

# EXEMPTION PROCEDURES MANUAL

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**Example 3.1a**

Standard Title: **ASSISTANT DIRECTOR**

**PRINCIPAL ADMINISTRATIVE POSITION EXEMPTION (36e(3))**

◆ ***General Function Statement***

Under administrative supervision, provides support to a director or other executive, serving as a staff advisor and performing professional support tasks.

◆ ***Organization Relationship***

Director/Unit Head or Other Executive/Administrator  
(Associate Director)  
**Assistant Director**  
Professional Staff (Coordinators/Specialists/Managers/Analysts)  
Technical, Clerical Support Staff

◆ ***Request for Exemption under Criterion:***

◆ ***Typical Responsibilities***

1. Assist in the development and implementation of programs, policies and objectives related to the unit, and assist the director with overall management.
2. Participate in the development of programs, departmental objectives and long-range planning.
3. May be responsible for direct supervision of specific operational areas or functions within the unit.
4. Provide overall leadership on special projects for the director.
5. Serve as an expert in a specific area, providing reports, analyses, information, and recommendations to the director. Provides advice and expertise to campus and university units, interpreting policies of the unit.
6. May be responsible for overall leadership and coordination for program development, or administrative and financial operation of the unit.
7. Act as liaison to campus and university units and assist with evaluation of policies and compliance with them.

**Example 3.1a**

Standard Title: **ASSOCIATE DIRECTOR**

**PRINCIPAL ADMINISTRATIVE POSITION EXEMPTION (36e(3))**

◆ ***General Function Statement***

Provides primary support to a director or other executive, and may act for and assume full direction for an office or for administrative or operational matters in the absence of the director.

◆ ***Organization Relationship***

Director/Unit Head or other Executive/Administrator  
**Associate Director**  
Assistant Director  
Professional Staff (Coordinators/Specialists/Managers/Analysts)  
Technical, Clerical Support Staff

◆ ***Request for Exemption under Criterion:***

◆ ***Typical Responsibilities***

1. Serve as primary advisor to the director regarding overall programs, management and operations of the unit, with major program development, supervision and policy-making responsibility.
2. Assist with the management of resources, determination of staff functions, and setting operating policies for the unit. Review and initiate programs and operations that commit office resources, establish policies relating to utilization of office resources.
3. Coordinate and facilitate organizational, financial, programming, and physical planning.
4. Exercise direct authority for development and administration of programs and special projects.
5. May directly supervise sections or divisions of the unit, with responsibility for setting and implementing operational policies and procedures for handling daily administrative matters, such as finances, facilities, and staffing.
6. Provide authoritative, detailed professional and technical knowledge in a relevant field of expertise.
7. Coordinate with unit sections or divisions to develop policy recommendations for the director.
8. Act as liaison to campus and university departments and represent the director on committees.
9. May have primary responsibility for day to day operations of the unit.

**Example 3.1a**Standard Title: **COORDINATOR****PRINCIPAL ADMINISTRATIVE POSITION EXEMPTION (36e(3))**◆ **General Function Statement**

Under administrative direction, the Coordinator oversees the ongoing procedures of a program, setting priorities and organizational structure. In order to execute the program goals and objectives, the Coordinator organizes the skills of diverse people, and formulates functioning groups to simultaneously assure the program's success.

◆ **Organization Relationship**

Assistant Director/Associate Director/Director/Head of Unit or Other Administrator  
**Coordinator**  
 Support Staff/Students

◆ **Request for Exemption under Criterion:**◆ **Typical Responsibilities**

1. Administratively responsible for implementing program priorities, setting goals and objectives for subordinates in the ongoing process of a program.
2. Develops systematic approach and maintains efficient and effective daily workflow in an area, and submits reports as assigned.
3. Serves as an integral part of the decision-making process contributing to the goals compatible with the organizations established to implement the mission established by an employing unit or external board.
4. Provides leadership, communicates commitment and sets expectations for staff.
5. Manages human and material resources. Maintains appropriate records. Communicates and follows-up on pertinent matters.
6. Serves as a resources person, referral agent and creates links and acts as a liaison to other campus and community groups, expanding internal and external program development.
7. Formulates and recommends policies governing continual evaluation of programs. Recommends and implements changes based on the evaluations. Resolves any existing program problems.
8. Schedules, assigns, and reviews work within the program.
9. Participates in recruiting and selecting of staff members and appraising staff performance

**Example 3.1a**

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**Example 3.1a**

Standard Title: **DIRECTOR**

**PRINCIPAL ADMINISTRATIVE POSITION EXEMPTION (36e(3))**

◆ ***General Function Statement***

Provide leadership and oversight of a major function, facility, or program.

◆ ***Organization Relationship***

Campus or University Executive or Administrator  
**Director**  
Associate Director  
Assistant Director  
Professional Staff (Coordinators/Specialists/Managers/Analyst)  
Technical, Clerical Support Staff

◆ ***Request for Exemption under Criterion:***

◆ ***Typical Responsibilities***

1. Develop and administer a comprehensive program and activities to fulfill the role of the office, function, program or organization.
2. Direct the staffing by overseeing recruitment, training, and management of work assigned to professional and support staff.
3. Oversee financial aspects of unit management, including control of the budget and allocation of resources.
4. Formulate, initiate, implement and interpret policies related to the operation of the unit, as well as policies applicable campus or university-wide.
5. Provide professional expertise and keep current with developments in the profession.
6. Provide management reports, analyses, data and information for administrative purposes.
7. Interface with advisory committees, serve on campus or University committees, communicate and consult with other offices or campus officials when appropriate.

Example 3.1a

Standard Title: ~~EXECUTIVE ASSISTANT TO PRESIDENT/CHANCELLOR~~

~~PRINCIPAL ADMINISTRATIVE POSITION EXEMPTION (36e(3))~~

~~◆ General Function Statement~~

~~Provide necessary support for performance of the President's official duties.~~

~~◆ Organization Relationship~~

~~President/Chancellor  
Executive Assistant to the President/Chancellor  
Other Officers~~

~~◆ Request for Exemption under Criterion:~~

~~◆ Typical Responsibilities~~

- ~~1. Represent President/Chancellor in their absence, as requested.~~
- ~~2. Assist in policy development as a member of policy development committee.~~
- ~~3. Act as liaison between President/Chancellor and other officers (campus and/or system), Board of Trustees, legislators and other constituencies.~~
- ~~4. Direct or develop special analysis, background studies, and information resources as directed.~~
- ~~5. Draft speeches, papers, correspondence.~~
- ~~6. Consult with and advise President/Chancellor.~~

**Example 3.1a**Standard Title: **EXECUTIVE DIRECTOR****PRINCIPAL ADMINISTRATIVE POSITION EXEMPTION (36e(3))**◆ **General Function Statement**

Provide administrative leadership and oversight to a major function or program with multiple reporting components within or in collaboration with a University or campus. May be responsible for university-wide functions and may be responsible in addition for directing activities of affiliated organizations, partnerships, state or federal programs in collaboration with a campus or university.

◆ **Organization Relationship**

Campus/University or Administrator and/or Organization Board of Directors

**Executive Director**

Directors

Associate/Assistant Directors

Professional Staff (Coordinators/Specialists/Managers/Analysts)

Technical, Clerical Support Staff

◆ **Request for Exemption under Criterion:**◆ **Typical Responsibilities**

1. Provide executive leadership to develop and administer a comprehensive program and activities to fulfill the role of the office, function, or organization.
2. Interface with Board of Directors and Advisory committees to direct collaborative efforts between other institutions, organization or projects and programs affiliated with a campus or University. Chair and convene committees and provide leadership and support to Board of Directors and advisory groups.
3. Ensure provisions of contractual agreements between campus/university and relevant outside programs or organization.
4. Oversee financial management, including control of the budget and allocation of resources. Budgets may be large and include major federal or state grants or private funds.
5. Formulate, establish and implement administrative policies applicable to the organizations, or those applicable campus or University-wide.
6. Provide professional expertise and leadership.
7. Provide management reports, analyses, data and information for administrative purposes.
8. Direct the staffing by overseeing recruitment, training, and management of work assigned to professionals and support staff.

**Example 3.1a**

Standard Title: **(Other Specialized Professional)**

**PHYSICIAN**

**ATTORNEY**

**ENGINEER**

**ARCHITECT**

**PRINCIPAL ADMINISTRATIVE POSITION EXEMPTION (36e(3))**

- ◆ ***Position Exemption Standard for Certain Professional Titles Listed Under Criterion D Requiring Licensure by the State of Illinois – Department of Professional Regulation.***

- ◆ **Note**

This standard applies *only* to those professional jobs which *require Licensure by the State of Illinois in a recognized profession*: i.e., Physician, Attorney, Engineer, and Architect. Other Jobs appropriate for exemption under Criterion D may be found under other Standards.

- ◆ ***Request for Exemption under Criterion: D***

Jobs whose primary function is to direct or manage members of the profession in the performance of their duties, and who are also required to possess professional Licensure should be exempted under the Criterion appropriate to the function; e.g., Medical Director of Health Service under Criterion C.

- ◆ ***Typical Responsibilities***

Duties and responsibilities are those appropriate to the recognized profession and the performance of those duties constitute the major amount of time and effort devoted to the job.

**Example 3.1a**Standard Title: **SPECIALIST****PRINCIPAL ADMINISTRATIVE POSITION EXEMPTION (36e(3))**◆ **General Function Statement**

Under administrative direction, performs senior staff/professional-level duties that are devoted to a particular activity or specialized area in an employing unit. Responsibilities typically require a depth of knowledge, expertise and skills, normally gained through an advanced course of study in an academic discipline and/or work experience of a variety and depth sufficient to provide a foundation for expert knowledge and ability in a field. Responsibilities may require highly focused advanced technical, scientific, or artistic expertise, or more general intellectual, conceptual, analytical and writing skills utilizing in-depth knowledge of both a discipline and the organization.

◆ **Organization Relationship**

Assistant Director/Associate Director/Director/Head of Unit or Other Administrator  
**Specialist**  
 Support Staff/Students

◆ **Request for Exemption under Criterion:**◆ **Typical Responsibilities**

1. Serve as an authority, provide expertise, and perform highly specialized work assignments in a unique area of specialization.
2. Exercise knowledge and methodology of a profession or specialized field. Keep abreast of relevant legislation, rules, regulations, tools, procedures, technical specifications, and developments in the field. Pursue professional development activities to expand knowledge and maintain currency.
3. Provide specialized services, investigate and trouble-shoot problems.
4. Plan and execute complex projects in field of expertise.
5. Analyze data and information, evaluate and summarize findings.
6. Research, conceptualize, define and communicate ideas and issues; provide insight, recommend action, and pursue solutions to problems.
7. Provide advice and counsel, serving as a “consultant” to other staff members within the unit, campus, or the general public, within the unique area of expertise.
8. Formulate policy based on judgment and expert knowledge of a particular area.
9. Identify and evaluate resources and obtain information relevant to a specialized area.
10. Coordinate working relationships with peers and other appropriate University personnel to achieve defined goals and objectives.
11. May supervise and/or train other staff members or students.
12. Represent the unit on various campus committees or teams related to the specialize area.
13. Act as liaison with other skilled specialists throughout the state and nationwide.

