



RULES OF THE MERIT COMMISSION

**SECRETARY OF STATE
STATE OF ILLINOIS**

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE C: CONSTITUTIONAL OFFICERS
CHAPTER III: SECRETARY OF STATE

PART 555
MERIT COMMISSION
PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION
SECTION 555.10 PUBLIC INFORMATION

SUBPART A: PUBLIC INFORMATION

SECTION
555.10 Public information

SUBPART B: RULEMAKING

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SECTION
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555.Table A Organization Chart

AUTHORITY: Implementing and authorized by Section 8 of the Secretary of State Merit Employment Code [15 ILCS 310], Section 3 of the Freedom of Information Act [5 ILCS 140] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100].

SOURCE: Adopted at 7 Ill. Reg. 17497, effective January 1, 1984; codified at 8 Ill. Reg. 12487; amended at 8 Ill. Reg. 18516, effective October 1, 1984; amended at 19 Ill. Reg. 13456, effective September 12, 1995; amended at 35 Ill. Reg. 12756, effective July 14, 2011.

Section 555.10 Public Information

- a) The public can obtain information on programs and activities of the Merit Commission or request to inspect and/or copy documents by writing, phoning, or visiting the Merit Commission office located at 630 S. College, Springfield, Illinois 62756.
- b) All written requests to inspect or copy documents will be handled in accordance with the Freedom of Information Act (FOIA) [5 ILCS 140].

- c) Copies of current agendas, minutes, rules, notices of public hearings and public meetings, and annual reports will be provided free of charge. All other copies, including non-current copies of the aforementioned items, but excluding transcripts, will be provided for a fee of 50 cents per page. Copies of transcripts will be provided for the same fee as charged by the court reporter who prepared the transcript.
- d) All written requests submitted to the Merit Commission must be on an approved form, available without charge from the Merit Commission.
- e) All oral requests will be considered promptly. However, FOIA does not apply to oral requests.

(Source: Amended at 35 Ill. Reg. 12756, effective July 14, 2011)

Section 555.110 Rulemaking

- a) The current rulemaking procedure of the Merit Commission is as set forth in the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001-1 et seq.).
- b) All interested persons who wish to submit a request to comment must do so in writing within the 14 day notice period.
- c) Emergency rulemaking:
When, in the opinion of the Commission, an emergency situation exists which reasonably constitutes a threat to the public interest, safety, or welfare, emergency rules may be passed in accordance with Section 5-45 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1005-45).
- d) Any interested or affected person or agency may petition this Commission requesting the adoption, amendment, or repeal of a Commission rule. Such petition shall be submitted in writing to the Merit Commission, 630 S. College, Springfield, Illinois. Five copies of each petition along with any supporting documents shall be submitted in the following form:

Petition for (adoption, amendment, repeal) of (a) Rule (Rule No. if applicable) to the Merit Commission.

I, (name of interested party), do hereby petition the Merit Commission to (adopt, amend, repeal) (a) Rule.

(State reasons as fully as possible. Attach or include any documentation for your reasons.)

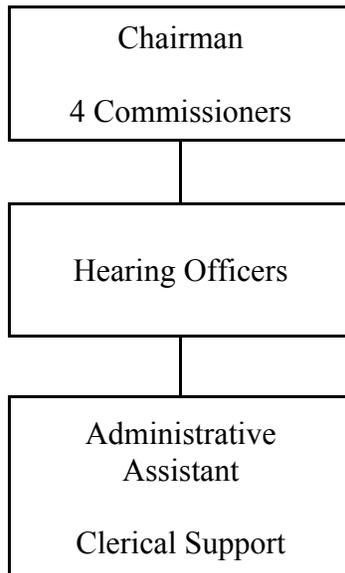
- e) If the petition is for the adoption or amendment of a rule, attach a draft of the proposed, adopted or amended Rule which will adequately deal with the reasons outlined for adoption or amendment.
- f) All such petitions shall be signed by the petitioner and shall state his or her address and phone number.
- g) Upon receipt of the petition in the proper form, such petition will be considered by the Commission. If the petition is granted, the petitioner will be notified in writing and the Commission will initiate rulemaking proceedings in accordance with subsection (a) or (b) above.

