STATE UNIVERSITIES CIVIL SERVICE SYSTEM

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May 16, 2022

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The State Universities Civil Service System submits the final report of its FY2021 Governance, Risk, and Compliance Audit of the Office of Human Resources at Southern Illinois University – Carbondale, covering the period of July 1, 2016 – December 31, 2020. This report communicates the overall outcome and assessment of human resource practices during that period, documents risk assessment category findings, and provides recommendations to rectify compliance issues discovered through this comprehensive human resource operational audit.

On behalf of the Legal and Compliance Services Division, please convey our appreciation to the human resources staff for engaging in the audit process and demonstrating their commitment to addressing the findings. If you have any questions or would like a personal briefing on any item, please contact Lucinda M. Neitzel, Assistant Director of Legal and Compliance Services, at cindyn@sucss.illinois.gov or by phone at (217) 305-6604.

Sincerely,

Gail M Schiesser Digitally signed by Gail M Schiesser
Date: 2022.05.16 14:58:05 -05'00'

Gail Schiesser
Executive Director

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

Governance, Risk, and Compliance Audit Report (Final)

May 16, 2022

Southern Illinois University Carbondale

Audit Time Frame:
July 1, 2016 – December 31, 2020

Remote Visit:
February 8 – 12, 2021

Prepared by:

Lucinda M. Neitzel

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Assistant Director, Legal and Compliance Services

State Universities Civil Service System
Legal and Compliance Services
Final Audit Report

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Overview of Specific Areas Subject to Review

The following Human Resource topic areas are considered and reviewed when identifying the Audit Objective and Scope, Risk Assessment Categories, and Findings identified in this report:

Assignment of Positions to Class
A sample of Civil Service position descriptions is selected to ensure proper and timely updates between employees and supervisors, conducts individual desk audit interviews, and completes a review of the Employer desk audit process to ensure accurate classification determinations were assigned.

Compensation Programs
An analysis of the Employer's use of pay rates and pay ranges is completed to determine compliance with ranges approved by the Merit Board. The Employer's compensation program is evaluated to ensure merit and pay equity requirements are adequately compared to the regional market area.

Examination Program
A review of pre-employment testing procedures is conducted, including a review of admission of applicants to examinations, license and certification verifications, exam security and administration, and register maintenance.

Administration of Employment and Separation Procedures
A review of the Employer's business processes related to the Civil Service employment cycle, including the utilization of status and non-status appointments, probationary period requirements, and other employment and separation transactions, such as disciplinary suspensions, dismissals, voluntary demotions, temporary upgrades, reassignments, transfers, and dismissal from probation.

Administration and Employment Protocols of Positions Exempt from Civil Service Regulations
A review of employment protocols related to positions designated as exempt from Civil Service regulations is completed to ensure accurate designation under Merit Board procedures. The Employer's exemption method, administrative procedures, and related position descriptions are sampled, with incumbent interviews conducted to validate the assigned position exemption.

General Review of the Employer's Human Resource Program
A general review of the Employer's human resource programs is completed to determine effectiveness, efficiency, and levels of communication to internal constituency groups, including faculty, principal administrative employees, and support staff. This review may also include investigating concerns from external constituents, including the public, employee committees, and union groups.

Other Follow-up Items from the Previous Audit
A review is conducted for any follow-up items from previous audits and evaluates necessary and appropriate compliance matters to meet audit objectives.

Audit Objective and Scope

Objective

As stated in the Governance, Risk, and Compliance Audit Charter for the State Universities Civil Service System, as approved by the Merit Board on August 17, 2016, the primary objective and purpose of the audit program is to evaluate and verify compliance with the Act, Code, and System Procedures. The University System is also charged with building strategic partnerships, assessing processes and performance, providing direct guidance and support services, and implementing flexibilities that meet the needs of each Employer, consistent with the Act.

Audit Scope

The Scope of this FY2021 Audit for Southern Illinois University – Carbondale included a comprehensive evaluation of employment designations and category of status, non-status, and exempt appointments; register maintenance and management; position description reviews for Civil Service and Exempt appointments; time frame requirements for Temporary Upgrade Assignments; extra help appointments and compliance with the 900-hour limitation; civil service desk audits; personnel transaction and records reviews; and previously cited audit findings.

Risk Assessment Categories

Topics of Specific Focus by Rick Assessment Category

Before performing audit functions, specific risk assessments were assigned and categorized for each topic area reviewed during the compliance audit process. The Auditor considers the following factors when determining the appropriate level of compliance violation and course of action:

- Repeat Breaches of the Act, Code, Procedure, or Audit Charter
- Multiple Instances of Non-Compliance
- Employer's Ability and Willingness to Operate in Compliance with the Law
- Employer's Historical Compliance Record
- Employee Concerns

Audit findings are defined and issued based on these designated and predetermined risk assessments as follows:

- Category 1: Serious Impact/Immediate Action Required
- Category 2: Medium Impact/Needs Improvement
- Category 3: Minimal Impact/Observation Only

For the current FY2021 Governance, Risk, and Compliance Audit at Southern Illinois University Carbondale, the following risk assessments and areas of focus were communicated to the Employer before conducting the audit examination:

> ***Category I:*** Identification of Civil Service Classifications Used, Use of Approved Rates and Ranges, Admission of Applicants to Examination, Examination Security Protocols, Register Referral of Candidates and Register Maintenance, Layoff Transactions, Specialty Factor Designations, Extra Help Appointments, and Temporary Upgrade Assignments.

