**Section 100.100 Merit Employment 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 jurisdiction under Section 9 of the Code and/or the procedures set forth in Sections 100.70, 100.80 and 100.90 of this Part, or who believes that a personnel transaction adversely affecting the employee violates either the Code or the personnel rules (80 Ill. Adm. Code 500), may within a period of 15 days after receiving actual notice of the violation 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 false transaction, or that the Code and/or a personnel rule was violated in an attempt to deprive the employee of 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 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 governing Section 100.70 shall apply to this Section.

(Source: Amended at 19 Ill. Reg. 206, effective January 3, 1995)