

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

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June 5, 2024

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Accompanying this letter is the outcome of the FY2021 State Universities Civil Service System Governance, Risk, and Compliance (GRC) Audit of the Office of Human Resources at the University of Illinois Chicago, covering the period of August 1, 2017, through March 31, 2021. 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 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 there are any questions or a personal briefing on any item is desired, please contact me at gails@sucss.illinois.gov or 217-278-3151.


Gail Schiesser
Executive Director

STATE UNIVERSITIES CIVIL SERVICE SYSTEM



Governance, Risk, and Compliance Audit Report (Final)

June 5, 2024

UNIVERSITY OF ILLINOIS CHICAGO

Audit Time Frame:
August 1, 2017 – March 31, 2021

Remote Visit:
June 14 – 18 and June 28 – July 2, 2021

Prepared by:


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

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

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, conduct individual desk audit interviews, and complete 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 of any follow-up items from previous audits to evaluate ongoing compliance matters deemed necessary and appropriate 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 are to evaluate and verify compliance with the Act, Code, and System Procedures. The University System is also charged with building strategic partnerships, evaluating 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 the University of Illinois Chicago included a comprehensive evaluation of employment designation and/or category of status, non-status, and exempt appointments, position description reviews, position description logs, use of approved rates/ranges, admission of applicants to examinations, register maintenance, compliance with the 900-hour limitation with respect to Extra Help Appointments, time frame requirements for Temporary Upgrade Assignments, transaction documentation reviews; updates regarding previously cited audit findings; and personnel file reviews.

Risk Assessment Categories

Topics of Specific Focus by Risk 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 the University of Illinois Chicago, the following risk assessments and areas of focus were communicated to the Employer before conducting the audit examination:

Category 1: 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 Compliance Services 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 Final Audit Report.

University of Illinois Chicago
Final Audit Report

Executive Summary
YEAR ENDED—FY2021

The compliance testing performed during this examination was conducted in accordance with 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

<u>Number of</u>	<u>This Report</u>
Positive Observations	0
Category 1 Findings	3
Category 2 Findings	1
Category 3 Findings	0
Repeated findings from previous audit	3*

REPORT SCHEDULE OF AUDIT FINDINGS

<u>Item Number</u>	<u>Page</u>	<u>Description</u>
<u>RISK ASSESSMENT CATEGORY 1 FINDINGS</u>		
UIC FY21-01	5	Exemption Authorization Applied to Positions that Correspond to Civil Service Classification Specifications
UIC FY21-02	16	Non-Compliance with Temporary Upgrade Provisions*
UIC FY21-03	25	Non-Compliance with Extra Help Employment and Position Limitations*
<u>RISK ASSESSMENT CATEGORY 2 FINDING</u>		
UIC FY21-04	30	Non-Compliance with Contract Appointment Provisions*

**State Universities Civil Service System
Compliance Services Division
Draft Audit Report**

RISK ASSESSMENT CATEGORY 1 FINDING:

**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)

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 State Scholarship 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 properly 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 under current procedures, requiring verification of exemption authorization through the comprehensive development and ongoing review of accurate position descriptions. Accordingly, it is extremely important that employers maintain an updated, accurate, and complete position description for all positions. Routine and regular position review programs are critical to properly assign positions to an accurate Civil Service classification, or accurately validate exemption status if a position meets exemption criteria. At a fundamental level, these position description reviews are intended to adequately ensure that employee rights are granted under the Act.

BACKGROUND/CONTEXT:

As mentioned in the cover letter of this report, the FY2021 Governance, Risk, and Compliance Audit timeframe at the University of Illinois Chicago is August 1, 2017 – March 31, 2021. Typically, positions categorically exempt from Civil Service regulations are sampled and reviewed under the purview of a Category 1 Risk Assessment to ensure proper designation and exemption from the Act. In addition, the Auditor evaluates this topic based on how 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, audits regarding this topic were formally suspended from June 1, 2017 – September 30, 2018, due to the revision and development of the Exemption Procedures Manual. Therefore, during the first fourteen months of this Employer’s audit timeframe, the Exemption Procedures Manual that the Merit Board had approved in June 2009 remained in effect.

Even though the University 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 previous procedures. ***The Auditor selected a position sample for this Employer that reflected previous procedural requirements in effect at the time of appointment and accounted for substantive changes and transitional time relative to the revision of the current Exemption Procedures Manual that became effective on October 1, 2018.***

As part of the FY2021 Governance, Risk, and Compliance (GRC) Audit Process, the Auditor provided the Employer’s Designated Employer Representative (DER) with a Pre-Audit Questionnaire and a request for materials from which to review reports and select audit samples. In its response to the questionnaire, the Employer was required to provide its 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 concerning exemptions was provided to the Auditor and is outlined in the following response(s):

Job Review Process

UIC HR Compensation conducts a job analysis of each new Academic Professional position as requested from a specific department. A Job Analysis is required to determine if the position can be exempted from the Civil Service System.

To initiate the job analysis process, a formal request and description of the position's essential duties and responsibilities must be sent via email to jobanalysis@uic.edu.

In-depth reviews are completed to obtain a thorough understanding of the position and its scope of impact on the organization. To determine appropriate classification, the following items are reviewed:

- Job duties
- Percentage of time
- Scope/autonomy
- Reporting structure/org structure
- Salary
- Similar positions on campus

Compensation compares these items to the civil service class specifications. If the essence of the job matches the class specification, the position is determined to be civil service. If there is no matching civil service classification and the position matches the exemption criteria, the position is determined to be Academic Professional. As a result of the review, Compensation provides an approved job description for future use. If edits/updates are requested, Compensation will review again to validate that the exemption is still appropriate.

Policies:

Establishing AP Positions <https://uofi.app.box.com/s/8txzuy97feag7x0o5abu2srhrg5q0ly>

UIC HR POLICIES AND PROCEDURES

MANUAL	SECTION
Human Resources	Job Description and Compensation
SUBJECT	EFFECTIVE DATE
Establishing Academic Professional Positions	1/14/2008
ISSUED BY	APPROVED BY
Assistant Vice President for Human Resources	Chancellor

PURPOSE

To establish the policy for creating and modifying Academic Professional jobs (used interchangeably in this policy with "positions").

SOURCES AND BACKGROUND

University of Illinois Statutes
State Universities Civil Service System Statute and Rules

APPLICABILITY

Academic Professional positions (newly created or modified)

POLICY

The University of Illinois at Chicago will establish Academic Professional positions exempt from the exemption criteria detailed in sections 36e(3) and 36e(4) of the statutes and rules of the State Universities Civil Service System (SUCSS). Therefore, these exempted positions are not subject to the statutes and rules of SUCSS.