***Category II**:* Position Control Management, Removal of Names from Registers, Maintenance of Personnel Files, Temporary PAA Assignments, and Transaction Documents (Intern Requests, Disciplinary Suspensions, Dismissals, and Layoff Notices) on file at the University System Office.

***Category III**:* Civil Service Desk Audits, Position Description Reviews, Timeliness of Classification Requests (Desk Audits), and Scheduling/Inventory of Examinations.

The Legal and Compliance Division recognizes and identifies these three categories of findings based on the facts presented by the Employer during the audit process, which are then evaluated against requirements consistent with regulatory guidelines. The Category assigned to a documented finding depends on the severity of the issue and its impact related to a violation of the Act, Code, or Procedure.

NOTE: The university system is responsible for protecting private and sensitive employee information from loss or misuse. As a result, personal information, as defined in the Illinois Freedom of Information Act (FOIA), 5 ILCS 140/2(c-5), and other sensitive employee and position data including, but not limited to pre-employment application information, examination scores, register referrals, salary, and specific disciplinary information, are not included in this report.

Southern Illinois University Carbondale
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Executive Summary
YEAR ENDED—FY2021

The compliance testing performed during this examination was conducted consistent with the State Universities Civil Service Act (110 ILCS 70/36b et seq.), Part 250 of the Illinois Administrative Code (Code) (80 Ill. Adm. Code 250), State Universities Civil Service Procedures Manuals, applicable University/Agency policies/procedures, and auditing standards.

SUMMARY

Number of	**This Report**
Category 1 Findings	3
Category 2 Findings	0
Category 3 Findings	0
Repeated findings from previous audit*	3

REPORT SCHEDULE OF AUDIT FINDINGS

Item Number	**Page**	**Description**
		RISK ASSESSMENT CATEGORY 1 FINDINGS
SIUC FY21-01	5	Exemption Authorization Applied to Positions that Correspond to Civil Service Classification Specifications*
SIUC FY21-02	13	Non-Compliance with Extra Help Employment and Position Limitations*
SIUC FY21-03	15	Non-Compliance with Temporary Upgrade Provisions and Promotion*

Southern Illinois University Carbondale
Final Audit Report

Risk Assessment Category 1 Finding, Recommendation, Administrative Response, and Additional Auditor Comments

SIUC FY21-01 EXEMPTION AUTHORIZATION APPLIED TO POSITIONS THAT CORRESPOND TO CIVIL SERVICE CLASSIFICATION SPECIFICATIONS

CRITERIA/STANDARDS:

1) *State Universities Civil Service Act (Act), Section 70/36e Coverage;*
2) *Illinois Administrative Code (Code), Section 250.30(a) Coverage; and*
3) *Exemption Procedures Manual, Section 1.2, Overview.*

> **(110 ILCS 70/36e) (from Ch. 24 ½, par 38b4)**
> Sec. 36e. Coverage.
> All employees of the Illinois Community College Board, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, University of Illinois, State Universities Civil Service System, State Universities Retirement System, the Illinois Student Assistance Commission, and the Board of Higher Education shall be covered by the University System described in Sections 36b to 36q, inclusive, of this Act, 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.

The current Exemption Procedures Manual was approved by the Merit Board and became effective on October 1, 2018. These procedures contain the guidelines and criteria to adequately designate and validate exempt positions and employees in those positions as exempt from the Act, as categorically defined above.

The Exemption Procedures Manual, Section 1.2 Overview states, in part, "The Merit Board permits the Designated Employer Representative (DER) at each of the universities and agencies to make an initial

determination as to whether a position qualifies as an exemption under section 36e of the Act. This authority is granted and may be revoked, in whole or in part, at the sole discretion of the Merit Board."

Exemptions are permitted in accordance with current procedures, requiring verification of exemption authorization through the comprehensive development and ongoing review of accurate position descriptions. Accordingly, employers must maintain an updated, accurate, and complete position description for all positions. A routine and regular position review program is necessary to assign classification designations correctly and accurately validate exemption status.

BACKGROUND/CONTEXT:

As mentioned in the cover letter of this report, the current FY2021 Governance, Risk, and Compliance Audit timeframe at Southern Illinois University Carbondale is July 1, 2016 – December 31, 2020. Typically, positions exempt from Civil Service regulations are sampled and reviewed under the purview of a Category 1 Risk Assessment to determine proper designation and exemption from the Act. In addition, the Auditor evaluates this topic based on the extent to which an Employer's history relative to this issue impacts the current sampling method and depth of review.

Under the direction of the Merit Board and the University System Office, the Exemption Procedures Manual was under review and revision during much of the audit period referenced above, impacting the outcome of position audit reviews. During the first approximately two years of the audit time frame and the 20 months when audits were formally suspended from June 1, 2017, to September 30, 2018, the Exemption Procedures Manual that the Merit Board had approved in June 2009 remained in effect.

Even though the System Office suspended many audit activities during the procedural revision process, the Employer was allowed to continue exempting positions from Civil Service regulatory requirements under those June 2009 procedures. ***With this in mind, the Auditor selected a position sample for this Employer that not only reflected previous procedural requirements in effect at the time of appointment but also accounted for substantive changes and transitional time relative to the revision of the (now) current Exemption Procedures Manual that became effective October 1, 2018.***

As part of the current FY2021 Governance, Risk, and Compliance (GRC) Audit Process, the Auditor provided the Employer's Designated Employer Representative (DER) with a Pre-Audit Questionnaire and an additional request for materials from which to review reports and select audit samples. As part of this questionnaire, the Employer was required to provide their internal policy for exempting positions from the State Universities Civil Service Act, consistent with University System Merit Board approved exemption procedures. The Employer's internal policy was provided to the Auditor and is outlined in the following response:

The Employer's Policy for the Exemption of Positions and Ongoing Review of Position Descriptions:

"Steps Taken When a New or Revised PAA Position is Received:

1. Check for overlapping civil service classifications to determine if the Principal Administrative Appointment (PAA) position should be filled or converted to a civil service classification.