**Example 3.1a**Standard Title: **ASSISTANT TO****PRINCIPAL ADMINISTRATIVE POSITION EXEMPTION (36e(3))**◆ **General Function Statement**

Provide high-level management support to enable the efficient performance of the official duties of a Senior Administrator, such as the President, Chancellor, Vice President, Vice Chancellor, Associate Chancellor, Provost or a Dean, Executive Director or Head of an academic or administrative unit. Responsibilities require exercising initiative, discretion and independent judgment. An 'Executive Assistant To' differs from an Administrative Assistant or Secretary in that an Executive Assistant To is expected to possess a higher level of expertise in the area in which she/he supports as demonstrated through policy development and project management. Moreover, an 'Executive Assistant To' must possess the ability to act in a decision making capacity on behalf of the Senior Administrator at meetings and in communications as necessary.

◆ **Organization Relationship**

Senior Administrator (President/Chancellor/Vice President/Vice Chancellor/Associate  
Chancellor/Provost/Dean/Executive Director/Head/Chair)

**Executive Assistant To**

Professional Support Staff, Managers Technical Support Staff

Clerical Support Staff

◆ **Request for Exemption under Criterion:**◆ **Typical Responsibilities**

1. Coordinates responsibilities of the Senior Administrator with other offices and staff.
2. Researches and analyzes policy and operational issues, and develops and recommends administrative policies and procedures.
3. Coordinates and implements policy decisions.
4. Originates and prepares routine and special reports and studies.
5. Oversees or conducts special projects, functions as a trouble-shooter.
6. Represents Senior Administrator or office/administrator at campus/university committees meetings and correspondence.
7. Consults with and advises the Senior Administrator.
8. Orchestrates administrative support and general management for the unit or program and participates in long-range planning and goal-setting activities.
9. May direct the day-to-day operational requirements of the unit or program, including overseeing various functions under the jurisdiction of the Senior Administrator, such as development, public relations, finance, budgeting, and staffing matters. May supervise middle managers and upper-level supervisory personnel, such as Project Directors or Business Managers.
10. Investigates issues, consults with involved parties, and provides advice regarding various options for action.

**Example 3.1a**

11. Handles a variety of sensitive and confidential assignments and projects on behalf of the Senior Administrator.
12. Consults with and advises senior campus and university officials to determine a course of action.
13. Conceives and administers special programs and projects under the direction of the Senior Administrator.

Section 1 – General Overview of Exemption from State Universities Civil Service System

~~{Reference section 36e of the Act (110 ILCS 70/36e)}~~

and

Section 250.20/250.30 of the Illinois Administrative Code (80 Ill. Adm. Code §250.20/250.30)

**1.1 Overview**

The State Universities Civil Service Act (Act) (110 ILCS 70/36e) states that all employees shall be covered by the State Universities Civil Service System (University System), except the following persons:

- (1) The members and officers of the Merit Board and the board of trustees, and the commissioners of the institutions and agencies covered hereunder;
- (2) The presidents and vice-presidents of each educational institution;
- (3) Other principal administrative employees of each institution and agency as determined by the Merit Board;
- (4) The teaching, research, and extension faculties of each institution and agency;
- (5) Students employed under rules prescribed by the Merit Board, without examination or certification.

~~This statutory directive is further referenced in sections 250.20 and 250.30 of the Illinois Administrative Code (Code) (80 Ill. Adm. Code §250.20 and §250.30). As part of its statutory responsibility, the Merit Board has approved criteria that are to be used as guidelines for determining appropriate civil service exemptions under each categorical designation. These criteria were originally drafted in 1972 by members of the Human Resource Directors Advisory Committee and the State Universities Civil Service Advisory Committee and circulated to all the Designated Employer Representatives and members of the University Civil Service Advisory Committee for comment and input. At that time, the Merit Board also approved an Administrative Advisory Committee's resolution recommending that the Merit Board's authority to approve exemptions based on the criteria be delegated to the Executive Director of the University System. The employer would then be allowed to appeal the Executive Director's decisions to the Merit Board. These criteria were expanded in 1975 and 1990. The current criteria for the exemption of positions provides as follows:~~

~~CRITERION A:~~

- ~~(1) Whose primary duty is administrative management of a Campus or Agency division or like unit, and who reports to the Chief Executive Officer of the Campus or Agency; or~~
- ~~(2) Who performs an independent administrative function and reports to the Chief Executive Officer, President, Vice-President, Chancellor, Vice-Chancellor or Provost of the Campus or Agency~~

~~**OR**~~

Section 1 – General Overview of Exemption from State Universities Civil Service System

~~{Reference section 36e of the Act (110 ILCS 70/36e)}~~

and

Section 250.20/250.30 of the Illinois Administrative Code (80 Ill. Adm. Code §250.20/250.30)

**CRITERION B:**

~~(1) — Whose primary responsibility is the administration of an academic unit engaged in academic instruction or research (e.g., Dean, Associate and Assistant Dean, Department Head, Associate and Assistant Department Head.~~

OR

**CRITERION C:**

~~(1) — Who is charged with high level administrative responsibilities and whose decisions are based on administrative policies; and~~

~~(2) — Who performs these duties with only general administrative supervision or direction and who exercises discretion and independent judgment (e.g., Director, Associate or Assistant Director)~~

OR

**CRITERION D:**

~~(1) — Who is in a position requiring a knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study (as distinguished from a general academic education) and which requires the consistent exercise of discretion and judgment (e.g., physician, attorney, engineer, architect, archeologist, physicist, biochemist)~~

In 1997 and in 1998, tss — Exemption status is determined primarily by a thorough and comprehensive review of the position description. It is therefore extremely important that employers maintain an updated, accurate and complete position description for all positions. A routine and regular position review program is necessary in order to properly assign classification designations and accurately validate exemption status.

~~the Merit Board approved position standards that would allow the employer to exempt positions from civil service without prior approval from the Executive Director if the position description fits within the defined position standard. This exemption process would be subject to audit by the University System office.~~

The following sections contain the approved criteria, guidelines and protocol/criteria to be used in properly validating and designating those positions, and employees in those positions, as exempt from State Universities Civil Service System coverage, as categorically defined above. It is important to note that a significant amount of attention and careful consideration was taken to insure that these standards most accurately reflect and preserve the historical intentions of related statutory provisions and Merit Board actions.

Section 1 – General Overview of Exemption from State Universities Civil Service System

~~(Reference section 36e of the Act (110 ILCS 70/36e))~~

and

Section 250.20/250.30 of the Illinois Administrative Code (80 Ill. Adm. Code §250.20/250.30)

~~Exemption status is determined primarily by a thorough and comprehensive review of the position description. It is therefore extremely important that employers maintain an updated, accurate and complete position description for all positions. A routine and regular position review program is necessary in order to properly assign classification designations and accurately validate exemption status.~~

When the standards for each exemption category were established, appropriate attention was given to insure that the examples and types of positions listed were consistent with statutory intention and Merit Board actions. At the same time, the examples and types of positions listed remain broad enough to hopefully encompass future positions that would be appropriate for designation under each category.

Within any complex classification plan, there are instances of overlap in position specifications, assigned duties, and responsibilities. ***However, there was never any intent to permit or condone the conversion of traditional civil service positions to exempt status by virtue of the fact that the positions may appear to correspond to the general definitions of positions contained in these exemption categories. If a position description matches the specifications for any civil service classification, the position must be designated as civil service.*** Those positions designated as exempt from civil service guidelines, as well as the process of exempting such positions, are subject to audit by the University System office.

Most specifically, section 250.30(a) and (b) of the Code require exemptions categorized under section 36e(3) of the Act to be designated by position, and approved by the Merit Board. When approved by the Merit Board, these positions shall remain exempt until such exemption is terminated by the Merit Board. The Merit Board's authority to approve 36e(3) exemptions based on these defined criteria has been operationally delegated to the Executive Director of the University System.

Section 2 – Primary Administrator Exemptions  
(President, Chancellor, Agency Executive Director)

*(Reference section 36e(2) of the Act (110 ILCS 70/36e(2))*

**2.1 PRIMARY ADMINISTRATOR -APPOINTMENTS**

The criteria for the exemption of these positions, and individuals appointed to these positions, is defined as follows:

- 1) Whose primary duty is administrative management of a Campus or Agency division or like unit, and who reports to the Chief Executive Officer of the Campus or Agency; or
- 2) Who performs an independent administrative function and reports to the Chief Executive Officer, Vice President, Chancellor, or Vice Chancellor of the Campus or Agency

These ~~Top-level~~, primary administrator appointments are considered exempt from civil service guidelines in accordance with the State Universities Civil Service Act, Section 36~~(e)~~(2). In general, these positions are typically given the final campus/agency decision-making and oversight authority by their Board of Trustees, or other Governing Body. ~~Other~~These directly affiliated positions that are assigned to manage and support any aspect of the primary campus/agency decision making and oversight authority may also be considered exempt in accordance with this procedure. Some common titles associated with this type of exemption include, but are not limited to, the following:

President  
Chancellor  
Agency Executive Director/President  
Vice President  
Vice Chancellor  
Associate Vice President  
Associate Vice Chancellor  
Assistant Vice President  
Assistant Vice Chancellor

The general function of these appointments should be easily discernable and includes the primary leadership and administrative authority over the entire university/agency, or primary unit thereof. Representative independent functions may include primary oversight authority over operational areas such as ~~Academic Affairs~~, Academic Affairs, Affirmative Action/Diversity Resources, Administrative Affairs, Finance and Planning, Health Services, Information Systems, Institutional Advancement, Research, or Student Affairs.

It is recommended that position descriptions be properly developed and maintained in order to establish the proper administrative authority assigned to each position, and validate the

Section 2 – Primary Administrator Exemptions  
(President, Chancellor, Agency Executive Director)

*(Reference section 36e(2) of the Act (110 ILCS 70/36e(2))*

exemption authorization recognized under this statutory reference. [SomeA](#) sample position descriptions for this type of appointment and exemption follows.

See 2.1a for examples of 36e(2) titles and corresponding position standards.