Determination of whether or not new positions will be approved for exemption or modification will be based on a review of the essential duties, scope and level of responsibility as a consideration for other positions with the same or similar internal value to the organization as documented in the job description. UIC Human Resources-Compensation is responsible for the review and approval process.

UIC HR POLICIES AND PROCEDURES

MANUAL Human Resources	SECTION Job Description and Compensation
SUBJECT Establishing Academic Professional Positions	EFFECTIVE 1/14/2008
ISSUED BY Assistant Vice President for Human Resources	APPROVED BY Chancellor

RESPONSIBILITY

ACTION

Department Designee

Consults with UIC Human Resources regarding the need to create a new or existing Academic Professional position. Upon consultation, the Unit Designee create job description using the established template found on the UICHR website or by HR Compensation.

UIC Human Resources Compensation

Reviews the job description to ensure complete and meets the requirements

If the duties outlined in the job description meet criteria for exemption, a job evaluation review of title, establishment of FLSA (market rate) and equity analysis will be conducted. The equity analysis will ensure that the job does not create an imbalance within the unit.

Final approval to create the job will be provided via email with an electronic copy of the

CONDITIONS/FACTS:

Consistent with routine pre-audit requirements, the Auditor requested a list of several documents and reports, complete with instructions, from the Employer on March 30, 2021. Each set of instructions outlined the data elements required for each database query or contained a specific list of personnel transaction documents needed for audit review.

The Auditor requested the most recent exempt payroll document in effect at the end of the audit timeframe. In the requested material instructions, the payroll document was to include all exempt positions listed in alpha order and properly distinguish each type of position exemption category as either a 36e(2), 36e(3), or 36e(4) exemption.

Based on the report received by the Employer, the exempt payroll document submitted for Auditor review combined the 36e(3) and 36e(4) positions together into one document. As a result, the sample was based solely on job title and date of appointment instead of by exemption category assigned to each position.

1. Improperly Designated Exemptions. The Auditor requested position description documents for a sample of 151 positions the Employer identified as categorically exempt under 36e(3) and 36e(4) of the Act.
 - Through this position review, which also included personal interviews with various employees, it was determined that 27 positions listed in **Appendix A** appear to perform duties and responsibilities consistent with those found in Civil Service classification specifications.

2. Incorrectly Categorized Exemptions. The Auditor then conducted a secondary review of the position description documents to assess and determine whether the exemption category identified on each position description document was accurately described as exempt under either 36e(3) or 36e(4) of the Act.
 - Through this document review, the Auditor determined that of the 151 exempt positions sampled, 37 are potentially miscategorized. The listing of positions identified below was noted on the position description document as being exempt under 36e(3) of the Act when the designation should more accurately reflect an exemption under 36e(4) of the Act:

CD3551	CB1248	CD6423	C53991	C67155	C58660	C97073
C78922	CC0280	CB9391	CD5459	C49046	C77450	
CD3559	CC2981	C55528	CA8341	CD3605	CC6794	
CB3824	C41676	CC7305	CA6512	CC5724	C00578	
C39889	C41041	CB0564	CC7332	CD3560	C92894	
C85737	CC5819	CD4356	CC4686	CD3608	C99784	

3. Position Descriptions Incomplete or Not Received. Of the 151 position description documents requested, ten documents were either incomplete, not received, or whose incumbents had terminated employment:

CB8565	CD1530
CC1461	CC8513
C98957	CD3607
CD2560	C50074
CA4379	CD4836

NOTE: *It is important to convey that while incumbents may have terminated employment during the audit timeframe, it does not relieve the Employer from providing the documentation relative to the requested sample to demonstrate compliance with established procedures related to the correct employment designation, exemption category, and triennial review of each position.*

CAUSE/SOURCE OF CONDITION:

With respect to the 27 cited positions listed in **Appendix A**, the Auditor notes that the incumbents in these positions were appointed within the current audit timeframe of August 1, 2017 – March 31, 2021. Most of these employees were appointed following the new Exemption Procedures Manual effective October 1, 2018.

As previously noted in this finding, Merit Board procedures require a cyclic review program, wherein all exempt position descriptions are reviewed by the Employer for current job content and title no less often than once every three years. A thorough and comprehensive review of exempt position descriptions is a primary component of accountability as it relates to the delegation of authority authorized by the Merit Board to the Designated Employer Representative (DER).

Based on the UIC procedure included in this finding, there is no mention of a cyclic review component related to the exemption, or continued exemption, of positions. If this is the case in practice, campus policy regarding the exemption of positions does not adequately address the secondary piece of accountability related to the ongoing validation of exempt positions over time.

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 in those positions are being improperly denied specific employment rights and protections provided under the Act.

There are exempt positions in the audit sample that the Employer has improperly designated, are potentially miscategorized, or are missing position descriptions. This indicates that the Employer did not apply an internal business review process of accountability and cyclic position reviews that have historically been contained in the Exemption Procedures Manual.

FINDING(S) FROM PREVIOUS AUDIT(S):

During the FY2018 Governance, Risk, and Compliance Audit, exempt position reviews were not conducted due to the revision of the Exemption Procedures Manual and its impact on position designation.

INSTRUCTIONS TO THE EMPLOYER:

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

The Designated Employer Representative (DER) of each university and affiliated agency 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 at various stages over time. Therefore, a routine and regular position review program that evaluates employment designation and exemption category must validate exemption status accurately; OR properly assign the most appropriate civil service classification.

As part of the current FY2021 Governance, Risk, and Compliance Audit, the Employer reported that 163 exempt positions were analyzed and transitioned to appropriate civil service classifications during the audit time frame. This appears to be good progress, given that the Exemption Procedures Manual was revised in the middle of the current audit timeframe and accounts for employee appointments occurring both before and after the procedural change. Additionally, given the relatively low exempt position citation rate (Approximately 20%) against the requested (151) and analyzed (141) sample during this current audit, which is the lowest in recent history with this Employer, the Auditor anticipates that demonstrated progress in the appropriate transition of exempt positions to civil service will continue.

At this stage of the audit process, the University System finds the following must occur:

- With respect to the ten exempt position descriptions referenced in this finding, the Auditor requests that the documents used to justify the exemption of those positions is included with the Employer’s Administrative Response.
- With respect to exempt position categories that may require correction as either Principal Administrative Appointments (36e(3)), or Teaching, Research, and Extension Faculty Appointments (36e(4)), the Employer shall evaluate these positions against the criteria outlined in the Exemption Procedures Manual and update their records accordingly. Additionally, the Employer shall provide confirmation of review and correction of the exempt position category, if necessary, as part of the administrative response to this audit finding.

These errors over time significantly impact the accuracy of quarterly headcount data reporting to the University System if not corrected. Position headcount information reported from all University System Employers is published in both the public and government domain; therefore, the reporting of incorrect exemption designation categories results in inaccurate information being provided in official reports.