2. Upon the request for a new position or a replacement of a previously approved position, Human Resources will ensure that the correct criteria are met. After all checks are made to ensure compliance, Human Resources will give internal approval of the title.

3. After final approvals are received, Human Resources will take the following action:

   (a) If the position is subject to job content evaluation, complete the evaluation on the position description and forward the results of that evaluation and a copy of the approved position description to the hiring area with a copy to the Vice-Chancellor and Affirmative Action.

   (b) If the position is not subject to job content evaluation, forward a copy of the approved position description to the hiring area with a copy to the Vice-Chancellor and Affirmative Action."

CONDITIONS/FACTS:

Consistent with the targeted audit sampling method previously described, the Auditor requested position description documents for a sample of 50 positions the Employer identified as categorically exempt under 36e(3) or 36e(4) of the Act. Through this review, which also included personal interviews with various employees, it was determined that 25 new and renewed appointments made during the audit time frame and listed in **Appendix A** appear to be performing duties and responsibilities consistent with those found in Civil Service classification specifications.

CAUSE/SOURCE OF CONDITION:

Concerning the 25 cited positions listed in **Appendix A**, it is essential to distinguish between the "Date of Appointment" highlighted in yellow and occurring during the audit time frame; and the "Date of Employment," which reveal that several of the employees in these positions were initially employed before the revised exemption procedures became effective, and in many cases, several years prior. Given the employment longevity for some of the employees occupying positions in this finding, the incorrect position designation was continually applied even though the classification plan contained available classification structures.

Without evidence to the contrary, it also appears that employment contracts for the employees in these positions were renewed/reappointed without completing a comprehensive evaluation of each position's designation, as is required by the Act.

If this is the case, the campus human resources policy regarding the "exempt position content evaluations" noted above does not adequately address the very first step in the process, which assumes all positions in the university system are civil service unless categorically exempted by meeting specific exemption criteria.

EFFECT/IMPACT:

The overarching concern related to the impact of employees who occupy positions incorrectly designated as exempt from the State Universities Civil Service Act is that the employees are being improperly denied specific employment rights and protections provided under the Act.

Since several positions in the current audit sample were improperly designated as exempt from civil service regulatory standards over an extended period without being transitioned, even when some of the positions had become vacant, it appears the Employer did not apply internal business review processes of accountability contained in the Exemption Procedures Manual and approved by the Merit Board in June 2009. Additionally, it also appears that the Employer has not fully applied the *current* internal business review processes of accountability consistent with the Exemption Procedures Manual since its implementation on October 1, 2018. (Section 3.1 Accountability Program, Exemption Procedures Manual)

FINDING(S) FROM PREVIOUS AUDIT(S):

During the FY2014 Biennial Compliance Audit, the Auditor reviewed 90 position descriptions, including on-site interviews with various exempted employees, and identified 67 positions that appeared to be performing duties and responsibilities matching the specifications for various Civil Service classifications. *[Finding Code SIUC FY14-01, pages 4-8]*

As a secondary part of the FY2014 Biennial Compliance Audit, the Auditor reviewed the exempt positions cited during the FY2012 audit to determine if vacancies had occurred in those positions since its completion, if the Employer had accurately flagged positions, and if so, whether the positions had been appropriately analyzed before being exempted again.

Based on this review, it was discovered that four exempt positions were cited during the FY2012 Biennial Compliance Audit, became vacant, were refilled with new employees, and were again exempted during the current FY2014 Biennial Compliance Audit time frame.

- In response to that FY2014 audit finding, the administrative response submitted by the Employer indicated agreement with the Auditor's recommendations, which included the transition of re-exempted positions at the next contract renewal date to an appropriate Civil Service classification.

- The Employer also stated in their administrative response that "previously exempted positions will continue to be monitored by the Employer as updated positions are submitted for review and approval."

During the FY2017 Governance, Risk, and Compliance Audit, the Auditor reviewed 60 position descriptions, including on-site interviews with various exempted employees, and identified 29 positions that appeared to be performing duties and responsibilities comparable to those found in Civil Service classifications. *[Finding Code SIUC FY17-03, pages 10-16]*

As a secondary part of the FY2017 Governance, Risk, and Compliance (GRC) Audit, and as a matter of determining present and future risk related to previously cited position exemptions, the Auditor informed the Employer that a historical review of audit findings in this topic area would be conducted. During this historical review, the Auditor analyzed an exempt position payroll document dated June 30, 2016, to determine whether the previous FY2014 audit findings related to inappropriate exemptions were adequately addressed and resolved.

Based on this review, it was determined that ten exempt positions were cited during the FY2014 Biennial Compliance Audit, became vacant, were refilled with new employees, and again exempted during the FY2017 GRC Audit with the same position number and job title, and employing a new incumbent.