Section 555.210 Organization of the Merit Commission

The Commission consists of 5 members, the Chairman and 4 commissioners, who are appointed by the Secretary of State with the advice and consent of the Senate. Support staff may consist of technical advisors, hearing officers, personnel technicians, clerks, or other employees as may be necessary to carry out the requirements of the Secretary of State Merit Employment Code [15 ILCS 310] in exercising the powers and performing the duties conferred by law upon the Commissioners. These employees are directly accountable to the Chairman. (See Table A.)

(Source: Amended at 35 Ill. Reg. 12756, effective July 14, 2011)

Section 555.TABLE A Organization Chart



(Source: Amended at 35 Ill. Reg. 12756, effective July 14, 2011)

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER II: SECRETARY OF STATE MERIT COMMISSION

PART 50
MERIT COMMISSION

SECTION

- 50.10 Meetings of the Merit Commission
- 50.20 Classification Plan
- 50.30 Personnel Rules
- 50.40 Jurisdiction B Exemptions
- 50.50 Orders of Compliance
- 50.60 Disciplinary Hearings and Demotions
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- 50.90 Layoff Appeals
- 50.100 Personnel Code and Personnel Rule Violations
- 50.110 Record of Hearings and General Procedural Rules
- 50.120 Authority of Hearing Officer
- 50.130 Authority of Commission Over Hearing Officer
- 50.140 Administrative Review

AUTHORITY: Implementing and authorized by Sections 8-9a of the Secretary of State Merit Employment Code [15 ILCS 310].

SOURCE: Filed September 15, 1977; amended at 7 Ill. Reg. 17496, effective January 1, 1984; amended at 8 Ill. Reg. 1988, effective February 10, 1984; codified at 8 Ill. Reg. 15000; amended at 11 Ill. Reg. 6285, effective April 15, 1987; amended at 35 Ill. Reg. 12801, effective July 14, 2011.

Section 50.10 Meetings of the Merit Commission

- a) Notice of the date, time, and place of any meetings of the Merit Commission--regular, special, or otherwise – called by the Chairman of the Commission shall be in writing and a copy thereof delivered to each member, the Secretary of State, and the Director of Personnel ("Director") by the Chairman of the Commission at least three calendar days in advance of the meeting. Notice shall also be delivered to the General Law Division of the Attorney General's Office and to others, including organizations representing a substantial number of State employees, provided that a written request for notification has been filed with the Commission. Request for notification shall be annually filed in July.
- b) Regular meetings will convene alternately, when practicable, between Chicago, and Springfield, Illinois.

(Source: Amended at 7 Ill. Reg. 17496, effective January 1, 1984)

Section 50.20 Classification Plan

- a) The Commission will review the class specifications requiring Commission approval under the Classification Plan and will approve those which meet the requirements of the Secretary of State Merit Employment Code ("Code") (Ill. Rev. Stat., ch. 124, par. 101, et seq) and Personnel Rules (80 Ill. Adm. Code 410 and 420), including the Classification Plan, and which conform to the following currently acceptable principles of position classification in the merit system:
 - 1) Definitive description of duties, including a clear statement of distinguishing features and illustrative duties;
 - 2) Identifiable differentiation between classes and levels of classes;
 - 3) Progression between classes;
 - 4) Provision for reasonable and valid basis of merit selection through examination;
 - 5) Consistency of requirements for, and duties of, a given class;
 - 6) Consistency within classes regarding difficulty, complexity and nature of work;
 - 7) Consistency with other classes similar in difficulty, complexity, and nature of work.
- b) In the event that it can be reasonably anticipated that employee layoffs will result by virtue of class specification revisions, the Director will supply to the Commission, prior to review, full detailed information respecting such prospective layoffs.