Section 3 – Principal Administrative Appointments

*(Reference section 36e(3) of the Act (110 ILCS 70/36e(3))*

**3.1 PRINCIPAL ADMINISTRATIVE APPOINTMENTS**

The criteria for the exemption of these positions, and individuals appointed to these positions, is defined as follows:

- 1) Who is charged with high level administrative responsibilities and whose decisions are based on administrative policies; and
- 2) Who performs these duties with only general administrative supervision or direction who exercises discretion and independent judgment (e.g. Director, Associate or Assistant Director)

**OR**

- 3) Who is in a position requiring a knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study (as distinguished from a general academic education) and which requires the consistent exercise of discretion and judgment (e.g. physician, attorney, engineer, architect)

Principal Administrative Appointments (PAA) are considered exempt from civil service guidelines in accordance with section 36e(3) of the Act. A PAA is defined as an employee who is charged with high level administrative responsibilities, whose decisions are based on administrative policies and who exercises discretion and independent judgment. ~~A PAA performs these duties with only general administrative supervision or direction, e.g. Director, Associate or Assistant Director. In addition, a PAA can also be defined as an employee who is in a position requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study (as distinguished from a general academic education). In all instances, a PAA performs their duties with only general administrative supervision, and which requires the consistent exercise of discretion and independent judgment, e.g., physician, attorney, engineer, architect.~~

The Act specifically provides that the Merit Board has the authority to determine PAAs at each institution or agency. Section 250.30(ba) of the Code further defines the Merit Board's responsibility in this regard, which provides, in part, "Each position exempt Exemptions under Section 36e(3) of the Statute shall be by position reviewed and approved by the Merit Board, or as designated by the Merit Board to the Executive Director. Exemption authority in this respect lies solely with the Merit Board, or as designated by the Merit Board to the Executive Director. When approved by the Merit Board, a position exempt under 36e(3) shall remain exempt until such exemption is terminated by the Merit Board. The Executive Director shall publish guidelines for such exemptions, as approved by the Merit Board." Accordingly, the Merit Board's authority to

Section 3 – Principal Administrative Appointments

*(Reference section 36e(3) of the Act (110 ILCS 70/36e(3))*

approve exemptions based on these guidelines has been operationally delegated to the Executive Director of the University System. See Procedure 6.3 and Form 6.3a.

Position

sAccordingly, position standards have been developed for a number of frequently used general PAA titles assigned to these PAAs. These position standards function in a similar manner to civil service classification specifications. Job duties and responsibilities, as contained in the PAA position description, are reviewed and analyzed. The PAA position is and then assigned to a general PAA title if the job duties and responsibilities match the primary functions, and major duties and responsibilities identified in the position standards for that specific general PAA title.

When the position standards for these general PAA titles were developed, great care was taken to insure that they accurately described the types of work and responsibility assigned to each general PAA title previously, while at the same time, remaining broad enough to encompass future positions that may be appropriate under each general PAA title. As in any classification plan, there may be some overlap between current civil service classification specifications and the position standards under certain general PAA titles. ***It is important to remember that there was never any intent to permit or condone the conversion of traditional civil service jobs to exempt status merely by virtue of the fact that the position duties and responsibilities may appear to correspond to the general function statement of any PAA title. The prominence of position duties and responsibilities must directly correspond to the position standards contained in the general PAA title used in order to validate the exemption.***

Any position proposed to be exempted from civil service under section 36e(3) of the Act must that may be appropriately assigned to one of these general PAA titles and approved for exemption by may be exempted without prior approval from the University System office. Exemption authorization is determined primarily by a thorough and comprehensive review of the position description. It is therefore extremely important that employers maintain an updated, accurate and complete position description for all exempt positions. A routine and regular position review program is necessary in order to properly assign classification designations and accurately validate exemption status. Additionally However, all PAA positions are subject to audit by the Audit and Advisory Services of the University System office and possible Merit Board review.

Employers must categorize each PAA under one of the available general PAA titles. Likewise, the use of a 'working title' for each PAA position, to further compliment the general PAA title, is encouraged and may assist in a more detailed position identification and distinction.

See 3.1a for examples of designated approved 36e(3) general PAA titles and corresponding position standards.

Section 3 – Principal Administrative Appointments

*(Reference section 36e(3) of the Act (110 ILCS 70/36e(3))*

Following are the approved 36e(3) ~~general PAA~~position titles:

Assistant Director

~~Assistant To~~

Associate Director

~~Assistant To~~

~~Coordinator~~Coordinator

Director

~~Executive Assistant to President/Chancellor~~

Executive Director

~~Specialist~~

~~Other Specialized Professional~~ (Physician, Attorney, Engineer, Architect)

~~Specialist~~

Section 4 – Teaching, Research, and Extension Faculty Exemptions

*(Reference section 36e(4) of the Act (110 ILCS 70/36(e)(4))*

**4.1 TEACHING, RESEARCH, AND EXTENSION FACULTY APPOINTMENTS**

The criteria for the exemption of these positions, and individuals appointed to these positions, is defined as follows:

- 1) Whose primary responsibility is the administration of an entire campus academic program, or other academic unit engaged in academic instruction or research (e.g. Provost, Associate Provost, Assistant Provost, Dean, Associate Dean, Assistant Dean, Department Head, Associate Department Head, Assistant Department Head
- 2) The teaching, research, and extension faculties of the institution or agency

Teaching, research, and extension faculties are considered exempt from civil service guidelines in accordance with the section 36e(4) of the Act (110 ILCS 70/36e(4)). Likewise, those positions with primary administrative or supervisory responsibility of an entire campus academic program, a specific academic unit engaged in academic instruction or research, or ~~for~~ a group of employees falling within this exemption category, are considered exempt in accordance with this standard. In general, these positions have direct academic or affiliated research components and are easily distinguished by these assignments and professional designations.

Experience has shown that while a number of positions reasonably appear to fall within the Criteria for Exemption from civil service, it is often unclear whether section 36e(3) of the Act (110 ILCS 70/36e(3)), “principal administrative employees . . . as determined by the Merit Board”, or section 36e(4) of the Act, “the teaching, research and extension faculties of each institution and agency”, is the appropriate exemption. Positions exempted under section 36e(4) of the Act are a matter of internal governance between a particular institution and its governing board, based on established employment protocols. These positions are not subject to any Merit Board authorization process, but are subject to Merit Board audit procedures.

It is recommended that position descriptions be properly developed and maintained in order to establish the proper academic component assigned to each position and validate the exemption authorization recognized under this statutory reference. See 4.1a for examples of 36e(4) titles and corresponding position standards.

In attempting to provide some guidance as to the types of positions that are more appropriately exempted under section 36e(4) of the Act as opposed to Section 36e(3) of the Act, the following brief discussion regarding the application of each type of employment category enumerated in the Act under section 36e(4) [teaching, research, and extension faculties] is offered:

***Positions in each of the following categories all require, at a minimum, a bachelor’s degree.***

Section 4 – Teaching, Research, and Extension Faculty Exemptions

*(Reference section 36e(4) of the Act (110 ILCS 70/36(e)(4))*

**Teaching**

These positions include those who provide direct classroom instruction to the institution's students as their primary function, most specifically related to the normal academic curricula. This activity, however, is not specifically limited to those members of the tenure-track faculty (Professor, Associate Professor, and Assistant Professor), but also extends to those positions who provide direct instructional support, or academic/career planning/counseling to students as their primary function. Likewise, those positions with primary administrative or supervisory responsibility for a group of employees falling within this category are considered exempt in accordance with this standard.

Some common titles associated with this category include, but are not limited to, the following:

- Provost
- Associate Provost
- Assistant Provost
- College Dean
- Department Chair/Head
- Assistant Dean
- Associate Dean
- Assistant Department Chair/Head
- Associate Department Chair/Head
- Professor
- Associate Professor
- Assistant Professor
- Instructor
- Lecturer
- Academic/Career Counselor
- Athletic Coach – Head, Associate, or Assistant
- Academic Coordinators – for various pre-professional and professional programs directly related to the primary academic curricula

**Research**

This category applies to individuals primarily engaged in research activities, normally under the direct oversight of an academic department or college and are frequently funded by outside sources. Research in this context is not necessarily limited to the laboratory work typical of the physical sciences, but may also include field historical research, linguistic studies, archaeology, etc. Such appointments may be members of the regular tenure-track faculty, but academic rank is not a prerequisite to inclusion of a particular position in this category. Likewise, those positions with primary administrative or supervisory responsibility for a group of employees falling within this category are considered exempt in accordance with this standard.

Section 4 – Teaching, Research, and Extension Faculty Exemptions

*(Reference section 36e(4) of the Act (110 ILCS 70/36(e)(4))*

It is important to note that the specific research attachment does not automatically exempt a position from civil service regulations. In many instances, support positions whose primary function(s) can be matched to civil service classification specifications must remain civil service despite their attachment to a research program and/or funding component.

Some common titles associated with this category include, but are not limited to, the following:

- Professor
- Associate Professor
- Assistant Professor
- Research Associate
- Research Coordinator
- Archeologist

**Extension Faculty**

This category applies to the additional instructional positions created to provide both credit and non-credit instructional programs offered by the institution, usually outside of the normal academic curricula. The non-credit component includes instructional programs offered both on and off of the primary campus of the institution. Adult Education and Continuing Education are terms frequently used to describe these programs, which may be offered in community facilities, extension institute centers, and a variety of other settings. The instructional staff of such programs may be employed solely for the duration of the specific course(s) being offered, based on professional “real world” experience in a particular profession or industry, or may be subject-matter specialists who are employed as regular academic staff members at another educational institution. Also included are those persons with functional responsibility for a group of employees falling within this exemption category.

Some common titles associated with this category include, but are not limited to, the following:

- Extension Faculty
- Institute Instructors
- Seminar Teachers
- Adult Education Instructors
- Adult Education Course Coordinators
- Motor Cycle Safety Instructors

Section 4 – Teaching, Research, and Extension Faculty Exemptions

*(Reference section 36e(4) of the Act (110 ILCS 70/36(e)(4))*

Section 5 – Student Appointment Exemptions

*Reference section 36e(5) of the Act (110 ILCS 70/36(e)5))  
and  
section 250.70(f) of the Illinois Administrative Code (80 Ill. Adm. Code §250.70(f))*

**5.1 STUDENT APPOINTMENTS**

Student Appointments are typically part-time, non-status appointments and considered exempt from Civil Service Regulations. To be eligible for a Student Appointment, a student must be enrolled for at least one-half of the normal workload of a regularly enrolled full-time student at an institution served by the University System, unless an exception is approved by the Executive Director prior to the appointment start date. Requests for exceptions shall fully explain the reasons for the request, such as graduating senior with only a limited number of hours remaining to meet graduation requirements, hardship, outside responsibilities, or other similar justification. A Request for Student Appointment Exception form shall be completed and sent to the University System Office for approval. *See Form 5.1a.*

***Please refer to the section 250.70(f) of the Illinois Administrative Code (80 Ill. Adm. Code §250.70(f)) for additional guidelines related to Student Appointments.***

Section 6 – Accountability for Exemption Authorization

(Reference section 36e(3) of the Act (110 ILCS 70/36e(3))

**6.1 ACCOUNTABILITY**

Although the Merit Board retains the statutory authority to approve exemptions, most specifically 36e(3) Principal Administrative Appointments (PAA), this authority has been procedurally and operationally delegated to the Executive Director Designated Employer Representative (DER) appointed at each University System employer. As a result of the delegation of exemption authority to DERs, the Executive Director of the University System is responsible for establishing procedures to ensure compliance with statutory and procedural guidelines in this respect, as required by section 250.130(b)(a) of the Code. Accountability for or the delegated exemption authorization includes three components, an internal review by the University System employer that includes a quarterly report submitted by each University System employer to the Executive Director, an external review by the University System office that includes a biennial audit process, and a Merit Board review and corrective or remedial action, if necessary.