- In response to this FY2017 audit finding, the administrative response submitted by the Employer indicated agreement with the Auditor's recommendations. The Designated Employer Representative pledged to "work collaboratively with the University System to develop and implement a more detailed and comprehensive job analysis procedure for exempting positions which will also communicate to campus departments in writing."

- The Employer also stated in their administrative response that the positions identified in the FY2014 and FY2017 compliance audits would be evaluated through the new job analysis procedure. The University System Office would be provided the details of those reviews.

- While the Employer accepted the findings and issues concerning the exemption process, the development and implementation of this more detailed review became a significant challenge at that time due to substantial understaffing. The Employer indicated they would be looking to the University System Office to assist them in developing that process. The FY2017 GRC Final Audit Report was published on March 17, 2017.

RECOMMENDATION(S) TO THE EMPLOYER:

The Code, Section 250.30(a), provides that the Merit Board has the authority to approve Principal Administrative Appointments (PAA) at each institution or agency. Specifically, it states that "[t]he Executive Director shall publish guidelines for such exemptions, as approved by the Merit Board."

Each university and affiliated agency's Designated Employer Representative (DER) is responsible for developing and maintaining protocols consistent with statutory requirements and procedural guidelines related to this delegated authority. Just as the University System modifies the Civil Service classification plan, individual positions at each employment location also evolve. Therefore, a routine and regular position review program that evaluates its designation and category is required to assign civil service classifications appropriately or accurately validate exemption status.

As part of the current audit, the Employer reported that 30 exempt positions were transitioned to appropriate civil service classifications during the audit time frame. The Employer's work in the direction of compliance with the current exemption policy is acknowledged. However, more needs to be done to achieve compliance, mainly when there are still cases of long-term employees working in exempt positions that are not being provided civil service employment rights and protections under the Act. At this stage of the audit process, the University System is requesting the following:

- Concerning the 25 positions referenced in Appendix A of this report, the Employer should review the positions and determine which of the Civil Service classification options identified in Appendix A each position should be immediately designated.

- Following that process, if the Employer maintains that the positions should remain exempt, the Exemption Procedures Manual, Section 3.3, Accountability for Exemption Authorization outlines specific interactive steps, outcomes, and the timeframe for individual position appeals if necessary.

In addition to addressing the positions referenced in this finding, the Auditor requests that the Employer develop and implement internal processes that are consistent with the Exemption Procedures Manual,

Sections 3.1 and Section 3.2, respectively; and establish an Internal Review and Accountability Program for determining and validating exemptions at Southern Illinois University Carbondale.

EMPLOYER'S ADMINISTRATIVE RESPONSE:
SUBMITTED BY MS. RENEE COLOMBO, INTERIM DIRECTOR OF HUMAN RESOURCES, SOUTHERN ILLINOIS UNIVERSITY CARBONDALE:

SIUC agrees with the recommendation that a majority of the positions in Appendix A should be reclassified to Civil Service classifications. However, there are two positions that we feel should remain Exempt.

The Compliance Coordinator, C.AP.141.001, held by **Employee 17**. This position requires highly specialized knowledge and skills to review federal and other regulations and adopt practices and policies to ensure compliance. They are executive policy advisors to the chancellor, provost, vice-chancellors, etc. The second position is the Assistant Director, Study Abroad Programs, C.AP.401.004, held by **Employee 19**. While the Study Abroad Assistant Director classification matches some of the duties, this position has responsibilities for advising and recruiting international students, which is under 36e(4) exemption criteria and was used to initially exempt this position. We would respectfully ask for consideration regarding these two positions.

The DER during the audit timeframe has since retired. While serving in this interim role, I will follow the recommendations listed and pass on any information to others who may serve in this capacity.

ADDITIONAL AUDITOR COMMENTS:
The University System performs audit testing analysis through a functional review of the duties contained in a position description based on a randomly selected set of exempt positions. The basis for determining whether a work is designated as Exempt or Civil Service is assessed through a comprehensive review of position description documents included in the sample relative to the audit period of review and incumbent interviews when applicable. It is important to note that the place where a position falls within a department hierarchy also carries considerable weight as to whether the exemption threshold has been successfully attained.

As referenced above, the exempt position description document for the Compliance Officer position **[Employee 17]**, was sampled and submitted to the Auditor for review. The Auditor reviewed various Civil Service classification specifications, including Business/Administrative Associate, Accounting Associate, the Business Manager Series, and Budget Analyst Series. Given the departmental placement of this position within its hierarchy, and the duties allocated to it, the Auditor believes this position should be designated within an appropriate Civil Service classification. While the work is assigned to a smaller unit, the SIU Foundation, the duties still represent professional-level Civil Service duties, providing business insights and management services to support operations within the unit.

Concerning the Associate Director, Study Abroad Programs position **[Employee 19]**, these duties are consistent with the Study Abroad occupation within the Civil Service classification plan. Employees in this series assist in the daily operation of study abroad or exchange programs, including recruitment, advising, pre-departure, and return activities of students who study abroad. Higher-level employees may also ensure institutional compliance with safety, risk, and liability guidelines outlined in study abroad programs.