- With respect to the 27 exempt positions referenced in **Appendix A** of this report, the Employer shall review each listed position, determine the appropriate Civil Service classification, and immediately re-designate the position consistent with the Exemption Procedures Manual. Civil Service classification options have been provided. However, if the Employer determines that a different classification is a better fit, the Employer is permitted to transition each position consistent with those standards.
 - Following that process, if the Employer maintains that any of the identified positions should remain exempt, the Exemption Procedures Manual, Section 3.3, Accountability for Exemption Authorization, outlines specific steps, outcomes, and the timeframe for individual position appeals if necessary.

In addition to addressing the positions referenced in this finding, the Employer shall update their 2013 HR Policies and Procedures to further include the development and implementation of internal processes that are consistent with the current 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 the University of Illinois Chicago.

EMPLOYER’S ADMINISTRATIVE RESPONSE – SUBMITTED BY MS. CHERI CANFIELD, INTERIM ASSOCIATE VICE CHANCELLOR FOR HUMAN RESOURCES:

- 1) **Improperly Designated Exemptions.** Through the audit process, SUCSS identified 27 positions listed in Appendix A. UIC has reviewed this list and has the following response:
 - a. We agree with 23 of the 27 identified and will determine a timeline to convert existing employees in those positions from AP to CS. We will also work with each unit impacted to identify the most appropriate classification for the position.
 - b. There are 4 positions we do not feel should be converted from AP to CS after reviewing the Job Descriptions and speaking with the experts in these areas. We respectfully request that SUCSS consider removing these positions from the list identified in Appendix A.
 - i. **Orthoptist**-After speaking with Clinic Director for Illinois Eye and Ear, we do not agree with this position being classified as Civil Service. The recommended classification of Ophthalmic Technologist does not have the same requirements as necessary for this position, and there is not another classification within Civil Service that would meet the requirements. According to the Clinic Director, Orthoptist is considered an advanced practice provider. Orthoptists require more education/training and must be board certified. Orthoptists work in very complicated subspecialties like neuro-ophthalmology and strabismus. They oversee orthoptic clinics and receive referrals from outside ophthalmologists.
 - ii. **Associate Registrar**- This position is a higher level than an Admissions and Records Associate. This position may supervise positions in the Admissions and

Records Associate classification. This position is used in the UIC Registrar's Office and at UIC Law. We have two employees in this position, and we feel this is a higher-level position than the Admissions and Records Associate.

- iii. **Assistant Director, Advocacy Services-** This is a higher-level position than a Program Director and is highly specialized, requiring certification in sexual assault and domestic violence advocacy. This position needs in-depth legal advocacy background and experience advising survivors. This position is expected to accompany survivors to court and advise them during court proceedings.
- iv. **Transplant Organ Recovery Coordinator-** The position requires Certified Procurement Transplant Coordinator Certification. Responsible for all aspects of evaluating organ offers, arrange all necessary activities related to recovering the accepted organs, and transplanting the organ to the intended recipients, which can be at any hour of the day/night. The department does have a Program Coordinator position which is a completely different job. They coordinate a program to increase awareness of the transplant program and organ donation.

2) Incorrectly Categorized Exemptions.

- a. We agree with the finding and will make the necessary changes in our system to reflect the correct exemption category.

3) Position Descriptions Incomplete or Not Received.

- a. Attached to this response are additional job descriptions for the following positions:

CB8565
CD1530
CC1461
CC8513
CD2560

- b. We have a job description for CD3607, but this position is not currently in use, so we cannot obtain a signed job description.
- c. For positions C98957 and CA4379, we do not have job descriptions. These positions fall under the following University of Illinois policy:
<https://uofi.app.box.com/v/administrativefacultyjd>

- d. For positions C50074 and CD4836 these are treated the same as Postdoc Research Associates and do not have a job description. These positions are exempted from the search process, similar to the Postdoc Research Associate.

ADDITIONAL AUDITOR COMMENTS:

The Auditor has evaluated the response provided by the Employer and finds that after further analysis and subject matter expert review, all positions listed in **Appendix A** will remain cited. The Exemption Procedures Manual, effective October 1, 2018, does not support an exemption for these positions from 36e of the Act, nor do the positions contain the principal nature and level of authority for which exemption is permitted. Additionally, the campus policy related to the exemption of positions categorized under Section 36e(3) of the Act and referenced in this finding has not been updated since September 1, 2013. As of the date of this report, the Employer's internal policy is currently located at <https://uofi.app.box.com/s/8txzuy97feag7x0o5abu2srhrg5q0ly>.

The Exemption Procedures Manual, Section 3.3, Accountability for Exemption Authorization, outlines specific steps, outcomes, and the timeframe for individual position appeals if the Employer chooses to utilize that route.

With respect to the four positions the Employer has identified in their response, the Employer may need to consider the required certifications or specialized knowledge, skills, or abilities needed for satisfactory performance in the positions, and whether the use of Specialty Factors may be used to support the classifications of Ophthalmic Technologist, Admissions and Records Associate, Program Director, and Program Coordinator. Three of these recommended classifications are Custom Classes (Special Group) for which Specialty Factors may be designated by the Employer without University System review and approval. Additionally, if a new classification is recommended by the Employer for development or a revision to a current classification is needed, please submit Form 1.2 in the Classification Plan Procedures Manual to the University System with the appropriate justification.

The Auditor also acknowledges the Employer's response to the recategorization of the exempt positions noted in this finding and making the necessary changes in their system.

Lastly, the Employer references a job description in the sample that is not currently in use, however, it is important to note that these document samples are to reflect position descriptions in effect during the audit time frame and not as of the current date. Other than those few exceptions under 36e(1) and 36e(2) of the Act, position descriptions are required for all positions in which to validate exemption criteria, status, and category regardless of their employment function as faculty or postdoc researcher.

**State Universities Civil Service System
Compliance Services Division
Draft Audit Report**

RISK ASSESSMENT CATEGORY 1 FINDING:

NON-COMPLIANCE WITH TEMPORARY UPGRADE PROVISIONS

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 250.100 Reassignments and Transfers; and*
- 5) *Employment and Separation Procedures Manual, Section 4.2 Temporary Downgrading and Upgrading Assignments.*

Section 36b(2) 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)

To ensure compliance with Section 36b(2) of the Act above, basic standards that protect employment actions made solely on the basis of merit and fitness were also included in Section 36d to distinctly establish the framework by which the University System Merit Board executes its powers and duties:

“(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)

In addition to 36d above, standards of promotion are further defined in a separate provision of the Act. Section 70/36j of the Act specifically states:

“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)

While not a promotion as defined in the Act, there are times during leaves of absence, personal absence, or vacancies when temporary changes or advancements in classification are permitted, particularly when supervisory functions must continue uninterrupted. As such, Section 250.100(b)(3) of Title 80 of the Illinois Administrative Code describes Temporary Upgrading as follows:

“...temporary upgrading and downgrading assignments must not be for more than 30 consecutive work days duration.” Further, given the temporary nature of the assignment, Section 250.100(b)(6) states, *“When a temporary assignment has been made, seniority shall continue to be accrued in the class in which the employee has a status appointment.”*

This provision is permitted due to the limited nature of the assignment for which permanent, competitive rules do not apply. As a result, seniority is not earned at the higher-level classification.