(Source: Amended at 11 Ill. Reg. 6285, effective April 15, 1987)

Section 50.30 Personnel Rules

- a) The Commission will review new rules or amendments to existing rules submitted by the Director. Such proposed new rules or amendments of existing rules submitted to the Commission shall be accompanied by any comments received by the Director with respect to them.
- b) In conducting such review, the Commission will consider:

- 1) Whether the Director has the authority to promulgate the rule;
 - 2) Whether the rule will accomplish its intended purpose;
 - 3) Whether it conflicts with existing rules or collective bargaining agreements;
 - 4) Whether the rule is clear and unambiguous;
 - 5) Whether the rule will limit an employee's vested rights;
 - 6) Whether the rule conflicts with any public policy as declared by the Governor, the Legislature, the Courts, or the opinions of the Attorney General.
- c) If the Commission does not disapprove new rules or any amendments to existing rules within 30 calendar days following the receipt from the Director, the new rules or amendments may be submitted to the Joint Committee on Administrative Rules.

(Source: Amended at 11 Ill. Reg. 6285, effective April 15, 1987)

Section 50.40 Jurisdiction B Exemptions

- a) The Commission, upon written recommendation of the Director, shall exempt from Jurisdiction B positions which, in the judgment of the Commission, involve either principal administrative responsibility for the determination of policy or principal administrative responsibility for the way in which policies are carried out and/or are highly confidential positions, except positions which have the powers of a law enforcement officer may not be exempted.
- b) The Commission may review such exempt positions and, where they no longer comply with Section 50.40 (a) shall rescind exempt status.
- c) For all positions currently exempt by action of the Commission, the Director shall inform the Commission in writing of all changes in duties, responsibilities, organization, location, allocation or identity within 10 calendar days of any such change.
- d) At least 10 calendar days prior to granting an exemption from Jurisdiction B, the Commission will notify the incumbent of the position, if any, of its proposed action, whereupon the incumbent and/or his representative may appear at the Commission meeting at which action is to be taken and present objections to such exemptions.

(Source: Amended at 7 Ill. Reg. 17496, effective January 1, 1984)

Section 50.50 Orders of Compliance

- a) The Commission may, from time to time, review and investigate personnel policies, actions, or activities and administrative practices to insure that they are in compliance with the Code. Such review and investigation will be utilized by the staff in rendering reports to the Commission.
- b) Findings by the Commission of probable discrepancies with respect to the Code or Rules, when communicated in writing to the Director and the appropriate Department or Division head, are considered as an order to the Director either to correct the probable discrepancy or to furnish an explanation to support a conclusion that a probable discrepancy does not exist. If, within 30 calendar days after receipt of such order, neither appropriate corrective action has been initiated nor a satisfactory explanation has been submitted by the Director, the Commission shall record such violations in the Minutes of its meeting and take such other action as is appropriate to correct such violations.

(Source: Amended at 7 Ill. Reg. 17496, effective January 1, 1984)

Section 50.60 Disciplinary Hearings and Demotions

- a) A certified employee who has been served with written charges approved by the Director for removal, discharge, demotion, or suspension for a period of more than 30 calendar days within a twelve month period may appeal to the Merit Commission provided such appeal is made in writing and received by the Commission within 15 calendar days after service of such approved charges.
- b) Charges
 - 1) Written charges approved by the Director seeking an employee's discharge, demotion, or suspension totaling more than 30 calendar days in any twelve month period shall contain a specific statement of facts which allege the cause for the proposed action sought against the employee. If a breach of a statutory duty or a rule of the agency is alleged, the statute or rule shall be cited in connection with the charge.
 - 2) Charges shall be set forth in separately numbered paragraphs and contain the dates, names of persons, places, and facts necessary to properly allege cause. Charges must be specific enough to apprise the employee of the nature and substance of the cause alleged for the disciplinary action.
- c) Procedure

- 1) The burden of proof in all disciplinary hearings shall be upon the employing department.
- 2) Section 50.110 shall apply to all disciplinary hearings.