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Risk Assessment Category 1 Finding
Recommendation, Administrative Response, and Additional Auditor Comments

SIUC FY21-02 NON-COMPLIANCE WITH EXTRA HELP EMPLOYMENT AND POSITION LIMITATIONS

CRITERIA/STANDARDS:

1) *Illinois Administrative Code (Code), Section 250.70(f) Extra Help Appointments; and*
2) *Employment and Separation Procedures Manual, Section 2.5 Extra Help Appointments.*

Guidelines for Extra Help employees and positions are contained in the Illinois Administrative Code as follows:

> "An Extra Help appointment may be made by an employer to any position for work which the Employer attests to be casual or emergent in nature and which meets the following conditions:
>
> A) the amount of time for which the services are needed is not usually predictable;
> B) payment for work performed is usually made on an hourly basis; and
> C) the work cannot readily be assigned, either on a straight-time or on an overtime basis, to a status employee."
>
> "An Extra Help position may be utilized for a maximum of 900 hours of actual work in any consecutive 12 calendar months. The Employer shall review the status of the position at least every three calendar months. If at any time it is found that the position has become an appointment that is other than Extra Help, the Employer shall terminate the Extra Help appointment. If an Extra Help position has accrued 900 consecutive hours, the position shall not be reestablished until six (6) months have elapsed from the date of the termination of the position." (Illinois Admin. Code tit. 80, Ch. VI, Part 250, Section 250.70(f))

For Extra Help employees, the Code requires that "[u]pon working 900 hours, an Extra Help employee cannot resume employment in any Extra Help appointment at a place of employment until thirty (30) calendar days have elapsed." (Illinois Admin. Code tit. 80, Ch. VI, Part 250, Section 250.70(f))

As noted in the Code, Section 250.70(f), the Employer's responsibility is that they "… shall review the status of the position at least every three calendar months. If at any time it is found that the position has become an appointment that is other than Extra Help, the Employer shall terminate the Extra Help appointment." Understanding the need for continued temporary assistance, Extra Help extensions are allowed in specific instances in accordance with procedural guidelines. (Illinois Admin. Code tit. 80, Ch. VI, Part 250, Section 250.70(f))

BACKGROUND/CONTEXT:

The utilization of Extra Help appointments is typically reviewed and analyzed as a Category 1 Risk Assessment to determine whether both components of the 900-hour limitation were adhered to according to the Illinois Administrative Code. As a practical matter, this category of importance indicates that the topic is typically audited during every cycle at each Employer location that routinely utilizes these appointments.

CONDITIONS/FACTS:

The Auditor reviewed an extensive data report of Extra Help appointments employed during the audit time frame, which accounted for 2,294 employee instances and 2,617 position instances utilized. (Most employees and positions were used multiple times.)

As documented in **Appendix B**, 20 employee instances appear to have exceeded the 900-hour limitation without the required 30-day break in service, accounting for 0.9% of the total employee instances utilized.

Additionally, as listed in **Appendix C**, 43 position instances appear to have been utilized for more than 900 hours of actual work within a 12-month period without a six-month lapse, accounting for 1.6% of the total number of position instances used.

CAUSE/SOURCE OF CONDITION:

Based on the information provided by the Employer, it appears there are not sufficient processes in place at the department level to efficiently and effectively monitor Extra Help appointment limitations for both the employee and the position, mainly due to the significant increase in position findings since the previous audit. In addition, there are several instances where Extra Help appointments have been pushed beyond the 900-hour limit by only a short period, which indicates the department is not effectively monitoring or tracking these appointments related to the scheduling of employees' work.

Coupled with departmental monitoring and oversight deficiencies, the Designated Employer Representative (DER) is responsible for conducting a comprehensive review of all Extra Help Appointments to comply with the 900-hour limitation, any corresponding extension, and any other applicable emergent criteria justifying such appointments every three months. Regular, quarterly reviews of this employment activity would have been instrumental in preventing or significantly reducing the number of appointments and positions that exceeded the 900-hour limitation.

EFFECT/IMPACT:

The University System has historically emphasized to Employers that Extra Help appointments are allowed only on a casual or emergent basis; the enforcement of which is not only regulated by Section 250.70(f) of the Code, but the lack of adequate employee and position monitoring of this employment activity permits the over-use of Extra Help. This results in a loss of opportunity for qualified applicants to be considered for status appointments. Further, it demonstrates an over-reliance on these appointments, eroding the need's critical argument.

FINDING(S) FROM PREVIOUS AUDIT(S):

During the FY2017 Governance, Risk, and Compliance (GRC) Audit, where overuse of Extra Help Appointments was cited as a finding, 27 employees appeared to have worked beyond the 900-hour limitation without the required 30-day break; and 15 positions were utilized for more than 900-hours of actual work within a 12-month period without a six-month lapse. *[Finding Code SIUC 17-04, pages 17-21]*

RECOMMENDATION TO EMPLOYER:

The (current) FY2021 Governance, Risk, and Compliance Audit outcome related to this topic indicate that monitoring processes need further development, communication, and reinforcement at the department level to monitor and regulate Extra Help positions adequately, and employees assigned to those positions, consistent with Section 250.70(f) of the Code. The increase in position violations cited during this audit period indicates that additional accountability measures should be implemented at the department level to reduce the risk of other findings during the next audit period.

As recommended during the FY2017 Audit, the Employer is reminded that Extra Help appointments are intended to address a need that is emergent and casual in nature, and are to be utilized to assist during position vacancies, leaves of absence, and peak work periods in accordance with established regulatory guidelines and procedures. Compliance with Extra Help appointment and position requirements must be validated by adequately demonstrating the proper management of this employment activity and adhering to strict time frame limitations.

Additionally, the University System requests an HR Department internal review at Southern Illinois University Carbondale to identify and rectify deficiencies concerning the Extra Help monitoring process and implement stricter accountability standards. If necessary, additional reinforcement provided by campus administrators may be required to address specific instances where the risk of non-compliance is the greatest to alleviate future findings.