The concept of accountability as captured in this accountability procedure is not intended to add another layer of process or procedure requirements for University System employers. Each University System employer must be able to design its businesses exemption processes regarding exempt positions –to fit its unique circumstances. Accordingly, current campus exemption procedures, designed and implemented by University System employers intending to ensure compliance with statutory exemption authority, will be deemed to be in compliance with this procedure.

Most specifically in accordance with section 250.30(b) of the Code, the Executive Director shall review and approve all positions exempted under section 36e(3) of the Act. A formal request and job description must be submitted and approved for each position exempt under this section of the Act. See Exemption Request Form 6.3a and Job Description Form 6.3b.

Consequently, the role of the University System office is one of oversight through specific approval of positions, compliance audits and review of data through quarterly reports submitted by each University System employer. ***Regardless of the exemption category or delegation of exemption authority, the basic statutory foundation for all employees in the University System is that they are assumed civil service unless exempted by statute.***

Section 6 – Accountability for Exemption Authorization

*(Reference section 36e of the Act (110 ILCS 70/36e(3))*

**6.2 INTERNAL REVIEW**

Accountability for exemption authorization consists of the following components:

**Internal Review Process** – an internal position review process that will ensure efficient management of the exempt position descriptions, and proper submission/authorization for exemption approval when necessary~~authorization process~~. This should include a detailed description of the internal oversight, training, review/submission and approval, and recordkeeping components of the employer's exemption process. The internal review process must indicate that, as required, exemption requests for Principal Administrative Appointments (PAAs) under section 36e(3) of the Act are to be reviewed and approved by the Executive Director (PAAs), DER, or by Other exemptions may be reviewed and approved by the DER, or another delegated position with the appropriate authority, provided such delegation is in writing.

**Training Process** – training for those human resource professionals who are responsible for implementing the employer's exemption authorization process. This should include training for any administrators or employees who will either prepare ~~or approve~~ exemption requests to be submitted for approval by the Executive Director (36e(3) exemptions), or otherwise have internal authority to approve other exemptions. for employer approval.

**Internal Assessment Process** – a cyclic review program wherein all exempt positions are reviewed by the employer for currency of job content and title no less often than once every three years. Job changes of exempted positions discovered as a result of this review should be corrected immediately, and submitted for subsequent approval to the Executive Director (36e(3)), or otherwise for employer approval. However, any job change that requires a change in the employment relationship and ~~would~~ interfere with a contractual relationship may be delayed ~~would not take effect~~ until the expiration of the contractual term and prior to the contractual renewal date.

**Data Report** – a database of exempted positions consisting of position number, position title, exemption category, position FTE, exemption approval date or appointment date, funding source (appropriated or non-appropriated), and any prior Civil Service position title and date of Civil Service appointment. The data report need not duplicate other human resource reports that are submitted to the University System office that may contain the same information. Employers are also required to submit a quarterly headcount report (see *Example 7.1*) to the Executive Director r of the University System office along with a detailed data snapshot of exemptions as described above.

Section 6 – Accountability for Exemption Authorization

*(Reference section 36e of the Act (110 ILCS 70/36e(3))*

Section 6 – Accountability for Exemption Authorization

*(Reference section 36e of the Act (110 ILCS 70/36e))*

**6.3 SYSTEM OFFICE REVIEW**

In accordance with regulatory guidelines, the Executive Director of the University System shall review and approve all positions exempt under section 36e(3) of the Act prior to its use. Employers must submit a completed Exemption Request Form 6.3a to the University System office for approval. Once a position has been approved for exemption, that position may be used until such exemption is terminated or a subsequent authorization has been obtained due to position description changes. Any significant change in the position description shall require an additional review and approval by the Executive Director.

The Audit and Advisory Services division of the University System office will also audit selected exempt positions as a regular part of their biennial audit of each University System employer. Their audit testing analysis will compare the duties contained in the position description, and performed by employees in the selected positions, against the regulatory guidelines regarding each exemption category, the specifications contained in the ~~Standard~~ Job Titles for each exemption category, and the specifications contained in the many other available classifications in the civil service classification plan system. If it is noted that significant changes have occurred in job content, suggesting a revision to the position description and corresponding employment or exemption designation, the University System employer will be requested to make appropriate corrections as described in the audit findings.

As a means of helping insure the maintenance of position changes, University System employers shall establish and implement a cyclic review program wherein position descriptions for all exempt positions are reviewed by the University System employer for currency of job content and title *no less often than once every three years*. Exemption status changes ~~discovered as a result of this review shall promptly be corrected, and~~ with further System office review and approval as may be required, reported to the University System Office.

In this respect, biennial compliance audits of University System employers will include, but not be limited to;

- Comprehensive review of position descriptions
- Compliance with statutory and procedural criteria for exemptions
- Adequacy and thoroughness of related employment procedures
- Adequacy of internal review and approval processes
- Thoroughness and accuracy of quarterly reporting requirements
- Any other associated special interest items

The University System office will provide training and advice on exemption issues and questions as requested.

Section 6 – Accountability for Exemption Authorization

*(Reference section 36e of the Act (110 ILCS 70/36e))*

In order to assist the Audit and Advisory Services Section of the University System office in their periodic reviews of exempt positions, employers are encouraged to standardize their position descriptions for all employment categories. See utilize the following Position Description Fform ,see Form 6.3b.a.

Section 6 – Accountability for Exemption Authorization

*(Reference section 36e of the Act (110 ILCS 70/36e))*

**6.4 MERIT BOARD REVIEW**

Attempts to reconcile compliance issues will always be approached by the University System office and the Merit Board in a spirit of collaboration. An employer's self-disclosure of possible noncompliance issues and good faith effort to take corrective or remedial action will not be used as a basis for any punitive action by the University System office or the Merit Board.

Upon the recommendation of the Executive Director, or upon its own initiative, the Merit Board may review noncompliance issues revealed through [the exemption authorization process, the biennial ~~compliance employer~~ audits](#) and quarterly exemption reports. The University System office and/or Merit Board review of exemption concerns may include any action as deemed necessary to properly evaluate and reconcile the issue(s).

Section 6 – Accountability for Exemption Authorization

*(Reference section 36e of the Act (110 ILCS 70/36e))*

**6.5 REMEDIAL PROCESS**

Upon the recommendation of the Executive Director of the University System office, or upon its own initiative, the Merit Board may take any necessary corrective or remedial action in an attempt to resolve incorrect exemption authorization issues revealed through biennial employer audits and/or quarterly exemption reports. Such corrective or remedial action may take any specific form, as designated by the Merit Board, and will be based on the pattern of severity and history of the noncompliance issue(s). However, ~~no~~ remedial action that would result in the interference with an employment contract will not be required during the term of the contract. Consequently, remedial action concerning a contractual employee ~~may would~~ only take effect at the expiration of the contractual term and prior to the contractual renewal date.

Pursuant to the Act and Code, the Merit Board may delegate its remedial authority to the Executive Director in whole or in part. Section 36d(1) of the Act authorizes the Merit Board to approve a classification plan and delegate to the Executive Director the responsibility of assigning civil service positions to the appropriate classification (see 110 ILCS 70/36d(1)). The Executive Director is also charged with the responsibility to review and approve positions to be exempted under 36e(3) of the Act (Principal Administrative Appointments), conduct audits of system employers to ensure compliance with all provisions of the Act and Code, and to contend with issues revealed through audit reports as directed by the Merit Board (see 80 Ill. Adm. Code §250.140(c)). Section 250.140(a) of the Code further provides that the Executive Director has all the authority required to implement the Act and Code and that the Merit Board may delegate any of its authority to the Executive Director by specific authorization of the Merit Board (see 80 Ill. Adm. Code §250.140(a)).

Section 7 – Quarterly Reporting Requirements

*(Reference section 36e of the Act (110 ILCS 70/36e))*

**7.1 REPORTING REQUIREMENTS**

a. Quarterly Employee Change Report

This report shall be due no later than the 10<sup>th</sup> working day following the last working day of each quarter (September, December, March, and June) and shall include the following for each employee changed from civil service status to exempt status (see Form 7.1a):

- ◆ Employee's Name
- ◆ Date of Change
- ◆ Civil Service Class
- ◆ Department/Unit
- ◆ Exemption Title
- ◆ Exemption Category\*
- ◆ Department/Unit
- ◆ Reason for Change
- ◆ Status of "old" civil service position (filled/abolished/remains vacant)
- ◆ If position was filled, new employee's name and start date

b. Quarterly Report of Exempt Employees

*This report shall be due no later than the 10<sup>th</sup> working day following the last working day of each quarter (September, December, March, and June) and shall include the following for both state funded and non-state funded positions (see Form 7.1b):*

- ◆ *Number of employees assigned to each 36e(3) general PAA Position Standard Title*
  - ◆ *Number of employees considered exempt under Section 36e(2)\**
  - ◆ *Number of employees considered exempt under Section 36e(4)*
  - ◆ *Number of student employees exempt under Section 36e(5)\**
  - ◆ *Grand Total of all exempt employees under Section 36e-(2), (3), (4) and (54)*
- ◆ \* ◆ \*

c. Quarterly Data Report

This report shall be due no later than the 10<sup>th</sup> working day following the last working day of each quarter (September, December, March, and June) and shall include the following for each exempt position:

- ◆ Name or other ID
- ◆ position number\*

Section 7 – Quarterly Reporting Requirements

*(Reference section 36e of the Act (110 ILCS 70/36e))*

- ◆ position title
- ◆ exemption category\*
- ◆ position FTE\*
- ◆ exemption approval date or appointment date
- ◆ funding source (appropriated or non-appropriated)
- ◆ and any prior Civil Service position title and date of Civil Service appointment.