BACKGROUND/CONTEXT:

As previously referenced in this report, the FY2021 Governance, Risk, and Compliance Audit timeframe at the University of Illinois Chicago is August 1, 2017 – March 31, 2021. Temporary Upgrade assignments are evaluated and analyzed under the purview of a Category 1 Risk Assessment to determine whether individual employee upgrades have been utilized consistent with the Illinois Administrative Code, with each individual upgrade not exceeding 30 consecutive workdays in duration.

Temporary Upgrades are designed to permit an Employer to assign a status employee, on a limited basis, to classifications of a higher level, either within or outside of the employee’s promotional line, that results in an increase in salary for that designated assignment period. Employees are given additional compensation for each Temporary Upgrade assignment and continue to retain, accrue, and accumulate seniority in their originally assigned class. This is due to the limited, temporary nature of the assignment.

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

CONDITIONS/FACTS:

Prior to the remote audit visit for the FY2021 Governance, Risk, and Compliance Audit, the Auditor requested reports from the Employer regarding the utilization of Temporary Upgrade assignments during the audit period.

As outlined in the Audit Request Material Checklist, dated March 30, 2021, and submitted to the Employer, the data elements required for audit analysis are referenced in Section IV (B), Employment and Separation Procedures, *Temporary Upgrade Assignments*. These data elements included employee name, classification, assigned upgrade classification, specific days of upgrade assignment, exam score, and exam date.

Pursuant to the Auditor’s request, the Employer provided a data report consisting of approximately 156 employees given temporary upgrade assignments during the audit time frame. As documented in **Appendix B** of this audit report, 32 employees appeared to exceed the 30-day Temporary Upgrade limitation. **NOTE: Three of these employees are listed twice, indicating two separate upgrade assignment periods for each employee.**

When reviewing the initial data report submitted by the Employer, it appeared that, in several instances, paid holidays were included in employee Temporary Upgrade assignment timeframes. Without information to indicate otherwise, paid holidays within the upgraded period were included in the total number of calendar days for several employees in **Appendix B and Appendix C**, where applicable. Unless it can be shown that an upgraded employee was either not compensated at the higher rate during a paid holiday or not otherwise working on the upgraded assignment during a paid holiday, the analysis by the Auditor assumes that paid holidays were included within each assignment without a break in the assignment. An example of this data is included in the table below:

Table 1: FY2021 Governance, Risk, and Compliance (GRC) Audit
Examples of Upgrade Periods That Include Paid Holidays

Classification	Upgraded Classification	Job Begin	Job End	Calendar Days
MAINTENANCE LABORER (LC)	GROUNDWORKER (LC)	10/13/2019	11/11/2019	29
MAINTENANCE LABORER (LC)	GROUNDWORKER (LC)	11/13/2019	12/12/2019	29

In this example, during the second Temporary Upgrade period, Thanksgiving Day and the Day following Thanksgiving Day are included within the upgraded period based on the total number of inclusive calendar days reported. Like many others in the report submitted by the Employer, this example was observed in several of the employees referenced in **Appendix B and Appendix C**. Given this information, the Auditor reasonably concluded, due to the inclusive dates of when each job begins and ends, that employees in Temporary Upgrade assignments were working and compensated at the upgraded classification level during paid holiday periods.

As previously stated in the **BACKGROUND/CONTEXT** section of this finding, there is a secondary evaluation of the Temporary Upgrade assignment transaction, consistent with its very definition. Aside from the 30-consecutive workday limit on each Temporary Upgrade assignment, there is an overall compliance review for each employee related to the assignment of multiple Temporary Upgrade assignments on a continual “on and off” basis for an extended period.

As **Appendix C** of this report outlines, 125 employees reported having persistent “on and off” Temporary Upgrade assignments for an extended period. The total number of days reported during a specific period in a Temporary Upgrade status is also listed in **Appendix C** for each employee. The lowest total number of days Temporarily Upgraded over a specific period was 106, with the highest total number of days Temporarily Upgraded over a specific period was 1,263.

The example provided in **Table 2** below demonstrates how this data was initially presented by the Employer for audit review:

Table 2: FY2021 Governance, Risk, and Compliance (GRC) Audit
Example of Repetitive Upgrades with Short Breaks

Class	Upgraded Classification	Job Begin	Job End	Calendar Days
MAINTENANCE LABORER (LC)	GROUPS WORKER (LC)	11/12/2019	12/11/2019	29
MAINTENANCE LABORER (LC)	GROUPS WORKER (LC)	12/13/2019	01/11/2020	29
MAINTENANCE LABORER (LC)	GROUPS WORKER (LC)	1/13/2020	02/11/2020	29
MAINTENANCE LABORER (LC)	GROUPS WORKER (LC)	2/13/2020	03/13/2020	29
MAINTENANCE LABORER (LC)	GROUPS WORKER (LC)	3/15/2020	04/13/2020	29
MAINTENANCE LABORER (LC)	GROUPS WORKER (LC)	4/15/2020	05/14/2020	29
MAINTENANCE LABORER (LC)	GROUPS WORKER (LC)	5/16/2020	06/14/2020	29
MAINTENANCE LABORER (LC)	GROUPS WORKER (LC)	6/16/2020	07/15/2020	29
MAINTENANCE LABORER (LC)	GROUPS WORKER (LC)	7/17/2020	08/15/2020	29
MAINTENANCE LABORER (LC)	GROUPS WORKER (LC)	8/17/2020	09/15/2020	29
MAINTENANCE LABORER (LC)	GROUPS WORKER (LC)	9/17/2020	10/16/2020	29
MAINTENANCE LABORER (LC)	GROUPS WORKER (LC)	10/18/2020	11/16/2020	29

As depicted in **Table 2**, nearly every employee cited appeared to be routinely removed from their Temporary Upgrade assignment and placed in their regularly assigned classification, for example, on the 29th day of the assignment or following a very short break, so as not to exceed the 30-day limitation. The most frequently upgraded classifications cited in **Appendix C** were Automotive Sub-foreman, Carpenter Foreman, Electrician Foreman, Grounds Gardener, Grounds Worker, Painter Foreman, Plumber Foreman, Pipefitter Foreman, and lastly, Steam and Power Plant V.

Upon receipt of the FY2021 Draft Audit Report, issued on April 6, 2023, the Employer contacted the Auditor with concerns that the data presented in the initial Temporary Upgrade report for Auditor review and analysis was not as precise as it should have been. The Employer stated that the report presented the “Job Begin Date” and “Job End Date” as a preset period where the assignment was authorized and input in the system, but not the specific days the upgrade days occurred.