EMPLOYER'S ADMINISTRATIVE RESPONSE:

SUBMITTED BY MS. RENEE COLOMBO, INTERIM DIRECTOR OF HUMAN RESOURCES, SOUTHERN ILLINOIS UNIVERSITY CARBONDALE:

SIUC acknowledges the overages of the extra help hours for all in Appendix B except for ***Employee 41***. Please see the attachment of the actual hours worked.

SIUC acknowledges that some of the positions in Appendix C exceeded 900 hours except:

EH14781.000	EH13619.000	EH14165.000
EH1455.000	EH14679.000	EH12499.000
EH9734.000	EH13628.000	EH12382.000
EH14835.000	EH12223.000	EH14162.000
EH13824.000	EH2565.000	EH14407.000
EH14167.000	EH13624.000	EH14126.000
EH13622.000	EH11773.000	
EH14428.000	EH13864.000	

ADDITIONAL AUDITOR COMMENTS:

In the Employer's administrative response, additional documents regarding the hours worked for ***Employee 41*** did result in a correction to the dates and number of hours noted in Appendix B. However, it did not impact the outcome of the finding since the employee's appointment was still over the 900-hour limitation. Consequently, this entry remains in Appendix B.

Additionally, the Employer provided additional documents regarding the employees noted in Appendix C. The 30-day break, while critical to demonstrate hours worked from an employee standpoint, is not

relevant when considering that positions occupied by these employees were reutilized without providing a **6-month lapse** before being utilized again. These additional documents did not change the overall impact of the finding concerning position control and the 900-hour limitation. Consequently, these entries remain in Appendix C.

The Employer must be able to validate compliance with the 900-hour limitation related to position control and management. Unless it can be verified that there are, for example, department changes, position number changes, different position descriptions for each job, or notices to employees regarding a change in status, we are unable to verify compliance utilizing simple hand-written notations that there are different duties assigned in a requisition.

The Auditor requests that SIUC HR provide training to the departments utilizing these appointments, specifically concerning the 6-month lapse between appointments required in the Illinois Administrative Code. Secondarily, new processes in monitoring Extra Help appointments must be implemented in Human Resources to ensure that position control management is adequately monitored and consistent with regulatory requirements.

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Risk Assessment Category 1 Finding
Recommendation, Administrative Response, and Additional Auditor Comments

SIUC FY21-03 NON-COMPLIANCE WITH TEMPORARY UPGRADE PROVISIONS AND PROMOTION

CRITERIA/STANDARDS:

1) *State Universities Civil Service Act (Act), Section 70/36b Coverage*
2) *State Universities Civil Service Act (Act), Section 70/36d Powers and Duties of the Merit Board;*
3) *State Universities Civil Service Act (Act), Section 70/36j Promotions;*
4) *Illinois Administrative Code (Code), Section 250.30 The Classification Plan*
5) *Illinois Administrative Code (Code), Section 250.100 Reassignments and Transfers; and*
6) *Employment and Separation Procedures Manual, Section 4.2 Temporary Downgrading and Upgrading Assignments.*

Section 36b of the Act provides that the Merit Board shall have the power and duty to fulfill the purpose of the University System, as stated:

> "The purpose of the University System is to establish a sound program of personnel administration for the Illinois Community College Board, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, the University of Illinois, the State Universities Civil Service System, the State Universities Retirement System, the State Scholarship Commission, and the Board of Higher Education.
>
> All certificates, appointments, and promotions to positions in these agencies and institutions shall be made solely on the basis of merit and fitness, to be ascertained by examination, except as specified in Section 36e**." (110 ILCS 70/36b) (from Ch. 24 ½, par 38b1)**

To ensure compliance with Section 36b(2) of the Act above, basic employment standards were included in Section 70/36d as separate provisions that further establish the framework by which the University System Merit Board executes its powers and duties as described:

> "(5) To authorize the continuous recruitment of personnel and to that end, to delegate to the Executive Director and his or her staff the power and duty to conduct open and continuous competitive examinations for all classifications of employment…
>
> (8) To provide by its rules for promotions in the classified service." **(110 ILCS 70/36d) (from Ch. 24 ½, par 38b2)**

Section 70/36j of the Act specifically states that "The Merit Board shall by rules provide for promotion on the basis of ability and experience and seniority in service and examination and to provide in all cases where it is practicable that vacancies will be filled by promotion. For the purpose of this Section, the advancement in class shall constitute a promotion**." (110 ILCS 70/36j) (from Ch. 24 ½, par 38b9)**

For the advancement in classification temporarily, Section 250.100(b)(3) of Title 80 of the Illinois Administrative Code describes this concept as follows, "…temporary upgrading and downgrading assignments must not be for more than 30 consecutive work days duration."

The Employment and Separation Procedures Manual, Section 4.2 states, "…upgrading assignments shall be limited to filling vacancies due to absence of incumbents or when it is necessary because of agreements which require a supervisory employee for a special work assignment or project." Further, "[u]pgrading is not required when the employee performs only certain duties and/or assumes only partial responsibility for the overall duties of the position to which assigned."

BACKGROUND/CONTEXT:

As referenced in this report, the current FY2021 Governance, Risk, and Compliance Audit timeframe at Southern Illinois University Carbondale is July 1, 2016 – December 31, 2020. Temporary Upgrade assignments are evaluated under the purview of a Category I Risk Assessment and analyzed to determine whether individual employee upgrades have been utilized consistent with the Code, with each upgrade not exceeding 30 consecutive workdays in duration.