(Source: Amended at 7 Ill. Reg. 17496, effective January 1, 1984)

Section 50.70 Geographical Transfers

- a) Filing Requirements
 - 1) A certified employee who has been served with an approved order for geographical transfer, may appeal to the Merit Commission provided such appeal is made in writing and received by the Commission within 15 calendar days after the date the employee is required to report to the new location.
 - 2) Under normal circumstances, a temporary transfer of an employee for a period in excess of 60 calendar days will be considered a permanent transfer, enabling the employee to then appeal such transfer without regard to Section 50.70 (a)(1) herein.
- b) Procedure
 - 1) In appeals to the Commission from permanent transfers from one geographical area in the State to another, the employee shall have the burden of introducing sufficient, competent, and credible evidence showing that the transfer was unreasonable, unjust, capricious, or not a bona fide attempt to serve the best interest of the operating agency.
 - 2) Unless inconsistent with this Section, the procedures of Section 50.110 shall apply to geographical transfer hearings.

(Source: Amended at 7 Ill. Reg. 17496, effective January 1, 1984)

Section 50.80 Allocation Appeals

- a) Any employee affected by the allocation of a position to a class may appeal to the Commission, provided that the employee has requested and received a reconsideration decision from the Director, and that the appeal to the Commission is received within 15 calendar days after service of the Director's reconsideration decision. A copy of the notice of appeal must be served upon the Director. Such notice should state the name of the employee, his Department or Division, and a description of the classification dispute.

- b) Upon the receipt of a notice of appeal, the Director, shall file with the Commission within 20 calendar days a submission setting forth in full a clear and brief recitation of all relevant facts, argumentative facts, and documentary evidence submitted in exhibit form to substantiate the reconsidered decision. If said 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 calendar days of the receipt of the Director's submission, the employee must file with the Commission an answer setting forth all relevant facts, argumentative facts, and documentary evidence in exhibit form. A copy of such answer must be served upon the Director. The employee shall point out with particularity the employee's disagreement with the submission of the Director.
- d) If upon reviewing the material submitted by the Director the employee desires an oral conference, he/she should so state at the beginning of his/her answer. If upon reviewing the employee's answer, the Director desires an oral conference, he/she should so indicate within five calendar days of the receipt of the employee's answer. An informal conference will be convened if requested by either of the parties, and at least 10 calendar days notice will be given the parties of the time and date of such hearing.
- e) Parties may be heard either in person, by counsel, or by other representatives as they may respectively elect.
- f) The Commission may make its decision on the pleadings, i.e., the submission and answer, if sufficient non-controverted facts exist 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.
- g) Upon failure to comply with this Section, the Commission may make its decision on the facts before it if sufficient facts exist, or it may default the non-complying party. Such a decision shall be deemed to be a decision on the merits of the appeal. In making such decision an adverse inference shall be drawn against any party failing to comply with this Section.
- h) Unless inconsistent with this Section, the procedures of Section 50.110 shall apply to formal allocation hearings.

(Source: Amended at 7 Ill. Reg. 17496, effective January 1, 1984)

Section 50.90 Layoff Appeals

- a)
 - 1) A certified employee who has been laid off may appeal to the Merit Commission, provided said appeal is made in writing within 15 calendar days after the effective date of layoff.
 - 2) The appeal shall set forth both the provisions of the Merit Employment Code and/or Personnel Rules which are alleged to have been violated and a brief recitation of the facts of said violation.
- b) An investigation shall be conducted by the Commission and the proposed findings shall be served upon all parties to the dispute. The parties shall then have 21 calendar days to file in the office of the Commission a response to the proposed findings and a request for hearing if either party so desires.
- c) If in the judgment of the Commission a material issue of fact or law exists, the parties will be notified of a date of hearing. The notice will set forth a short statement of the issue of fact and/or law. If the Commission determines that no material issue of fact or law exists, it will issue its decision based upon the findings of the investigation and the parties' responses thereto.
- d)
 - 1) The burden of proof in all layoff hearings shall be upon the employee to show that a violation of the Merit Employment Code or Personnel Rules has occurred.
 - 2) Unless inconsistent with this Section, the procedures of Section 50.110 shall apply to layoffs.