The Auditor allowed the Employer to resubmit their Temporary Upgrade report with corrected information, which was to provide the specific days each employee was upgraded, consistent with the initial request for audit materials on March 30, 2021.

The Auditor received a new Temporary Upgrade report on May 22, 2023. Upon review, the report still did not contain the specific information needed to demonstrate compliance with the Temporary Upgrade assignment provision in the Illinois Administrative Code. Please refer to the Additional Auditor Comments section of this finding.

CAUSE/SOURCE OF CONDITION:

The Auditor has concluded that the way these employment transactions were conducted is a matter of standard practice and most likely built into the Human Resource Information System (HRIS) or Payroll system for employees in the crafts and trades.

The data evidence contained in the initial Temporary Upgrade report showed that determinations were made by the Employer not to fill upgraded positions with permanent status employees by promotion in these instances through the competitive process required by the Act. Instead, the Employer permitted intermittent Temporary Upgrade assignments to be routinely done for extended periods of time. The secondary Temporary Upgrade report did not provide any additional information that would impact the outcome of this finding.

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 duties being performed and the level of responsibility. Creating new job assignments through repeated Temporary Upgrades over an extended period is not temporary at all and inconsistent with the purpose and intent of the Act, Administrative Code, and the Classification Plan Management system. If a position is upgraded frequently and/or continually for an extended period, the employee should be promoted, or a new position should be recruited for and filled in the classification through an open and competitive process.

In addition to the specific provisions in the Act previously referenced in this finding, other implications on employee rights could arise related to accumulated seniority and any future layoff activity if

upgraded employees are never allowed to earn seniority in the higher-level class. Section 36j of the Act, under “Promotions,” states the following:

§ 36j(e). “Promotions. Employees promoted in the promotional line shall have their seniority for the highest position held on the basis of length of service in that classification. ***For the next lower classification, the employee may add his or her seniority in the higher classification to that in the lower to determine seniority in the lower classification.***” (110 ILCS 70/36j)

For the purposes of upgrading in a classification on a **temporary** basis, Title 80, Section 250.100(b)(3) of the Illinois Administrative Code states, “...temporary upgrading and downgrading assignments must not be for more than 30 consecutive work days duration.” There is a distinct difference between a Promotion, as defined by the Act, and a Temporary Upgrade, as defined by the Illinois Administrative Code. When employees serve in Temporary Upgrade assignments, seniority is not earned at that higher classification, and consequently, seniority does NOT accumulate (add) at lower levels in the promotional line consistent with Section 36(j)(e) of the Act. Employees simply continue to earn seniority in their original classification of assignment.

The Auditor notes that the way Temporary Upgrades appear to be utilized at the University of Illinois Chicago reveals a potentially significant impact not only on those employees who **are** temporarily upgraded but also on those who **are not**:

- For upgraded employees, who clearly meet the MAQs for the Temporary Upgrade assignment (classification) are designated by supervisory staff through a non-competitive process and receive additional compensation for the Temporary Upgrade assignment. However, they likely remain unaware of other employment implications, including the inability to earn seniority in the classification to which they are upgraded and missing the opportunity for promotion to the higher classification.
- For employees **not** selected for Temporary Upgrade assignments and who meet the MAQs for the Temporary Upgrade assignment (classification) are not only prevented from competing for an opportunity to receive additional compensation for the assignment, but due to the arbitrary nature of who is selected for the assignment, they are inherently restricted from opportunities for current **and future** promotion. It also prohibits these employees from gaining practical work experience in an upgraded classification.

While the topic of this audit finding is specific to Temporary Upgrade assignments exceeding the 30-day limitation, coupled with the repeated utilization of these assignments over an extended period, the potential impact of how these assignments are implemented and managed by the Employer is of considerable concern:

- Of the 32 employees listed in **Appendix B** exceeding the 30-day limitation, 29 were also listed in **Appendix C** as being temporarily upgraded on a repeated and extended basis.
- Given the number of employees upgraded repeatedly over an extended period, it clearly demonstrates a specific need for status positions in those classifications.

- A significant problem exists when there are several employees repeatedly upgraded for over 1,000 days within the audit period, and the overall duration of the audit period is approximately 1,339 calendar days with no exclusions for weekends and paid holidays.

FINDING(S) FROM PREVIOUS AUDIT(S):

During the previous FY2018 Governance, Risk, and Compliance Audit for the University of Illinois Chicago, which covered the period of February 1, 2014 – July 31, 2017, the Employer was cited under this topic area, where there were nine employee instances of Temporary Upgrade assignments that exceeded the 30-day limitation. In addition, the finding documented the extended utilization of Temporary Upgrade assignments for four employees on a long-term and consistent basis; each employee upgraded for more than 250 days. [Finding Code UIC 18-03, pages 18-21]

In the UIC Administrative Response to the FY2018 GRC Audit regarding this topic, the Employer disagreed with the finding based on the premise that “since most of these classifications have only a single rate of pay without a step progression, a job needs to be added to the employee record to be paid at a higher rate when working in a higher classification...and that employees had the temporary upgrade job assigned to their record in multiple instances, but it is not indicative that they worked in a higher classification every day in that 30-day upgrade period.”

The Auditor’s wrap-up of the FY2018 GRC Audit included a final clarification related to the Employer’s Administrative Response. Specifically, the demonstration of compliance with the Act, Code, and Procedures related to Temporary Upgrade assignments lies with the Employer. If the Employer’s argument is that because an employee does not work every day of the reported 30-day upgrade period, and it is not feasible to open a higher-level position, then the Employer must provide and reveal that level of detail to the Auditor.

INSTRUCTIONS TO THE EMPLOYER:

The Employer shall review the utilization of Temporary Upgrades in accordance with established regulations. As the title states, these assignments are temporary in nature and are not intended to be continually or repeatedly utilized on a long-term basis. Fiscal constraints do not appear to be a substantive factor when the employees are still being compensated at upgraded levels for a large percentage of the audit time frame.

The Act requires that vacancies be filled by promotion whenever practicable. In general, employees serving in Temporary Upgrade Assignments are additionally compensated; however, employees are not provided the opportunity for continued compensation beyond the Temporary Upgrade period. By not making permanent advancements in classification through competition, merit, and fitness, the Employer diminishes an employee’s earning potential and potential seniority accumulation 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.

Based on the information provided by the Employer, it appears there are position vacancies that exist. As noted during the current FY2021 GRC Audit, the “job begin” and “job end” dates provided to the Auditor are an inclusive period and include the header “calendar days”; then, each assignment is evaluated as an upgrade for each day within that period. If this is not the case, the Employer is responsible for making corrections to the report and specifically indicating the actual dates of each

Temporary Upgrade consistent with the instructions in the Audit Request Material packet sent to the Designated Employer Representative on March 30, 2021.

