**Section 600.670 Grievance Procedure**

a) Grievance: Any certified employee, unless otherwise excepted by this Subpart, may grieve as to the application of this Subpart or any policy arising hereunder as to the impact of that application upon his or her employment condition or his or her status.

b) Grievance Procedure − Limitation: The rules of the Office and the official policy arising thereunder are not grievable matters. The following are not subject to the grievance process: the discipline, demotion or discharge of Executive Employees and probationary employees who have not obtained certified status in the Office; the demotion of a certified employee from a position in which he or she is serving a probationary period; layoff; the appointment, removal or reinstatement to State Auditor status; and intra-agency transfers.

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. However, whenever the last day of a specified time requirement falls on a day on which the Office is closed for regular business, that time requirement shall automatically be extended to the next day on which the Office is open for regular business.

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submit or appeal it to the next level of this procedure within specified time limits, shall mean that the employee has withdrawn the grievance or, if the employee so indicates, accepted the last answer given in the grievance procedure.

d) Grievance Procedure − Steps of:

1) Step 1: A grievant shall present the grievance orally to the immediate supervisor explaining its nature and circumstances within five (5) working days after learning of the circumstances or conditions which gave rise to it. The immediate supervisor shall respond to the employee in person within ten (10) working days of receipt of the grievance. The immediate supervisor shall advise the grievant to initiate his or her grievance at Step 2 if:

A) The immediate supervisor is without authority to rectify the problem; or

B) The grievance is based on an action or omission of a Director.

If the grievant's immediate supervisor is a Director, the provisions of this Step 1 shall not apply and the grievant shall initiate his or her complaint at Step 2.

2) Step 2: If the grievance is not satisfactorily resolved at Step 1 or if the provisions of Step 1 are inapplicable, the grievant may, within five (5) working days after notification of the supervisor's decision in Step 1, or, if Step 1 is inapplicable, within five (5) working days after learning of the circumstances or conditions giving rise to the grievance, submit the grievance to the appropriate Director in writing. Within ten (10) working days after a Step 2 appeal is filed, the Director shall issue a written decision and serve a copy of the decision in person or by certified mail, return receipt requested, at the employee's last address appearing in the personnel file.

3) Step 3: If the grievance is not satisfactorily resolved or no answer is given within the time limit set forth in Step 2, the grievant may submit to the Auditor General, within ten (10) working days from the date the Director's decision was due or received, whichever is earlier, a written request for a grievance hearing, along with the grievant's specific reasons for disagreeing with the Director's decision in Step 2. Within twenty (20) working days after this Step 3 appeal is filed, the Auditor General may either render a written decision on the matter, which shall be final and binding upon the parties, or establish a Grievance Review Committee as provided in subsection (e), below.

e) Grievance Review Committee:

1) The Auditor General shall designate a Deputy Auditor General or executive employee to chair the Grievance Review Committee. The Chair, no later than five (5) working days following receipt of an employee's request for a grievance hearing, shall appoint a Grievance Review Committee. The Committee shall consist of no less than three nor more than five members. Committee members must have experience or knowledge in the areas of personnel administration and employee relations or experience or knowledge in matters pertaining to the general subject matter presented in the grievance. The Director and the immediate supervisor of the grievant shall not be appointed to the Committee.

2) Immediately upon appointment of the Committee, the Chair shall set a date for hearing which shall be no later than twenty (20) working days after receipt of the employee's request for a grievance hearing. The grievant shall promptly be notified in person or by certified mail, return receipt requested, of the time, date and place of the hearing.

3) The grievant and others who have knowledge of the facts shall have an opportunity to present evidence in person or by written statement, after which the Committee will meet privately to reach a recommendation. The Chair may require that testimony be given under oath or by sworn affidavit.

4) The members of the Committee shall reduce their recommendations as to the disposition of the grievance to writing and submit them to the Auditor General within five (5) working days following the hearing. A dissenting member of the Committee may make separate recommendations. All recommendations will bear the signatures of the concurring committee members. Upon receipt of the recommendations from a grievance committee, the Auditor General shall approve, disapprove or modify the Committee recommendations, shall render a decision thereon in writing, and cause a copy of the decision to be served upon the parties. The Auditor General's decision shall be final and binding upon the parties.

5) The written statement of the employee's grievance, the recommendations of the grievance committee, and the decision of the Auditor General thereon shall be made a part of the grievant's personnel file.

6) The Auditor General may extend any deadline set forth above if either party demonstrates good cause.

f) Representation: The grievant is entitled to be present and may be accompanied or represented by a person of his or her choice at any stage of the grievance process. Only other persons as the Chair deems advisable shall be entitled to attend the hearing.

g) Witnesses and Evidence: The parties to a grievance may introduce materials, documents and witnesses as are necessary to resolve the problem. Should a dispute arise as to the necessity of certain appearances or of the reproduction of certain documents, the Office's Legal Counsel shall resolve the dispute.

(Source: Amended at 33 Ill. Reg. 1704, effective March 10, 2009)