An Employer utilizes Temporary Upgrade assignments by assigning status employees on a limited basis to classifications of a higher level, either within or outside of the employee's promotional line, which results in an increase in salary for the designated period. However, even though employees are given additional compensation for the Temporary Upgrade assignment and continue to retain, accrue, and accumulate seniority in their originally assigned class, it does not constitute a promotion; nor do they earn or accrue seniority in upgraded classifications while performing those duties.

Given the seniority and promotion implications described above, there is a secondary aspect to this topic that becomes a valuable part of the overall compliance review related explicitly to utilizing multiple Temporary Upgrade assignments on a continual "on and off" basis for an extended period when promotion to that classification is both practicable and most appropriate consistent with statutory requirements.

During the previous FY2017 Governance, Risk, and Compliance Audit for Southern Illinois University Carbondale, which covered the period of October 1, 2013 – June 30, 2016, the Employer was cited for the extended utilization of Temporary Upgrade assignments for ten employees on a long term and consistent basis for more than 500 days in all but three of those cases. This is problematic for two primary reasons:

The audit time frame was two years and eight months and accounted for approximately 683 workdays, excluding weekends and public holidays. Consequently, these employees served in upgrade assignments for more than 70% of the audit period without earning seniority in or being promoted to those upgraded classifications.

At the time of this audit, the Employer concurred with the evidence yet indicated that the "decisions to use the temporary upgrades over an extended period were due to significant financial constraints and a

desire to avoid bumping when/if the higher-level employee returned to work." The Employer indicated there were drawbacks to this philosophy. However, the practice itself is evidence of an Employer's choice to violate current employees' rights by avoiding the potential disruption that may result "if the higher-level employee returned to work." The Employer indicated in their administrative response that mechanisms would be put in place to cease this practice.

CONDITIONS/FACTS:

Before the on-site audit visit for the FY2021 Governance, Risk, and Compliance Audit, the Auditor requested materials from the Employer regarding the utilization of Temporary Upgrade assignments during the audit period. As outlined in the Audit Request Material Checklist, sent to the Employer on January 5, 2021, this data request is referenced in Section IV (C), Employment and Separation Procedures, *Temporary Upgrade Assignments.* The data elements requested include employee name, classification, assigned upgrade classification, specific days of upgrade assignment, exam score, and exam date.

The Auditor reviewed a report provided by the Employer consisting of approximately 220 employees assigned temporary upgrade assignments during the audit time frame. As documented in ***Table 1*** below, **two (2) employees** appeared to exceed the 30-day Temporary Upgrade limitation:

Table 1: FY2021 Governance, Risk, and Compliance (GRC) Audit

Temporary Upgrade Assignments Exceeding the 30-Day Limitation

Employee Name	*Upgrade Transaction*	*Number of Consecutive Days Upgraded*
Employee 47	*Carpenter to Carpenter Foreman January 4 – February 16, 2018*	*31*
Employee 48	*Brickmason to Brickmason Foreman January 2 – February 20, 2018*	*35*

It is important to note that several of the 220 employees listed in the report provided by the Employer were temporarily upgraded "on and off" several times during the audit time frame. In terms of monitoring these assignments, it is reasonable to conclude that the Employer was conscious of ensuring that nearly every employee, except those above, was timely removed from their Temporary Upgrade status so as not to exceed 30 days.

However, this was done on a recurring basis following a very short break, often just one or two days, between assignments. While temporary upgrade assignments are not permitted to continue beyond 30-consecutive days, upgrading employees on an extended and continual basis also appears to be inconsistent with the intent of the Illinois Administrative Code.

The overall duration of this audit period is 4 ½ years and, based on a 40-hour workweek, is equivalent to 1,114 total workdays, excluding weekends and public holidays. To the extent that the method described above in utilizing Temporary Upgrades continued throughout the audit time frame, and as documented in ***Table 2*** below, there are eight (8) employees that were temporarily upgraded on a frequent and consistent basis:

Table 2: FY2021 Governance, Risk, and Compliance (GRC) Audit

Extended Utilization of Temporary Upgrade Assignments

Employee Name	*Upgrade Transaction*	*Total Number of Days Upgraded*	*Percentage of Time Upgraded During Audit Period*
***Employee 49*	*Building Service Worker to Building Service Worker Sub-Foreman*	*691*	*62%*
***Employee 47*	*Carpenter to Carpenter Foreman*	*678*	*61%*
Employee 50	*Bindery Worker II to Bindery Foreman*	*646*	*58%*
Employee 51	*Building Service Worker to Building Service Worker Sub-Foreman*	*507*	*46%*
Employee 52	*Maintenance Equipment Operator to Automotive Foreman*	*485*	*44%*
Employee 53	*Building Service Worker to Building Service Worker Sub-Foreman*	*467*	*42%*
***Employee 54*	*Electrician to Electrician Foreman*	*466*	*42%*
Employee 55	*Building Service Worker to Building Service Worker Sub-Foreman*	*456*	*41%*

**These three employees were cited during the previous FY2017 GRC Audit for being temporarily upgraded on an intermittent and frequent basis for an extended period as follows:

Employee 54 600 Days
Employee 49 586 Days
Employee 47 517 Days

As previously referenced in this finding, the FY2017 GRC Audit time frame was two years, eight months in duration, which accounted for approximately 683 workdays, excluding weekends and public holidays. Consequently, these employees served in upgrade assignments for more than 70% of the audit period without earning seniority in or being promoted to those upgraded classifications.