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 Employer shall provide this information in the administrative response to this finding. However, the process of temporarily upgrading employees must be reviewed and changes made to workflows to prevent the overutilization of these assignments.

The Auditor further requests that Temporary Upgrades on an extended basis be permanently discontinued and that these specific transactions be monitored by campus departments consistent with the Illinois Administrative Code.

EMPLOYER’S ADMINISTRATIVE RESPONSE – SUBMITTED BY MS. CHERI CANFIELD, INTERIM ASSOCIATE VICE CHANCELLOR FOR HUMAN RESOURCES:

UIC respectfully asks that SUSCS review the attached (secondary) report. The primary unit identified in the SUCSS audit as an example of repetitive upgrades with short breaks is the Office of the Vice Chancellor for Administrative Services (OVCAS). They have a need to upgrade an employee periodically throughout the pay period if the supervisor is off work. They submit for temporary upgrades to have the additional job set up in our payroll system so if a supervisor is off work the temporary upgrade is already in the system and the employee can be paid correctly for that day.

The report that was reviewed by SUCSS provides a list of all employees on temporary upgrades but does not give an indication of when (if at all) an employee worked in that temporary upgrade. The attached report provides the actual number of days for the period indicated that the employee worked in a temporary upgrade. As you can see from the report, the employees listed only worked in the temporary upgrade approximately 14% of the total time they were listed to be in the temporary upgrade. While on paper it does look like there is an overutilization of temporary upgrades, the number of days an employee works in a temporary upgrade is much less.

ADDITIONAL AUDITOR COMMENTS:

The Auditor understands the rationale behind the need to temporarily upgrade current employees, however, this transaction is only permitted consistent with the 30 consecutive workday limitation contained in the Illinois Administrative Code, and that properly aligns with other provisions in the Act related to promotion and seniority.

As referenced in the Employer’s Administrative Response, the secondary report submitted for Auditor review only contains an additional column that lists the total number of days upgraded and does not go far enough in identifying the *specific days* being upgraded during each period. Simply adding a column to the report that lists the total number of days upgraded during a specific period does not adequately verify compliance without also knowing the specific dates of each upgrade.

Therefore, with respect to the resubmitted report contained in the Employer’s Administrative Response, regrettably, it does not provide a clear picture of the procedure referenced above by the Designated

Employer Representative. Additionally, in the resubmitted report, the total number of days manually added by the Employer in the column labeled “total calendar days actually upgraded”, whether the number is more or less than the listed number of days upgraded in **Appendix B and Appendix C**, the Auditor’s inability to verify the specific days for each employee in a Temporary Upgrade status, unfortunately, results in no changes being made to this finding.

**State Universities Civil Service System
Compliance Services Division
Draft Audit Report**

RISK ASSESSMENT CATEGORY 1 FINDING:

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 positions and Extra Help employees are contained in Section 250.70(f) of Title 80 of 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 re-established until six 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 30 calendar days have elapsed.” (Illinois Admin. Code tit. 80, Ch. VI, Part 250, Section 250.70(f))

The employer’s responsibility, as noted in the Code, Section 250.70(f), 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 current FY2021 Governance, Risk, and Compliance Audit timeframe for the University of Illinois Chicago is August 1, 2017 – March 31, 2021. The utilization of Extra Help appointments and positions are typically reviewed and analyzed under a Category 1 Risk Assessment to determine whether both components of the 900-hour limitation are adhered to and consistent with the Administrative Code. As a practical matter, this category of importance indicates that the topic is audited during every cycle at each employment location that routinely utilizes these appointments.

CONDITIONS/FACTS:

Consistent with routine audit protocols regarding Extra Help appointments, the Auditor requested appointment, employee, and position information for the quantity of each component utilized during this audit period of review.

The Employer submitted a data report of approximately 5,473 Extra Help appointments employed during the audit time frame, consisting of approximately 2,644 employee instances and 4,969 position instances utilized. (Many employees appeared to be appointed multiple times.) The Auditor also reviewed 108 Extra Help Extensions submitted and processed during the audit timeframe to determine compliance with the University System decision related to each extension and its associated Extra Help appointment(s).

On March 16, 2020, the University of Illinois submitted a notification to the University System declaring an emergency consistent with Section 250.600 of the Administrative Code. This emergency was declared for each University of Illinois campus, including the University of Illinois Chicago, in response to the COVID-19 pandemic and its direct impact on campus operations and employment. As a result, the Auditor filtered out those appointments, employees, and positions utilized after March 16, 2020, since the reporting requirements for these appointments are different and, as of the date of this report, the emergency only recently ended on June 30, 2023.

The FY2021 GRC Draft Audit Report was issued to the Employer on April 6, 2023. That report documented 244 Extra Help employee instances that appeared to have exceeded the 900-hour limitation without the required 30-day break in service. Of those 244 employees originally documented in the draft report, 25 occupied positions that exceeded the 900-hour limitation by default. Generally, Extra Help positions are tied to employees working with one beginning appointment date and one ending appointment date.

However, with respect to the position utilization aspect, the manner in which the data was initially submitted made it difficult to fully analyze Extra Help positions consistent with Section 250.70(f) of the Illinois Administrative Code. As it relates to Extra Help positions specifically, once a position has accrued 900 consecutive hours, the position shall not be re-established until six months have elapsed from the date of the termination of that position. Based on the analysis of this initial report, the actual position control number for each entry was combined with the employee's exclusive nine-digit identification number (UIN) and is represented in **Table 3** as follows:

Table 3: FY2021 Governance, Risk, and Compliance (GRC) Audit
Example of Extra Help Position Utilization Concerns

Employee	Position Title	Position Number	Position Begin Date	Position End Date	Employee Total Hours Worked
Employee A	Space Administrator II	676526583C0718500	11/19/2018	8/31/2019	500.00
"	"	676526583C0718501	"	"	400.00
"	"	676526583C0718502	"	"	47.00
"	"	676526583C0718503	"	"	477.00
"	"	676526583C0718504	"	"	230.00
"	"	676526583C0718505	"	"	121.00
					1775.00

As presented in **Table 3** above, the “position numbers” organized by the Employer for initial Auditor review consisted of a combination of the employee’s unique identification number (UIN noted in red), a position number (the format utilized by UIC), and what appeared to be a “counter” (highlighted in yellow). Based on this example, it also appeared that if the same position title had the same beginning and ending dates, which would have likely been the same position. However, because the data was presented with a “counter” at the end of each position number, each number would remain separate and distinct, making compliance with the Illinois Administrative Code difficult, if not impossible, to ascertain.