(Source: Added at 8 Ill. Reg. 1988, effective February 10, 1984)

Section 50.100 Personnel Code and Personnel Rule Violations

- a) A certified employee who believes that a personnel transaction has been falsely labeled in an attempt to deprive the Commission of its lawful jurisdiction, or who believes that a personnel transaction adversely affecting him violates either the Code or the Personnel Rules, may within a period of 15 calendar days after receiving actual notice of such violation or falsely labeled transaction appeal in writing to the Commission.
- b) The appeal must allege specific facts which if proven would establish a prima facie case that the personnel transaction named was a falsely labeled transaction, or that the Code or a Personnel Rule was violated in an attempt to deprive the employee of his/her rights under the Code or Rules. Any appeal which fails to

allege sufficient and specific facts to support the allegation may be summarily dismissed by the Commission.

- c) The Commission may make its decision on the appeal after an investigation of the allegations if sufficient non-controverted facts exist, or it may order a hearing on any disputed issue of fact or law. In any hearing called under the provisions of this Section to resolve a dispute of fact, the employee has the burden of establishing by the introduction of competent evidence a prima facie case proving that the alleged violation took place.
- d) Nothing in this Section shall be construed to preclude employees from timely asserting any other rights given to them under the provisions of the Code or Personnel Rules.
- e) Unless inconsistent with this Section, the procedures of Section 50.110 shall apply to this Section.

(Source: Amended at 7 Ill. Reg. 17496, effective January 1, 1984)

Section 50.110 Record of Hearings and General Procedural Rules

- a) Filing and Form of Papers
 - 1) The original copy of any complaint, appeal, pleading, written motion, notice or other documents shall be on 8½ x 11 paper and shall be filed in the Office of the Commission. Documents shall be signed in ink by the party filing them or by his representative and contain the address and telephone number of the party, or, if represented, the name, business address and telephone number of such representative.
 - 2) Copies of all filed documents shall be served on all known parties to proceedings, and notice of such service shall be given to the Commission.
 - 3) For the purpose of determining the timeliness of filing only, "receipt" is herein defined to mean either personal delivery or date of postmark when deposited in the U.S. mail, in a sealed envelope, with postage prepaid, and properly addressed. If the last date for filing falls upon a weekend or legal holiday, the last date for filing is the first business day following such weekend or legal holiday.
- b) Notice
Notice to a designated representative is notice to his/her client. Notice to an employee who is not represented shall be served at the address specified in the employee's appeal or, in the absence of such specification, to the last address shown in the employee's personal file. Notice shall be served at the General Law

Division of the Attorney General's Office with a copy sent to the Division or Department Head, and to the Director of Personnel.