-The data report need not duplicate other human resource reports that are submitted to the University System office.

~~*\*These new data elements will not be required until such time that a joint review of all currently submitted data reports has been conducted with all employers, and a formalized IT reporting protocol has been established and approved by the Merit Board.*~~

Section 8 – Other Related Actions

*(Reference section 36e of the Act (110 ILCS 70/36e))*

**8.1 TEMPORARY ASSIGNMENT OF CIVIL SERVICE EMPLOYEE TO A CIVIL SERVICE EXEMPT POSITION**

This procedure is to be used when a Civil Service employee is temporarily assigned to a civil service exempt position or temporarily assigned additional duties commonly associated with a civil service exempt position in addition to those regularly assigned through their Civil Service classification. The exemption assignment or additional duties may be performed on a temporary or emergent basis, including but not limited to, occasions when there is a search conducted to fill the exempt position or when an exempt employee is on an extended medical or personal leave.

Employees temporarily assigned or accepting the additional duties associated with a civil service exempt position may receive additional compensation while serving in this capacity and will maintain their current classification status, as if they had remained in their current Civil Service classification during the entire temporary exempt assignment timeframe. Employees will therefore continue to accrue seniority in their current Civil Service classification and, at a minimum, retain their current compensation level while on temporary assignment to a civil service exempt position and/or while performing the exempt duties.

Section 8 – Other Related Actions

*(Reference section 36e of the Act (110 ILCS 70/36e)*

**8.2 CHANGING AN EXEMPT POSITION TO A CIVIL SERVICE POSITION**

Periodic job description review and update procedures may indicate that a position originally identified as civil service exempt may have incorrectly been classified or may have changed to the point whereby a department now must convert this position, and any employee currently in this position, to an identified and appropriate Civil Service classification. The following procedure will assist each employer in converting positions, and any employee currently occupying these positions, from an exempt position to a Civil Service position.

When it has been determined and established that the job responsibilities and duties of a position do not meet the criteria for ~~a-36(e)~~ exemption, the employer may elect, or may or may be required<sub>1</sub> to change the position from an exempt position to an appropriate Civil Service appointment in a recognized classification, in accordance with the following process.

- a. Establishment of Appropriate Civil Service Position
  1. The employer will determine the appropriate Civil Service classification based on the defined duties and responsibilities associated with the position.
  2. The employer will then establish a pay rate or range for the classification, if one has not already been established. *(Note: The classification of positions remains subject to audit review by the University System office.)*
  3. The position will then be officially changed to reflect the appropriate Civil Service classification and all relevant employment protocols will be followed when filling any future vacancy in this position.
  
- b. Transition of an exempt incumbent into a Civil Service Position
  1. After converting the exempt position to a Civil Service position, any incumbent in the former exempt position will be officially moved to the designated Civil Service classification assigned to the converted position. At the time of this action, the employer is required to cite this procedure on the *Notice of Employment*.
  2. If the incumbent does not meet the minimum acceptable qualifications of the Civil Service classification assigned to the converted position, a Position Change Principal Administrative Appointment to Civil Service Appointment Waiver of Qualification(s) for Incumbent Form must be completed and must be approved by the Executive Director. See Form 8.2a. The incumbent will not be required to complete a Civil Service examination for the designated classification provided they meet the minimum acceptable qualifications or have obtained the approved waiver form.

Section 8 – Other Related Actions

*(Reference section 36e of the Act (110 ILCS 70/36e))*

3. The incumbent will be required to complete a probationary period associated with the designated Civil Service classification/position. Time served in the previous exempt position will count towards the completion of the probationary period. Some specific examples follow:

*Example 1: An employee was hired in an exempt position and has served 4 months in the position. It is determined that the position should be a Civil Service classification of Human Resource Associate which has a 12-month probationary period. Upon changing the position from exempt status to Civil Service, the employee would be required to complete the 'remaining' 8 months of the 12-month probationary period.*

*Example 2: An employee was hired as in an exempt position and has served 14 months in the position. It is determined that the position should be a Civil Service classification of Human Resource Associate which has a 12-month probationary period. Upon converting the position from exempt status to Civil Service, the employee would not be required to complete any additional probationary period.*

4. Seniority is accrued from the date that it can reasonably be determined that the position description met the criteria (duties/responsibilities) of a Civil Service classification. This date can be determined based upon a historical evaluation of the job description for the position. In cases where there has been no significant change in the job description, seniority is accrued from the date of employment into the exempt position.
5. Upon change to the Civil Service position, the employee will also begin accruing other benefits at a rate based on their length of service with the State of Illinois.

Form 7.1b

**QUARTERLY REPORT OF EXEMPT EMPLOYEES (Totals)**

Employer: \_\_\_\_\_

For Quarter Ending:      3/31      6/30      9/30      12/31  
 (Circle Quarter)

<u>Position Standard Titles</u>	<u>Total Number of Employees</u>	<u>Number Non-State Funded</u>
1 Assistant To	_____	_____
2 Assistant Director	_____	_____
3 Associate Director	_____	_____
4 Director	_____	_____
5 Executive Director	_____	_____
6 Coordinator	_____	_____
7 Specialist	_____	_____
8 Other Specialized Professional		
Physician	_____	_____
Attorney	_____	_____
Engineer	_____	_____
Architect	_____	_____
<u>Other Exemption Categories</u>		
Total Number of Employees Exempt under 36e(2)	_____	_____
Total Number of Employees Exempt under 36e(4)	_____	_____
Total Number of Employees Exempt under 36e(5)	_____	_____
Grand Total	_____	_____

**CERTIFICATION**

This is to certify that the above employer has implemented and is conducting a cyclic review program for exempt employees wherein all exempt jobs are reviewed for currency of job content and title no less often than once every three years.

Submitted by: \_\_\_\_\_  
 (Designated Employer Representative)

Date: \_\_\_\_\_

## SUBTITLE A

**Section 250.110 Separations and Demotions**

- f) Discharge Proceedings and Effective Date of Discharge
  - 1) Pre-discharge Proceedings
    - A) Prior to initiating any proceedings before the Merit Board for the discharge of an employee, the employer shall notify the employee in writing, served upon the employee in person if the employee is present on the job or, otherwise, by certified mail or by overnight delivery service that requires signature upon receipt to the most recent address of the employee as shown on the employer's records, of the employer's intention to initiate the proceedings. The notification shall advise the employee of the substance of the charges proposed to be filed in sufficient detail to inform the employee of the nature of the conduct on which the proposed charges are based. The notification shall also advise the employee that either or both of the following options are available to the employee:
      - i) within 3 work days after service of the employer's notification, the employee may notify the employer of his/her decision to require the employer to hold a conference with the employee or his/her representative for the purposes of responding to the matters contained in the notification and of attempting to achieve a reconciliation or understanding; and
      - ii) within 3 work days after service of notification, the employee may deliver to the employer a written response to the matters contained in the employer's notification; provided that, if the employee elects to require the conference identified in subsection (f)(1)(A)(i), at that conference the employee may request and receive an opportunity to respond further in writing within 3 work days after the conclusion of the conference.
    - B) Employer's Decision
      - i) Within 7 work days after compliance with the provisions of subsection (f)(1)(A), the employer shall either:

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- notify the employee that no further action will be taken to initiate discharge proceedings with the Merit Board against the employee based solely on the matters contained in the employer's notification; or
  - initiate proceedings before the Merit Board under this subsection (f) seeking discharge of the employee based solely on the matters contained in the employer's notification.
- ii) The employer's election not to initiate discharge proceedings with the Merit Board shall not preclude the employer from imposing a suspension in accordance with subsection (e) or some lesser penalty.
- C) An employee who has been served with an employer's notification as provided in subsection (f)(1)(A) may be placed on excused absence with pay during all or any part of the period covered by this subsection (f)(1) to provide the employer an opportunity to investigate serious charges.
- 2) Actual Discharge Proceedings
- A) Proceedings before the Merit Board seeking the discharge of an employee shall be initiated by the employer filing Written Charges for Discharge with the Merit Board setting forth the causes for discharge in sufficient detail to inform the employee of the nature of the conduct on which the charges are based. The Written Charges for Discharge shall be set forth in separately numbered charges. The Written Charges for Discharge shall contain the dates, names of persons, places, and facts necessary to properly allege cause for discharge. If a breach of duty, statute, or rule of the employer is alleged, the statute, law, or rule shall be cited in connection with the charge.
- B) The Written Charges for Discharge shall be accompanied with a certification by the employer that all procedures set forth in subsection (f)(1) have been followed and that there has been full compliance with any options elected by the employee. At the time the Written Charges for Discharge and the certification are filed with the Merit Board, the employer shall serve copies upon the

## SUBTITLE A

employee in person if the employee is present on the job; otherwise, service shall be by certified mail or by overnight delivery that requires signature upon receipt to the most recent address of the employee as shown on the employer's records, and the employer shall file a proof of the service with the Merit Board.

- C) At any time prior to commencement of the hearing, the Executive Director may direct or authorize the Written Charges for Discharge to be amended to correct technical defects or to set forth additional facts or allegations related to the subject matter of the original charges. The amendments shall relate back to the original date of service of the Written Charges for Discharge. The employer shall serve copies of the Amended Written Charges for Discharge upon the employee in person if the employee is present on the job; otherwise, service shall be by certified mail or by overnight delivery that requires signature upon receipt to the most recent address of the employee as shown on the employer's records, and the employer shall file a proof of the service with the Merit Board.

- D) An employee who has been served with Written Charges for Discharge in accordance with subsections (f)(2)(A) and (B) may be suspended without pay by the employer during all or any part of the period that the discharge proceeding is pending, and until final disposition, if the employer is of the opinion that 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 employer's operations. Any suspension without pay shall become effective on the date the employer serves the Suspension Notice Pending Discharge upon the employee, which may be served with the Written Charges for Discharge or on any date thereafter. Service shall be upon the employee in person if the employee is present on the job; otherwise, service shall be by certified mail or by overnight delivery that requires signature upon receipt to the most recent address of the employee as shown on the employer's records, and the employer shall file with the Merit Board a copy of the Suspension Notice Pending Discharge and proof of service.

3) Hearing Request

- A) An employee who has been served with Written Charges for Discharge may request a hearing by filing a written request for hearing with the Secretary for the Merit Board within 15 calendar

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days after the date of personal delivery or mailing of the Written Charges for Discharge to the employee. The Secretary for the Merit Board shall immediately notify the employer of the filing of the written request by the employee. Thereafter, further proceedings shall be as provided in this subsection (f) and any discharge shall be effective on the date of the discharge order of the Merit Board, unless otherwise expressly stated in the order.