When considering the totality of both the previous and current audit time frames, these three employees have not earned seniority in the Electrician Foreman, Building Service Worker Sub-Foreman, and Carpenter Foreman classifications, respectively, for at least the last seven years.

CAUSE/SOURCE OF CONDITION:

The evidence in the Temporary Upgrade report submitted by the Employer for the FY2021 GRC Audit suggests that previous practices have not significantly changed since the FY2017 GRC Audit. Fiscal constraints do not appear to be a substantive factor when the employees are still being compensated for a large percentage of the audit time frame.

Again, a determination was made during the current audit time frame not to fill upgraded positions, even though it was demonstrated that vacancies existed, with permanent status employees either by promotion or through a reclassification action; instead, continued the previous practice of intermittent temporary upgrades for extended periods.

EFFECT/IMPACT:

The foundation of the Merit System and the primary concept of a classification plan management system is that employees be placed in job classifications based on the predominance of actual duties and level of responsibility. The practice of creating a new job assignment through an overextended upgrade is inconsistent with the purpose and intent of the Act and the Classification Plan Management system.

When an employee occupies a position that is upgraded frequently or is upgraded continually for an extended period, the employee should be promoted, reclassified into the classification, or a new position posted and filled in the category. Section 36d of the Act, under "Power and Duties of the Merit Board," states the following:

§ 36d. Powers and Duties of the Merit Board. The Merit Board shall have the power and duty –

> **(8) To provide by its rules for promotions in the classified service. Vacancies shall be filled by promotion whenever practicable. For the purpose of this paragraph, an advancement in class shall constitute a promotion.**

FINDING FROM PREVIOUS AUDIT:

As previously documented in the FY2017 Final Audit Report, ten (10) employees appeared to be serving in temporarily upgraded assignments intermittently on a long-term and consistent basis. *[Finding Code SIUC 17-05, pages 22-24]*

RECOMMENDATION TO EMPLOYER:

It is recommended that the Employer review the provisions regarding the utilization of Temporary Upgrades in accordance with established regulations. As the title suggests, these assignments are temporary and are not intended to be continually or repeatedly utilized on a long-term basis.

The Act requires that vacancies be filled by promotion whenever practicable. In general, employees are additionally compensated; however, by not making these advancements in classification permanent, the Employer diminishes the employee's earning potential over time. Baseline compensation is the basis for overtime calculations and future pay increases. Thus, the harm does not exist solely at this moment but extends into the employee's future. Additionally, upgraded employees do not earn seniority in the upgraded classification and are not provided the opportunity for continued compensation beyond the Temporary Upgrade period.

Based on the information provided by the Employer, it appears there are position vacancies that exist. Since audits are retrospective in nature, it is possible that some of these upgrades have since been replaced with permanent employees or that the employees serving in these upgrades have been reclassified. If this is the case, the Auditor requests that the Employer provide this information in the administrative response to this finding. Additionally, the Auditor requests that Temporary Upgrades on an extended basis be discontinued and that these specific transactions are monitored by campus departments consistent with the Code.

EMPLOYER'S ADMINISTRATIVE RESPONSE:
SUBMITTED BY MS. RENEE COLOMBO, INTERIM DIRECTOR OF HUMAN RESOURCES, SOUTHERN ILLINOIS UNIVERSITY CARBONDALE:

Of the employee names listed in Table 2 of the GRC Audit Report, the following employees have since accepted a promotion through competing for a vacancy:

- Employee 52 – Automotive Foreman, December 16, 2018
- Employee 54 – Electrician Foreman, August 12, 2018

The following employee was promoted through the desk audit process:

- Employee 50 – Bindery Foreman, June 28, 2020

As of the date of this report, the following employee is a Building Service Sub-Foreman. However, he was upgraded from Building Service Worker to a Building Service Foreman during the audit period:

- Employee 51 – Building Service Sub-Foreman, November 18, 2020

ADDITIONAL AUDITOR COMMENTS:
While the Employer has promoted three employees, as referenced in their administrative response, others potentially meeting the same criteria should be appointed to the appropriate classification through the competitive register referral process. The Employer is reminded that Section 250.30(i) of the Illinois Administrative Code defines reclassification and reallocation as specific actions taken when material changes in duties and responsibilities occur within an existing position.

In this context, reclassification and reallocation occur as the evolution of an encumbered position over time. These definitions are technically unrelated to temporary upgrades. They are not intended to provide a mechanism for status employees to gain an advantage or receive preferential treatment during the promotion process by being upgraded for an extended period, even if the 30-consecutive work-day upgrade limitation is "technically" adhered to.

Since this topic is repeated as a finding from the previous FY2017 Governance, Risk, and Compliance Audit, the Auditor requests the remaining positions in Table 2 be evaluated to determine whether a status position should be utilized. As stated in this current audit finding, positions continually upgraded for an extended period demonstrate a need for the work to be performed on a full-time or percentage of full-time basis. ***The Auditor requests that temporary upgrades being utilized in this fashion be permanently discontinued.***

When the Act states that vacancies shall be filled by promotion when practicable and that a register referral process of qualified candidates who have met the minimum acceptable qualifications, completed and passed the required examination, and received a top-three scoring mark, they have the right to be referred the appropriate vacancy and considered for appointment. The Act takes precedence in this respect; therefore, employees and candidates must first meet the competitive merit and fitness threshold and not simply be reclassified.