- c) **Time of Hearing**
The Commission shall grant the parties a hearing within 30 calendar days following actual, in hand receipt of a written request for hearing, except for cases involving position allocation, geographical transfer, and violation appeals. Geographical transfer, violation, and allocation appeal hearings shall be granted within 60 calendar days after receipt of a request for hearings.
- d) **Conduct of Hearings**
All disciplinary hearings shall be public, but individuals displaying disruptive behavior may be barred. Each party may call witnesses to testify in his/her own behalf and to have the aid of counsel at his/her own expense. The respective parties may cross-examine opposing witnesses and present documentary and demonstrative evidence. The hearing need not be conducted according to the technical rules relating to evidence and witnesses. Illinois Administrative Procedure Act, [5 ILCS 100/10-40].
- e) **Motions**
 - 1) If any party objects to the written charges, or other matters, the Commission favors the practice of submitting motions outlining such objections prior to the date of the hearing.
 - 2) The motion shall point out specifically the defects complained of, and shall ask for appropriate relief, such as: that the action be dismissed, or that a charge be made more definite and certain in a specified particular, or that designated immaterial matter be stricken, and so forth. The Hearing Officer shall rule and enter an appropriate order either to permit or require pleading over or amending or terminating the matter in the whole or in part.
- f) **Continuances and Extensions**
 - 1) The Commission or a Hearing Officer appointed by it to conduct a hearing may, at its discretion, for good cause shown, on timely motion, after notice to the opposite party, extend the time for filing any pleading or documents or may continue the date of a scheduled hearing for a limited period.
 - 2) Motions for extensions or continuances are not timely unless asserted at least 48 hours prior to the time scheduled for filing or hearing except for emergencies.
 - 3) The granting of a request for continuance by the employee in a discharge appeal will constitute a voluntary waiver by him/her of any claim to

compensation for the period of such continuance if he/she is ordered retained in his/her position.

- g) Request for List of Witnesses
Upon timely request made, either party must furnish to the other party a list of the names and addresses of prospective witnesses.
- h) Right to Inspect and Interview
Any party or their representative shall have the right, upon timely motion, to inspect any relevant documents in the possession of or under the control of any other party and to interview employees having knowledge of relevant facts. Interviews of employees and inspection of documents shall be at times and places reasonable for the employee and for the employer.
- i) Appearances of Witnesses
 - 1) The Commission Chairman and Commissioners are authorized to issue subpoenas for those witnesses or documents as may be required by any party. Subpoenas duces tecum shall specify the books, papers, and accounts or documents desired to be produced. The appearance of a party or agent and/or employee of a party, may be secured by merely serving the party with written notice designating the persons required to appear. For good cause shown the Hearing Officer on motion may quash or modify any subpoena or notice.
 - 2) The Code provides that any person who shall fail to appear in response to a subpoena or to answer any question or produce any books or papers pertinent to any such investigation or hearing or who shall knowingly give false testimony herein, shall be guilty of a misdemeanor.
- j) Pre-Hearing Conference
 - 1) In any action, the Hearing Officer may hold a pre-hearing conference. At the conference, the parties, or their representatives, shall appear as the Hearing Officer directs to consider:
 - A) The simplification of the issue;
 - B) Amendment to the charges;
 - C) The possibility of obtaining admissions and stipulations of fact and of documents to avoid unnecessary proof;
 - D) The limitation of the number of expert witnesses;
 - E) Any other matters that may aid in the disposition of the action.

- 2) The Hearing Officer shall make an order reciting any action taken, any agreement made by the parties as to any of the matters considered, and the issues to be heard.
- k) Written Interrogatories
- 1) Any party may direct written interrogatories to any other party. Interrogatories shall be restricted to the subject matter of the particular case.
 - 2) Within a reasonable time period after the service of the interrogatories an answer or objection shall be made to each interrogatory. If an answer may be obtained from a document in the possession or control of a party, it shall be sufficient to specify that document as an answer.
 - 3) Answers to interrogatories may be used in the same manner in Commission proceedings as depositions.
- l) Depositions
- Upon order of the Hearing Officer, the Commission, its Hearing Officer, or any party may cause a deposition of any witness to be taken for use in a Commission proceeding as evidence. The deposition shall be taken in the manner provided by law for depositions in civil actions in the courts of this state.
- m) Written Admissions
- A party may serve on any other party a written request for the admission by the latter of the truth of any specified relevant fact set forth in the request, or for the admission of genuineness of any relevant documents described in the request. Copies of the documents shall be served with the request unless copies have already been furnished. Failure to answer such request within a reasonable time shall be deemed as an admission of all items contained in the request.
- n) Opening and Closing Statements
- Upon the opening of the hearing, the Hearing Officer may allow the Petitioner and the Respondent to make opening statements. Upon the close of the hearing, each side may make a closing statement orally and/or by written brief incorporating arguments of fact and law. The form of the closing statement shall be at the discretion of the Hearing Officer.
- o) Examination of Adverse Party or Agent
- In the hearing of any case, any party or his agent may be called and examined as if under cross-examination at the instance of any adverse party. The party calling for the examination is not concluded thereby, but may rebut the testimony thus given and may impeach the witness by proof of prior inconsistent statement.