On May 22, 2023, the Employer submitted a corrected Extra Help report along with their Administrative Response for Auditor review and analysis. As documented in **Appendix D**, there are 43 Extra Help employee instances that now appear to have exceeded the 900-hour limitation without the required 30-day break in service. In addition, as documented in **Appendix E**, 18 Extra Help positions either did not have the 6-month lapse before establishing the position again or occupied positions with overlapping dates for multiple incumbents. In a few instances, beginning and ending dates were transposed; in those cases, since the Auditor cannot verify the appropriate date, it is simply noted as a ‘date error’ in the applicable appendix.

CAUSE/SOURCE OF CONDITION:

Based on the new information provided by the Employer, it does not appear that departmental reminders regarding hours worked at the 400, 600, 700, and 800-hour intervals have effectively prevented the occurrences listed in **Appendix D and Appendix E**. Following the previous FY2018 audit, the Designated Employer Representative committed to providing new methods of communication to the departments to address resources available in Banner and Payroll to assist them in monitoring Extra Help hours worked daily. Despite these measures, the departments have allowed employees to remain in their Extra Help appointments well beyond the 900-hour limitation.

The “position control” mechanism incorporated since the previous audit has created a layer of unnecessary complication in monitoring compliance related to Section 250.70(f), which requires a six-month lapse before an Extra Help position can be re-established. The Employer is responsible for demonstrating compliance in this respect, and it does not appear that the position numbers reflected in the data report initially submitted for this audit are solely assigned to the actual position being worked.

If actually being utilized in practice by the Employer, the method of combining the individual employee’s UIN and adding a “counter” for each set of hours worked for an unknown period within the designated “job start” and “job end” dates is not an accurate reflection of how Extra Help positions are required to be monitored consistent with the Code.

EFFECT/IMPACT:

The University System has historically emphasized to Employers that Extra Help appointments are allowed only on a casual or emergent basis, regulated by Section 250.70(f) of the Code. Overusing Extra Help hours in this manner results in a loss of opportunity for qualified applicants to be considered for status appointments and further obstructs the promotional process for internal candidates. Based on the Extra Help data reviewed, there appears to be an over-reliance on Extra Help appointments, thereby eroding the argument that the need is critical.

FINDING(S) FROM PREVIOUS AUDIT(S):

During the FY2018 Governance, Risk, and Compliance Audit, the Auditor reviewed 3,766 Extra Help employee appointments encompassing 3,769 Extra Help positions utilized during the audit time frame. As documented in this report, 395 employees and their assigned positions appear to have worked beyond the 900-hour limitation without the required 30-day break in service and/or have been utilized for more than 900 hours of actual work within a 12-month period without a six-month lapse. [Finding Code UIC 18-01, pages 6-12]

As previously reported in the FY2014 Biennial Compliance Audit, the Auditor reviewed 3,935 Extra Help appointments utilized during the audit time frame of February 1, 2012 – January 31, 2014. It was reported that 299 employees were found to have worked beyond the 900-hour Extra Help limitation without the required 30-day break in service. This was in sharp contrast to the FY2012 Biennial Compliance Audit, where the Auditor determined that only 31 employees were found to have worked beyond the 900-hour limitation without the required 30-day break in service.

INSTRUCTIONS TO THE EMPLOYER:

The (current) FY2021 Governance, Risk, and Compliance Audit outcomes related to this topic indicate that monitoring processes require further development, communication, and reinforcement at every level on campus to adequately monitor and regulate Extra Help positions and the employees assigned to those positions, in accordance with Section 250.70(f) of the Code.

It appears that the Employer may require a different mechanism to demonstrate compliance with the efficient and effective monitoring of Extra Help appointment limitations for both the employee and the position. Data sorting is the primary review method to determine whether full compliance has been achieved. Even with a corrected Extra Help report, a valid position monitoring method that ensures compliance with Section 250.70(f), which requires a six-month lapse before an Extra Help position can be re-established, appears to be absent.

The Designated Employer Representative (DER) is ultimately responsible for enforcing and making determinations as to whether an existing personnel program is consistent with governing regulations and procedural standards. These standards require a comprehensive review of all Extra Help Appointments for compliance with the 900-hour limitation, any corresponding extension, and/or any other applicable and emergent criteria justifying such appointments every three months.

During the FY2018 GRC Audit, the Employer indicated that Extra Help appointments were reviewed biannually. However, since the departments are inadequately monitoring this activity, the Auditor recommends more frequent quarterly reviews of this employment activity to prevent or significantly reduce the number of employees and positions that exceed the 900-hour limitation. Monitoring these appointments more frequently (quarterly) is consistent with what is already contained in the Employment and Separations Procedures Manual.

EMPLOYER’S ADMINISTRATIVE RESPONSE – SUBMITTED BY MS. CHERI CANFIELD, INTERIM ASSOCIATE VICE CHANCELLOR FOR HUMAN RESOURCES:

UIC requests that SUCSS review the attached report. After reviewing Appendix D provided by SUCSS we realized there was an error in the report we originally provided to SUCSS. We utilized a new report and did not realize that it had created additional rows with no hours but looked to extend appointments and not clearly indicate when breaks occurred. We ask SUCSS to please review the attached report instead.

As indicated in the audit findings, we have identified 39 appointments that were longer than 900 hours. 8 of those were over by less than 40 hours, probably due to a timing issue and the unit calculating how many hours were remaining.

We also updated the reporting format, as the Auditors identified, the initial report was harder to read because the UIN was included in the position ID. We have removed that from this report and created a separate column for this information.

We are hopeful that after review of this report, you will see that we did not have 395 employees that worked beyond the 900 hours without the required 30-day break in service.

ADDITIONAL AUDITOR COMMENTS:

The Auditor appreciates the Employer’s efforts in making adjustments to data querying methods and corrections to the Extra Help report relative to the FY2021 audit period. Upon receipt of this new report, the Auditor reviewed and sorted the information. Consistent with the Employer’s response to this finding, the new Extra Help report stripped the UIN and “counter” from the position numbers, allowing for better analysis to occur regarding both the employee and position utilization aspect of the Extra Help limitations. Duplicate data entries were also removed.

The status and risk assessment category of this finding remains at Category 1. The Employer’s statement regarding the timing issue relative to the eight positions over 900 hours by less than 40 hours is inadequate given that there is not currently an acceptable threshold outlined in the Code for employee and position hours allowed to exceed the 900-hour limitation.

**State Universities Civil Service System
Compliance Services Division
Draft Audit Report**

RISK ASSESSMENT CATEGORY 2 FINDING:

NON-COMPLIANCE WITH CONTRACT APPOINTMENT PROVISIONS

CRITERIA/STANDARDS:

- 1) *State Universities Civil Service Act, Section 36d,*
- 2) *Illinois Administrative Code, Section 250.30 The Classification Plan*
- 3) *Illinois Administrative Code, Section 250.80(b) Contract Appointments*
- 4) *Classification Procedures Manual, Section 5.1 Definition*
- 5) *Classification Procedures Manual, Section 5.2 Position Identification*
- 6) *Employment and Separation Procedures Manual, Section 3.3 Contract Appointments*

Section 250.30 of the Illinois Administrative Code outlines the two categories of Civil Service Status Appointments authorized for utilization by Employers in the University System:

b. "Contract Appointments.