- B) If the employee does not file a written request for hearing with the Secretary for the Merit Board within 15 calendar days, the employee's discharge shall become effective at the end of the 15-day period without further action by the Merit Board. The Secretary for the Merit Board shall promptly notify the employer of the employee's failure to file a timely written request for hearing.

4) Hearing Proceedings

- A) Upon receipt of the employee's written request for hearing on the Written Charges for Discharge, the Merit Board shall promptly appoint a Hearing Board or Hearing Officer to hear the charges and the employee's response. All hearings relating to discharge proceedings shall be convened by and conducted under the control of the Executive Director or his/her authorized representative. The Executive Director, the Hearing Board or Hearing Officer, the employee and the employer shall all make good faith efforts to commence the hearing within 10 calendar days after receipt of the employee's written request for hearing, but in no event shall the hearing commence later than 45 days after service of the Written Charges for Discharge, unless a continuance is granted pursuant to subsection (f)(19)(B). Dilatory tactics or actions will not be permitted and the Executive Director, the Hearing Board or Hearing Officer, the employee and the employer shall all make good faith efforts to conduct the hearings in no more than three hearing days, unless justice, due process, and fundamental fairness require otherwise. All hearings shall be open to the public unless, upon motion of either party, the Hearing Board or Hearing Officer finds it necessary to close the hearing or parts of the hearing in instances where personal safety is of concern or when confidential testimony/exhibits are to be referenced or revealed. There shall be a presumption that hearings will be closed only under extraordinary circumstances. A transcript of the hearing, including

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exhibits, shall be made and shall be filed with the Secretary for the Merit Board as soon as possible following conclusion of the hearings.

- B) Within 15 calendar days after receipt of the transcript from the Secretary for the Merit Board, the Hearing Board or Hearing Officer shall file its findings of fact and any other recommendations with the Secretary for the Merit Board, unless that time is extended by the Executive Director for good cause shown. For the purpose of this Section, good cause shall include, but not be limited to: sickness, attendance at court proceedings, death, weather conditions that prevent the members from meeting. If by that time the findings of fact have not been received by the Secretary for the Merit Board, the Executive Director will either appoint another approved Hearing Board or Hearing Officer that will then review the record and submit findings of fact within 10 calendar days after the appointment, or the Executive Director will give written notice to all Hearing Board members or the Hearing Officer and to all parties to the proceeding that he or she will, within 10 calendar days, discontinue the hearing and commence a new hearing and the present Hearing Board or Hearing Officer will be dismissed without pay. Within this 10-day period following the Executive Director's notice, the Hearing Board or Hearing Officer can appeal to the Executive Director by showing cause why time should be extended.
- C) The Executive Director shall certify as the Hearing Record the Written Charges for Discharge, the Suspension Notice Pending Discharge, the employee's request for hearing, the transcript and exhibits, the Hearing Board's or Hearing Officer's findings of fact and other recommendations, and other documents that have been filed.
- D) Upon certification by the Executive Director, the Secretary for the Merit Board shall, by certified mail or by overnight delivery that requires signature upon receipt, immediately forward a copy of the Hearing Record, along with notice that the Hearing Record has been certified, to all parties of record. Any objections to the form or contents of the Hearing Record, or briefs, abstracts, or excerpts from the Hearing Record, or arguments, motions, or recommendations, relating to the hearing proceedings or the Hearing Record, or requests for further hearing or for permission

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to supplement further the Hearing Record by other evidence, must be filed with the Secretary for the Merit Board within 14 calendar days after the date of the postmark of the certified mail notice or the mailing date of the overnight delivery that the Hearing Record has been certified, with proof of service on all parties. No answer or reply briefs and arguments in response to these filings will be permitted unless expressly authorized by the Executive Director or the Merit Board or its Chair.

- E) 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 after 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. The motion must specifically state the issues and any relevant law that will be the subject of argument. The Merit Board will grant or deny the motion at the Merit Board meeting at which oral argument is requested. Oral argument in cases of discharge will generally not be allowed unless novel or precedent setting questions of law or policy are at issue.

5) Conduct of Hearing

- A) Pre-hearing Conference. In all hearings, it is recommended that the Hearing Board or Hearing Officer hold a pre-hearing conference immediately preceding the hearing on the day of the hearing. The Hearing Board or Hearing Officer will give the parties an opportunity to discuss issues and share information at the pre-hearing conference that will allow them to present their cases in a fair, efficient, and timely manner. Generally, the Hearing Board or Hearing Officer will conduct the pre-hearing conference for the purpose of achieving one or more of the following points, as determined by the Hearing Board or Hearing Officer on a case by case basis:

- i) defining and simplification of the issues;
- ii) negotiating admissions or stipulations of fact to avoid unnecessary proof;
- iii) reviewing each party's witness and exhibit list;

## SUBTITLE A

- iv) limiting redundant witness testimony or duplication of evidentiary material, if necessary;
  - v) determining the length of time each party will need to present its case;
  - vi) exchanging exhibits; and
  - vii) discussing any matter that may aid in the efficient and timely disposition of the case.
- B) Following the Pre-hearing Conference. The Hearing Board or Hearing Officer shall enter into the record any action taken and any agreements made by the parties as to the matters considered. The length and scope of the pre-hearing conference is at the discretion of the Hearing Board or Hearing Officer, but should generally be concluded within a one hour timeframe.
- 6) Order of Hearing
- A) The Executive Director, or authorized representative, shall open and convene the hearing.
  - B) The Executive Director, or authorized representative, shall request all persons who have been asked to serve as witnesses, other than a party or employer representative, to be excluded from the hearing room while the hearing is in process, except during their own testimony and cross-examination. Except as he/she might intervene, or be requested to intervene, the Executive Director, or authorized representative, shall empower the Hearing Board or Hearing Officer to proceed with the hearing in such a manner as to provide the employer and the employee a full opportunity to present their positions to the Hearing Board or Hearing Officer.
  - C) The parties may make a brief opening statement at the beginning of the hearing. The employer will proceed first, followed by the employee. Opening statements may be waived or may be reserved and presented at the commencement of the party's case-in-chief.
  - D) The employer shall first present its case-in-chief, with an opportunity for the employee to cross-examine the employer's

## SUBTITLE A

witnesses. The employee may be called as an adverse witness during the course of the hearing.

- E) The employee shall then present his/her case-in-chief, with an opportunity for the employer to cross-examine the employee's witnesses.
- F) Each party may call rebuttal witnesses if found to be necessary by the Hearing Board or Hearing Officer.
- G) At the conclusion of the hearing, each party may make an oral closing argument. The employer may be permitted a brief rebuttal at the end of the employee's closing argument.
- H) The hearing shall be closed when the employer and the employee have had a fair and reasonable opportunity to present their positions to the Hearing Board or Hearing Officer.
- I) In addition, each party may submit written arguments, summary statements, and/or briefs within 10 calendar days after conclusion of the hearing. A copy of the written closing arguments must be provided to all parties of record and filed with the Executive Director, with proof of service included. Only written materials submitted within the 10 calendar day timeframe will be forwarded with the transcript of evidence and considered by the Hearing Board or Hearing Officer, unless otherwise extended by the Executive Director.

7) Evidence and Motions

- A) As a general matter, the rules of evidence and privilege as applied in civil cases in the circuit courts of the State of Illinois shall be followed. However, evidence not admissible under those rules may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the investigation and conduct of serious matters of this nature. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.
- B) All testimony shall be presented under oath or affirmation. Objections to testimony or evidentiary offers shall be noted in the record. Consistent with these requirements and in order to

## SUBTITLE A

- expedite the hearing, any part of the evidence may be received in written form, provided the interests of the parties are not jeopardized.
- C) The standard of proof applied by the Hearing Board or Hearing Officer when evaluating the charges will be the preponderance of the evidence.
  - D) The Hearing Board or Hearing Officer may, on its own motion or upon motion of one of the parties, take notice of matters of which the circuit courts of the State of Illinois take judicial notice.
  - E) The Hearing Board or Hearing Officer has the authority to rule on all motions that do not dispose of the proceedings. Examples of motions that can be ruled on by the Hearing Board or Hearing Officer are motions in limine or motions to suppress evidence. Motions directed at the Hearing Board or Hearing Officer shall be presented at the pre-hearing conference, if possible, and actions taken by the Hearing Board or Hearing Officer shall be entered into the record.
  - F) Motions that dispose of the proceedings must be directed to the Merit Board. Examples of motions that are to be directed to the Merit Board are motions to dismiss, motions to decide a proceeding on the merits, or motions claiming lack of jurisdiction. Motions must be filed with the Secretary for the Merit Board within 14 calendar days after the date of the postmark of the certified Hearing Record. Motions will be ruled on by the Merit Board at the Merit Board meeting in which the case is being considered. The filing of a motion of this nature shall not be allowed to cause any delay in the proceedings.
  - G) Performance records of the employee or past disciplinary records are admissible and relevant for the purpose of mitigation or aggravation, except if otherwise excluded by a local employer policy or collective bargaining agreement.
- 8) Stipulations. Parties may agree by stipulation upon any facts involved in the hearing. The facts stipulated shall be considered as evidence in the hearing. It is the policy of the Merit Board to encourage stipulation of facts whenever practicable.

## SUBTITLE A

- 9) Evidence Depositions. Upon request to the Executive Director and upon good cause shown (which shall include, but is not restricted to, potential unavailability of a witness at the time the hearing is scheduled, scheduling or travel arrangement considerations, or agreement of the parties) any party may request a deposition of any witness to be taken for evidence in a hearing. If desired, subpoenas may be requested upon application to the Executive Director in a manner consistent with this Part. The deposition shall proceed in the manner provided by law for depositions in civil actions in the circuit courts of the State of Illinois.
- 10) Subpoenas. Requests for subpoenas shall be directed to the Executive Director at least five work days before the hearing, unless an exception is granted by the Executive Director. Subpoena requests may be granted if reasonably designed to produce or lead to the production of evidence related to the alleged charges and the terms of compliance are reasonable given the time frames and other circumstances. The party requesting the subpoenas shall be responsible for service and costs related to the subpoena of a witness. The fees of the witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts of the State of Illinois. Subpoenas are effective throughout the course of the proceedings. Requests for subpoenas must be submitted in writing and include the following:
- A) The name and address of the witnesses sought;
  - B) Any specific documents the witnesses will be required to bring; and
  - C) A brief statement of the relevant facts or testimony that the witnesses will be providing.
- 11) Request for Documents. Prior to the hearing, each party shall serve upon the other party and file a copy with the Secretary for the Merit Board, to be submitted to the Hearing Board or Hearing Officer, the following information, to the extent available at that time:
- A) A list of the names and addresses of the witnesses the party proposes to call; and
  - B) All documents the party proposes to offer in its case-in-chief.

