar days from the date of Proof of Service on Employee as provided on the Written Charges for Discharge form. The University System Office shall notify the parties of record by sending a Notice of Convening of Hearing, which shall include the date, time and place of Hearing will be held. A copy of the Informational Guidelines for the Discharge/Demotion Process shall accompany the Notice of Convening of Hearing. Refer to Informational Guidelines for the Discharge/Demotion Process available on our web site at <a href="http://www.sucss.illinois.gov">www.sucss.illinois.gov</a> .	

<b>STEP 9</b>	<b>Section 250.110(f)(5) and (6) of the Illinois Administrative Code</b>
The Hearing shall be conducted in accordance with section 250.110(f) of the Illinois Administrative Code. The employer and the employee are given a reasonable opportunity to present their cases through witness testimony and documentary evidence. A court reporter is employed to administer the oath or affirmation to all witnesses testifying and to certify a copy of the transcript of the Hearing and all exhibits to the Secretary for the Merit Board.	

**STEP 10****Section 250.110(f)(4)(A) of the Illinois Administrative Code**

As soon as possible following the conclusion of the Hearing, the University System Office shall receive the Transcript of the Proceedings and exhibits which shall then be mailed to the Hearing Officer to prepare a Findings of Fact.

**STEP 11****Section 250.110(f)(4)(B) of the Illinois Administrative Code**

Within fifteen (15) calendar days from receipt of the Transcript and exhibits, the Hearing Officer shall file the Findings of Fact with the Secretary for the Merit Board, unless the time has been extended by the Executive Director of the University System Office. Refer to Findings of Fact sample and template available on our web site at [www.sucss.ilinois.gov](http://www.sucss.ilinois.gov).

**STEP 12****Sections 250.110(f)(4)(C) and (D) of the Illinois Administrative Code**

The Hearing Record shall be certified by the Executive Director and mailed to the parties of record.

**STEP 13****Section 250.110(f)(4)(D) of the Illinois Administrative Code**

The parties of record have fourteen (14) calendar days from the date of postmark on the Notice of Certification of Hearing Record to file any objections to the Certified Hearing Record. Any objections must be filed with the Secretary for the Merit Board. Objections may be in the form of briefs, abstracts, excerpts from the Hearing Record, arguments, motions, recommendations, requests for further Hearing, or permission to supplement the record with further evidence. Copies must be provided to all parties of record with proof of service on all parties.

**STEP 14****Section 250.110(f)(4)(E) of the Illinois Administrative Code**

At the expiration of the 14-day period in which objections can be filed, the Hearing Record, as supplemented, shall be delivered to the Merit Board Members for consideration. Personal appearances before the Merit Board on any matter relating to a particular discharge proceeding shall be considered at the Merit Board meeting at which oral argument is requested. A party requesting oral argument before the Merit Board in cases of discharge must file an appropriate motion with the Secretary for the Merit Board with notice to all parties within 14 calendar days from the date of the postmark of the certified mail notice or the mailing date of the overnight delivery of the certified hearing record, with proof of service on all parties.

**Note: At any point during the previous steps an employee may submit a resignation or an employer may withdraw the Written Charges for Discharge at which time all proceedings are ended and no further action is required by the Merit Board.**

**STEP 15****Section 250.110(f)(16) and (17) of the Illinois Administrative Code**

After review of the record, at the next scheduled regular meeting, the Merit Board shall enter Findings of Fact and order Discharge or Reinstatement without loss of compensation or Reinstatement with a suspension of between 60 and 120 days. The Secretary for the Merit Board shall mail the Notice of Decision and Order of the Merit Board, along with a copy of the Decision and Order, to all parties of record.

**STEP 16****Section 36o of the State Universities Civil Service Act (110 ILLS 70/36o) and section 250.110(f)(18) of the Illinois Administrative Code**

All final decisions of the Merit Board shall be subject to appeal by the parties to the proceedings under the Administrative Review Law (735 ILCS5/3-101 *et seq.*). A complaint for administrative review must be filed and summons issued within 35 days from the date that a copy of the Notice of Decision and order of the Merit Board has been served upon the party affected thereby. A decision shall be deemed served either when personally delivered or when deposited in the United States mail in a sealed envelope or package, with postage paid, addressed to the party affected thereby at his or her last known residence or place of business.