- p) **Hostile Witness**
If the Hearing Officer determines that a witness is hostile or unwilling, the witness may be examined by the party calling him/her as if under cross-examination. The party calling an occurrence witness may, upon showing that he/she called the witness in good faith but is surprised by his/her testimony, impeach the witness by proof of prior inconsistent statements.
- q) **Failure to Comply with Orders or Rules**
If a party, or any person at the instance of or in collusion with a party, unreasonably refuses or fails to comply with this Part, or with any order of the Merit Commission or its Hearing Officer, the hearing authority may enter such adverse finding, order, or decision as may be necessary to insure just disposition of the matter.
- r) **Record of Proceedings**
In all hearings, other than informal allocation conferences, held before the Commission or a Hearing Officer duly appointed by the Commission to conduct those hearings, the Department or Division that is a party thereto shall arrange for a record of the proceedings to be made, transcribed, and filed in the Office of the Commission.
- s) **Proposed Decision and Responses**
 - 1) In every contested case, the Hearing Officer shall prepare a proposal for decision that shall be forwarded to the parties at least 10 calendar days prior to the Commission meeting to allow the filing of written exceptions and legal arguments prior to the Commission rendering a final decision.
 - 2) Five copies of any such response must be received by the Commission at least 72 hours prior to the meeting at which a decision is scheduled to be rendered. For purposes of this subsection only "receipt" is defined as "actual, in-hand receipt."

(Source: Amended at 35 Ill. Reg. 12801, effective July 14, 2011)

Section 50.120 Authority of the Hearing Officer

The Hearing Officer appointed by the Commission shall have the authority to conduct hearings in accordance with generally recognized administrative law precepts, and in connection therewith to hold pre-hearing conferences, to administer oaths, to examine witnesses, to make rulings on motions, and to issue orders subject to Commission review. He/she shall also have authority to rule on any substantive or procedural matter not covered within this Part, such rulings to be subject to the final review of the Commission.

(Source: Amended at 7 Ill. Reg. 17496, effective January 1, 1984)

Section 50.130 Authority of Commission Over Hearing Officer

- a) Until the decision in a case is final, if the Commission determines, by majority vote, that an error made by the hearing officer necessitates obtaining additional evidence in order to correct the error, the Commission shall remand it to the Hearing Officer.
- b) The Commission shall have the authority to affirm, reverse, modify or set aside in whole or in part the rulings, orders, decisions, or recommendations of the Hearing Officer. In the exercise of this authority, the Commission shall abide by its own Rules set forth in this Part and the public policy of the State of Illinois as defined in Section 50.30b6 herein.
- c) A decision shall become final on the date such decision is executed in writing with the concurrence of at least two members at a public meeting.
- c) Motions made after the proposal for decision has been forwarded to the parties shall be ruled upon by the Commission prior to the rendering of the final decision, provided said motion is filed in accordance with Section 50.110 (s)(2).

(Source: Amended at 11 Ill. Reg. 6285, effective April 15, 1987)

Section 50.140 Administrative Review

When the Commission renders a final decision any party affected thereby is entitled to have such decision reviewed by the Circuit Court under the "Code of Civil Procedure" (Ill. Rev. Stat. 1981, ch. 110, par. 3-101 et seq.) by filing a complaint and causing the issuance of summons on the administrative agency and on each of the other defendants within 35 calendar days from the date that a copy of such decision sought to be reviewed was served upon him/her.

(Source: Amended at 7 Ill. Reg. 17496, effective January 1, 1984)