## SUBTITLE A

- 12) Failure to Appear. Failure of a party to appear on the date set for hearing may result in findings of fact unfavorable to that party and may result in a loss of rights by default.
- 13) Disqualification of Assigned Hearing Board or Hearing Officer. A Hearing Board or Hearing Officer may be disqualified on grounds of bias or conflict of interest. An adverse ruling, or the fact that a Hearing Board or Hearing Officer has had contact with the University System, by itself, shall not constitute bias or conflict of interest. Whenever any party believes a Hearing Board or Hearing Officer should be disqualified from conducting an assigned proceeding, that party may file a request with the Executive Director to disqualify the Hearing Board or Hearing Officer, setting forth by affidavit the alleged grounds for disqualification, with proof of service on all parties. The Executive Director shall rule and make the final determination on all requests for disqualification.
- 14) Ex Parte Communications
  - A) Except in the disposition of matters they are authorized by law to entertain or dispose of on an ex parte basis, the Merit Board, the Executive Director, employees of the University System Office, and the assigned Hearing Board or Hearing Officer shall not, after Notice of Convening of Hearing has been issued, communicate, directly or indirectly, with any party or the party's representative regarding any issue of fact or with any person or party in connection with any other issue regarding the case, except upon notice and opportunity for all parties to participate. However, the Merit Board, the Executive Director, employees of the University System, and the Hearing Board or Hearing Officer may communicate with each other. Also, members of the Merit Board and the Hearing Board or Hearing Officer may have the aid and advice of one or more personal assistants.
  - B) Communications regarding procedure, including interpretation and application of Section 360 of the Act, subsection (f), and related procedures, are not considered ex parte communications.
- 15) Role and Responsibilities of the Hearing Board or Hearing Officer. The Hearing Board or Hearing Officer shall be responsible for the following activities:
  - A) Conduct the pre-hearing conference;

## SUBTITLE A

- B) Facilitate the timely completion of the hearing process, taking necessary steps to avoid delay;
- C) Establish reasonable limits on the duration of witness testimony;
- D) Limit repetitive or cumulative testimony;
- E) Rule on motions, objections or evidentiary questions;
- F) Hear evidence as presented at the hearing by the employer and the employee on behalf of their respective positions (the evidence may include matters in aggravation, mitigation and justification, which may pertain to the question of "just cause" for discharge);
- G) Direct questions to witnesses at any time, but restrict questioning to the clarification of the testimony already presented;
- H) Prepare a signed findings of fact within 15 calendar days after receipt of the transcript of the hearing proceedings to be transmitted to the Merit Board. The findings of fact shall set forth each of the written charges alleged in the Written Charges for Discharge, including an evaluation of the facts presented by the employer and employee with respect to each charge, and based on this evaluation, a determination as to whether the charges are sufficiently supported by the evidence presented. The findings of fact shall be based exclusively on the evidence and on matters officially noticed. The findings of fact presented by the Hearing Board or Hearing Officer are advisory only to the Merit Board. It is not the role of the Hearing Board or Hearing Officer to determine whether just cause for discharge exists. The determination of just cause is the sole province of the Merit Board; and
- I) Enter any order that further carries out the purpose of this Section.

- 16) Final Decision of the Merit Board. In the course of reaching its decision, the Merit Board may request the Executive Director to make recommendations that he/she deems appropriate with respect to the discharge proceedings. Nothing in subsections (f)(16)(A) and (B) is intended to eliminate or limit the Merit Board's discretion to determine the appropriate disposition on a case-by-case basis. The Merit Board shall

## SUBTITLE A

enter findings of fact and shall ~~direct order~~ the following decision and order or any other decision and order it deems appropriate:

- A) Discharge, if just cause is found to exist. No employee shall be discharged except for just cause. Just cause is defined as some substantial shortcoming that renders the employee's continuance in his/her position in some way detrimental to the discipline and efficiency of the service and that the law and sound public opinion recognize as good cause for the employee no longer holding the position; or
  - B) Reinstatement, if just cause for discharge is found not to exist. An employee shall be reinstated as follows:
    - i) Reinstatement with no loss of compensation when none of the significant charges are proven.
    - ii) Reinstatement with a 60-day suspension when the proven charges do not rise to the level of just cause for discharge, but some disciplinary action is justified based on the severity of the proven charges. If the Merit Board orders reinstatement with a 60-day suspension, any time served while on suspension pending discharge will be applied towards the fulfillment of the 60-day suspension.
- 17) **Final** Decision and Order of the Merit Board. The Secretary for the Merit Board shall immediately forward copies of all Merit Board orders to the employer and the employee by certified mail or by overnight delivery that requires signature upon receipt. ~~Request for a rehearing, or for a reconsideration of a Merit Board order or decision, shall not extend any appeal period for administrative review, except by express order of the Merit Board or its Chair.~~
- 18) Administrative Review. All final decisions of the Merit Board shall be subject to appeal by the parties to the proceedings under the Administrative Review Law [735 ILCS 5/Art. III]. A complaint for administrative review must be filed and summons issued within 35 days after the date that a copy of the Merit Board decision has been served upon the party affected. A decision of the Merit Board 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 by the decision at his/her last known residence or place of business.

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- 19) Time Period Proceedings
- A) On the motion of either party with notice to the other party, or by independent action of the Chair of the Merit Board or the Executive Director communicated to both parties, any time period set forth in this subsection (f) may be extended by the Chair of the Merit Board or by the Executive Director for good cause shown.
  - B) No extension may be beyond a period established by statute, except for cases in which a written motion for continuance of a scheduled hearing is filed with the Secretary for the Merit Board at least 48 hours prior to the time scheduled for hearing, unless an exception is granted by the Executive Director. The moving party must set forth emergency grounds for a continuance, which are limited to unforeseen, unavoidable or uncontrollable circumstances, such as an Act of God; the sudden illness or death of the movant, a member of his or her immediate family, or his/her legal counsel; or if the movant is able to demonstrate some other real and compelling need for additional time. If there is an arrest or criminal indictment of any employee that resulted from an employee's conduct in the course of employment duties, the Executive Director, at the request of the employee, may grant a continuance of hearing pending some resolution of the criminal charges. Requests for continuances must be preceded by contacting the opposing party and asking for agreement to the continuance.
  - C) The time periods set forth in this subsection (f), except for the 15-day period set forth in subsection (f)(3)(B) and except for any time period provided for seeking administrative review of a final decision of the Merit Board, shall be deemed directory and not mandatory; and no failure to comply with any of the time periods set forth in this subsection (f), except for the 15-day period set forth in subsection (f)(3)(B) of this Section and except for any time period provided for seeking administrative review of a final decision of the Merit Board, shall cause the Merit Board to lose jurisdiction of any matter.
  - D) If the last date for filing falls on a weekend or legal holiday, the last date for filing is the first business day following that weekend or legal holiday.

## SUBTITLE A

- 20) Reason for Discharge. Causes justifying discharge and any suspension during the discharge proceedings shall include, but are not limited to: all those listed as cause for suspension if they become recurring offenses; and, in addition, theft; drinking intoxicating liquors on institutional time or property; inability to perform satisfactorily assigned duties as a result of drinking alcoholic beverages; malicious damage to property, tools, or equipment; immoral or indecent conduct that violates common decency or morality; conviction of an offense involving moral turpitude; illegal or excessive use of drugs, narcotics, and/or intoxicants.
- 21) Hearing Expenses. All customary and reasonable court reporter and copying expenses incident to the preparation of the Hearing Record and providing copies to parties to the proceedings shall be paid by the employer. The Merit Board shall pay all expenses of the Hearing Board or Hearing Officer and any legal expenses incurred by a Hearing Board or Hearing Officer, to the extent that those expenses have been approved by the Merit Board or its Executive Director.

## SUBTITLE A

**Section 250.30 The Classification Plan**

- a) Coverage. The classification plan shall include all classes, as approved, and from time to time amended, by the Merit Board, except those exempted by Section 36e of the Statute. ~~Exemptions under Section 36e(3) of the Statute shall be by position. When approved by the Merit Board, a position shall remain exempt until such exemption is terminated by the Merit Board. The Director shall publish guidelines for such exemptions, as approved by the Merit Board.~~ This classification plan shall apply to all positions subject to Section 250.20(a).
- b) Exemptions.
- 1) The Executive Director shall publish guidelines, as approved by the Merit Board, for exemptions identified in Section 36e of the Statute.
  - 2) Each position exempt under Section 36e(3) of the Statute shall be reviewed and approved by the Merit Board, or as designated by the Merit Board to the Executive Director. Exemption authority in this respect lies solely with the Merit Board, or as designated by the Merit Board to the Executive Director. When approved by the Merit Board, a position exempt under 36e(3) of the Statute shall remain exempt until such exemption is terminated by the Merit Board.
- c) Class Specifications.
- 1) The University System shall maintain written specifications, as approved by the Merit Board, for each class in the classification plan. Such specifications shall include the class title, function of position, characteristic duties and responsibilities, minimum acceptable qualifications, including any special licenses or certificates required by state or federal laws, and additional desirable qualifications.
  - 2) The employer shall post notice of the addition of a new class or of the reactivation of a former class, together with a copy of the class specification, at each appropriate place of employment for a period of at least ten calendar days prior to the date a position of the new, or of the reactivated, class is filled, except that for status employees affected by reclassification or reallocation of their positions, as provided in Section 250.30(f)(1) and 250.30(f)(2), this Section does not apply. The notice of the addition of a new class or of the reactivation of a former class, as provided for in this Section, shall be posted in all public places allocated for Civil Service employment information.
- d)e) Use of Class Titles. The title of each class shall be the official title of every position allocated to the class for all purposes having to do with the position. This title shall be used on all personnel records and transactions. A functional title may also be given to a position by the employer, but such functional title cannot be a title approved by the Merit Board as a Civil Service class title.

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e) Allocation of New Positions. When a new position is established, the employer shall recommend in writing to the Executive Director its allocation to an appropriate class, and the Executive Director shall act upon such recommendations.

f) Reallocation or Reclassification of Existing Positions.

- 1) A request to reallocate or reclassify any existing position may originate with the employee and/or the employer. When material changes occur in the duties and responsibilities of a position, the employer shall recommend to the Executive Director in writing the reallocation or reclassification of the position to its appropriate class, and the Executive Director shall review the request, shall act upon it, and shall notify the employer of his/her action.
- 2) A position may be abolished, the class of a position may be changed, or a new class specification may be prepared, provided that no such change shall be made for the purpose of separating an employee from employment in a position in their his-class.
- 3) In order to maintain a sound classification program, the employers, working with the staff of the University System office, shall carry on continuous classification studies.

g) Status of an Employee Whose Position is Reallocated or Reclassified.