1. Contract Appointments are made to positions in the System when such positions are covered by a contract between an employer served by the System and either:
 - A. the State of Illinois, or an agency thereof, where the work performed is under the direct supervision and control of a member of the staff of the state agency, and on the premises of that agency; or
 - B. any institution, agency, or organization, other than the State of Illinois, or any agency thereof, where the work is required to be performed at locations away from the premises of the employing College or University or its immediate environs.
2. The examination shall be brief, simple, and easily administered, and shall consist of a review of the employee's application and a verbal interview. The examination shall be scored as: Highly Qualified; Qualified; Acceptable; Not Acceptable. The Director shall, upon request for such candidates, certify to the employer the names and addresses of all the persons who have scored in the highest of the three categories, namely: Highly Qualified; Qualified; Acceptable, in which one or more candidates have scored, and the employer shall select one of the persons so certified.

3. The duties of a position for which contract employment is used shall be classified to meet generally the specifications for a comparable class established for other services in the System.
4. Rates of pay shall be established which take into account both the salary range currently established for the appropriate class and rates applicable in the community where the work is being performed.
5. Seniority shall be established on the basis of the agency or locality in which the work is being performed.

(Illinois Admin. Code tit. 80, Ch. VI, Part 250, Section 250.30(b))

While institutions and agencies at which a position is located determine what types of civil service positions are required, there are guidelines for proper position control and management prescribed in the procedures above and referenced in the Classification Plan. The DER shall submit a formal request for consideration and approval of each position to be a Contract Appointment. The Executive Director, with advice from the DER and the employing department, shall determine that a position is a Contract Appointment.

As procedurally required and delegated to the DER by the Executive Director, position control is a management tool concerned with the continuing record of the history of positions. Position control numbers are assigned to each position and are assigned based on the position and not on the incumbent holding that position or attached to the budgetary line item. They are assigned by the Employer on a continuing numerical basis as needed and remain with the individual position until canceled. The reclassification, reallocation, or administrative title change of a position does not affect the civil service position number.

BACKGROUND/CONTEXT:

The current FY2021 Governance, Risk, and Compliance Audit timeframe for the University of Illinois Chicago is August 1, 2017 – March 31, 2021. The utilization and management of Contract Appointments are routinely analyzed and reviewed under the purview of a Category 1 Risk Assessment to evaluate proper position control and ensure compliance with the Act and the Illinois Administrative Code.

Pursuant to the Auditor’s request, the Employer submitted a list of Contract Appointments utilized during the audit time frame for review and analysis.

CONDITIONS/FACTS:

During the FY2021 Governance, Risk, and Compliance Audit, the Auditor requested a complete list of utilized and/or established Contract Appointments utilized by the Employer during the audit timeframe. This report, consisting of 471 Contract Appointments, contained a list organized by incumbent, classification, position number, and location. Of these listed, the Auditor selected a random subset of 30 appointments to check the Employer’s reported data with Contract Appointment information contained on file at the University System Office.

Of the 30 appointments randomly sampled, there were three appointments listed below that the University System does not have on file:

<u>Position Title</u>	<u>Position Number</u>
Social Work Aide III	CA6250
Office Support Specialist	C60008
Staff Nurse I	C85551

The Auditor communicated follow-up activities with the Employer regarding this topic on October 12, 2022. The Employer's response was that they could not locate information for the three appointments listed above.

CAUSE/SOURCE OF CONDITION:

Without additional information, it is difficult to assess or determine the exact cause of the condition leading to these missing records, particularly since each position was identified by position control number. The data report submitted by the Employer regarding active contract appointments utilized during the audit timeframe contained these positions, so perhaps they were reported in error. However, since they were selected for review randomly from a relatively small sample, the cause may be more process related internally related to these appointments than simple data errors.

EFFECT/IMPACT:

There are two types of Civil Service status appointments authorized for use at each employment location; Contract (off-campus) Appointments, as defined in the CRITERIA/STANDARDS section of this finding, and status appointments employed on campus. Each appointment is specifically defined and managed differently, so the appropriate management of these appointments is extremely important to preserve employee rights. What may be a recordkeeping error could actually lead to other improper layoffs or incorrect accumulation of seniority based on the location of the appointment.

Errors in monitoring or inadequate maintenance of position control information for Contract Appointments could result in the circumvention of other Civil Service status employment obligations that include inappropriate class assignment, improper certification and referral of qualified applicants, inadvertent seniority accrual discrepancies, and improper compensation for work performed with off-campus organizations.

FINDING(S) FROM PREVIOUS AUDIT(S):

During the FY2018 Governance, Risk, and Compliance Audit, the Auditor reviewed a report consisting of 312 Contract Appointments utilized by the Employer during the audit time frame. As documented during this audit, there were 57 appointments provided by the Employer whose data elements contained inconsistencies to position numbers or classifications approved and on file at the University System Office.

Based on a review of the records submitted by the Employer during the FY2018 GRC Audit, it appeared that position control numbers had not been properly tracked or updated at the campus level consistent with what had been originally submitted for University System approval at the time the Contract Appointment was established and requested. [Finding Code UIC 18-02, pages 13-17]

INSTRUCTIONS TO THE EMPLOYER:

Since Contract Appointments are designated through the Illinois Administrative Code as Civil Service Status appointments, they remain subject to review during a compliance audit even if they were

established prior to or after the designated audit timeframe. Since this topic was cited during the previous FY2018 GRC Audit, the Employer shall conduct a position-by-position Contract Appointment review to determine whether any appointments should be requested, revised, or deleted from Employer or University System records.

As with previous audit recommendations, the University System is available to assist the Employer with reconciling and managing these records for a specific period to ensure that all Contract Appointments have been accounted for so that no future violations exist. Again, this data submission would be voluntary and could be instituted for a short period to assist the Employer in making corrections and modifying processes to ensure all Civil Service Contract Appointments are properly accounted for. This will better ensure that employee rights in these appointments are preserved.

EMPLOYER’S ADMINISTRATIVE RESPONSE – SUBMITTED BY MS. CHERI CANFIELD, INTERIM ASSOCIATE VICE CHANCELLOR FOR HUMAN RESOURCES:

UIC agrees with this audit finding and will conduct a position-by-position contract appointment review.

ADDITIONAL AUDITOR COMMENTS

The University System requests the position-by-position contract appointment review and reconciliation to be completed and submitted to the Auditor no later than September 30, 2024.