- 1) An employee, whose position is reallocated or reclassified, shall be eligible for continued employment in the position which is reallocated or reclassified, provided the employee he-establishes eligibility for such a new class. The employee He-may establish eligibility by meeting the minimum qualifications for the new class to which the position has been reallocated or reclassified, and by passing an examination for the new class. The employee He-must complete a probationary period in the position in the new class.
- 2) A status employee in a position which is reallocated or reclassified, who chooses not to qualify for, or who fails to gain eligibility for, the new class, shall have his/her name placed by the employer on the reemployment register for the former class in accordance with Section 250.60(b)(1).
- 3) An employee, serving a probationary period in a position which is reallocated or reclassified, who fails to gain eligibility for the new class, and for whom no vacant position exists in the class from which the his-position has been reallocated or reclassified, shall have their his-name placed by the employer on the register from which they were he was-certified to a position in the former class in accordance with Section 250.60(b)(2) or Section 250.60(b)(3). If the employee he-has completed a probationary period in a position in a lower class in the same promotional line as that of their his-former position, the employee's his-name shall be placed by the employer on the reemployment register of the lower class in accordance with Section 250.60(b)(1).

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**Section 250.60 Eligible Registers**

- h) Permissive Removal of Names from Registers. The employer may remove the names of candidates from original entry registers and from promotional registers for the reasons set forth in this subsection (h). Names of candidates may be removed from reemployment registers for the reasons set forth in subsections (h)(1) through (7). The reasons include, but are not limited to, the following:
- 1) Failure of a candidate to report for work without good cause within the time prescribed by the employer, after accepting a status or a temporary appointment.
  - 2) Leaving the service of any employer served by the University System by an employee with a status appointment.
  - 3) Failure to reply to the employer within seven calendar days immediately following an offer of a status or a temporary appointment by an employer.
  - 4) Notice by postal authorities of their inability to locate the candidate at his/her last known address, or verbal notice from the owner or occupant of the premises that the candidate is no longer at his/her last known address and that no forwarding address has been provided.
  - 5) Failure of a candidate, upon request, to furnish written evidence of availability for employment.
  - 6) Failure, without reasonable cause, to reply to the employer or appear for an interview within a reasonable time prescribed by the employer, when the employer has mailed either a notice of a vacancy in a status or temporary position or a letter of interest to the candidate's last known address.
  - 7) Upon the candidate's acceptance of a promotion.
  - 8) Failure of a candidate to be selected for employment after four referrals for a status appointment in the same class.
  - 9) When candidates' names have remained on original entry registers for two consecutive years following date of most recent examination, or following date of original entry restoration on the basis of service or seniority in accordance with subsection (j)(3), (4), or (5).

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- 10) From original entry registers upon the expiration of the designated timeframe, as specified in a formal position vacancy posting.

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## SUBTITLE A

**Section 250.90 Probationary Period**

- a) Purpose of Probationary Period. The probationary period is an integral part of the examination process, and shall be utilized by the employer for close observation and evaluation of the employee's work, for obtaining the most effective adjustment of a new employee to his/her position, and to determine whether an employee demonstrates the ability and qualifications necessary to furnish satisfactory service. Periodically, throughout the probationary period, the employer should discuss with the employee his/her progress on the job. An employee who is dismissed during a probationary period shall be given the reasons for his/her dismissal, with the understanding that the reason is not reviewable.
- b) Duration of Probationary Period
- 1) Candidates employed from the reemployment register shall not be required to serve a new probationary period.
  - 2) An employee who has accepted a status appointment shall be on probation for no less than six months and no longer than 12 months. The probationary period may be extended by a comparable amount of time for any ~~If the probationary period is interrupted by a~~ paid or unpaid leave of absence that exceeds more than five consecutive work days, a layoff, ~~or a~~ suspension, or a designated off-site formalized training session, as approved by the Executive Director ~~a comparable amount of time shall be added to the probationary period.~~ The probationary period shall begin on the date of assignment to duty and shall expire at the close of business on the last working day that completes the probationary period for the class, regardless of percentage of time of employment during the probationary period. If the employee is not dismissed during the probationary period, the employee shall become a status employee at its conclusion.
  - 3) An employee reinstated to a register in accordance with Section 250.60(j)(4) who is subsequently appointed to a position of his/her former class shall complete his/her probationary period in the former class, if he/she has not already done so.
  - 4) An employee who goes on layoff status during the probationary period may, upon written request of the employer, be reinstated by the Executive Director on either the original entry register or promotional register, as appropriate, in accordance with total service earned as of the date of the layoff and may be appointed thereafter to the same or similar position. The reinstated employee shall complete the probationary period for the

## SUBTITLE A

class in which eligibility has been established, although his/her service may be interrupted by one or more layoffs.

- 5) Service in a higher class shall count toward completion of the probationary period in a lower class in the same promotional line. Service in a lower class shall not be counted toward completion of probationary period in a higher class of the same promotional line.
- 6) A provisional employee shall begin a probationary period on the date of entrance into a status appointment for which the employee is eligible.

(Source: Amended at 32 Ill. Reg. 17268, effective October 16, 2008)

(Source: Amended at 33 Ill. Reg. 11644, effective July 22, 2009)



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Salary Data System :: Ranges

Welcome Teresa

## Salary Data System



### Establish New Range

Select Classification (2-level drop down) ▼

Establish Range ▼

### Current Ranges

Classification	Min	Max	No. Emp	Options
<input type="checkbox"/> Administrative Assistant II	\$4,042.000	\$8,101.000	1	<a href="#">edit</a> :: <a href="#">delete</a>
<input type="checkbox"/> Administrative Clerk	\$2,539.000	\$4,430.000	3	<a href="#">edit</a> :: <a href="#">delete</a>
<input type="checkbox"/> Assistant Legal Counsel	\$4,837.000	\$8,266.000	1	<a href="#">edit</a> :: <a href="#">delete</a>
<input type="checkbox"/> Human Resource Assistant	\$17.380	\$32.700	1	<a href="#">edit</a> :: <a href="#">delete</a>
<input type="checkbox"/> Human Resource Manager	\$4,240.000	\$8,499.000	2(1)	<a href="#">edit</a> :: <a href="#">delete</a>
<input type="checkbox"/> Office Administrator	\$2,539.000	\$4,430.000	6	<a href="#">edit</a> :: <a href="#">delete</a>

Mass Update by Salary ▼

Mass Update by Percent ▼

{ Must have checked class, or easier on secondary page? }

### Pending Approval

Classification	Min	Max	Status	Eff. Date	Options
Administrative Assistant II	\$4,142.000	\$8,201.000	pending	7/1/2011	<a href="#">edit</a> :: <a href="#">delete</a>
Assistant Legal Counsel	\$4,937.000	\$9,366.000	denied	7/1/2011	<a href="#">edit</a> :: <a href="#">delete</a>
Human Resource Assistant			pending delete	7/1/2011	<a href="#">delete</a>

### Future Requests

Classification	Min	Max	Eff. Date	Options
Administrative Clerk	\$2,615.000	\$4,562.000	7/1/2012	<a href="#">edit</a> :: <a href="#">delete</a>
Administrative Clerk	\$2,693.000	\$4,699.000	7/1/2013	<a href="#">edit</a> :: <a href="#">delete</a>
Assistant Legal Counsel			8/1/2011	
Office Administrator	\$2,615.000	\$4,562.000	7/1/2012	<a href="#">edit</a> :: <a href="#">delete</a>
Office Administrator	\$2,693.000	\$4,699.000	7/1/2013	<a href="#">edit</a> :: <a href="#">delete</a>



Contact System Office

### CONTACT

1717 Philo Road, Suite 24  
Urbana, IL 61802  
ph: 217.278.3150  
fax: 217.278.3159  
tty: 217.278.3160

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Welcome Teresa

## Add Range



### Administrative Assistant II (0172)

Rate Type  \*

Minimum Range  \*

Maximum Range  \* \$4,199,000 (Max Employee Salary from Spring 2011 Salary Survey)

Effective Date  \*

Work Week  \*

Alternate Title

Justification  \*

Ex: Fiscal Year Increase  
{ tbiSR\_RangeJustification }

{ If other, display this box }

Wage Addendum   \*

{ required if rate type = N }

{ renamed to inttbiSR\_WageAddendumDocID.pdf }

If Request denied, reason for denial. { tbiSR\_Audit }



Contact System Office

### CONTACT

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Salary Data System :: Ranges :: Add/Edit

Welcome Teresa

## Edit Range

### Assistant Legal Counsel (2255)



#### Current Range

ID: 00001  
Rate Type R  
Minimum Range 4,837.000  
Maximum Range 8,266.000  
Effective Date 04/01/2007  
Work Week 37.5  
Alternate Title Assistant Director,  
Legal Services

#### Revised Range

Rate Type   
Minimum Range   
Maximum Range  \* \$8,199.000 (Max Employee Salary from Spring 2011 Salary Survey)  
Effective Date   
Work Week   
Alternate Title   
Justification

Ex: Fiscal Year Increase

{ tbiSR\_RangeJustification }

{ If other, display this box }

Wage Addendum

{ required if rate type = N }

{ renamed to inttbiSR\_WageAddendumDocID.pdf }

If Request denied, reason for denial. { tbiSR\_Audit }



Contact System Office

### CONTACT

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Urbana, IL 61802  
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Welcome Teresa

## Delete Range

### Administrative Assistant II (0172)

Are you sure you want to delete this range?

This action will remove this range after the approval by the State Universities Civil Service System.

Effective Date of Deletion

[Yes, Delete Range](#) ↓



Contact System Office

### CONTACT

1717 Philo Road, Suite 24  
Urbana, IL 61802  
ph: 217.278.3150  
fax: 217.278.3159  
tty: 217.278.3160

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Northeastern Illinois University

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## Mass Update by Percentage

### The following classifications will be updated:

Electrician  
Electrician Foreman  
Electrician Sub-Foreman



Minimum Range  %

Maximum Range  %

Effective Date

Justification  \*

Ex: Fiscal Year Increase

{ tblSR\_RangeJustification }

{ If other, display this box }

Wage Addendum

{ renamed to inttblSR\_WageAddendumDocID.pdf }

{ required if rate type = N }



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Welcome Teresa

## Mass Update by Salary

### The following classifications will be updated:

Electrician  
Electrician Foreman  
Electrician Sub-Foreman



Minimum Range  \$

Maximum Range  \$

Effective Date

Justification

Ex: Fiscal Year Increase

{ tblSR\_RangeJustification }

{ If other, display this box }

Wage Addendum

{ renamed to inttblSR\_WageAddendumDocID.pdf }

{ required if rate type = N }



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