

# **AGENDA FOR THE STATE UNIVERSITIES CIVIL SERVICE ADVISORY COMMITTEE MEETING**

*The State Universities Civil Service Advisory Committee will convene its quarterly meeting on Friday, April 15, 2016 at 10:00 AM. in the State Universities Civil Service System office at 1717 Philo Rd., Suite 24, Urbana, IL.*

**Agenda  
Item  
Number**

**SUBJECT**

- 1. Call to Order – Chair Andy Small**
- 2. Roll Call – Secretary Kim Kirchner**
- 3. Introduction of Guests**
- 4. Public Comments**
- 5. Review of Correspondence**
- 6. Approval of minutes of the January 2016 Quarterly Meeting (*Action Item*)**
- 7. Campus Updates – *Members will give brief updates on campus activities***
- 8. Report of Chair – Andy Small**  
**Operating Staff Personnel Advisor**
- 9. Report of Director – Jeff Brownfield**
  - a) Update on proposed rulemaking to sections 250.30 and 250.50**
  - b) Update on Emergency rulemaking to sections 250.110 and 250.120, effective March 1, 2016**
  - c) Discussion regarding possible rulemaking to add new section to part 250 – section 250.170 regarding furlough language**
  - d) Discussion regarding possible rulemaking to section 250.110 regarding discharge proceedings**
  - e) Discussion regarding proposed procedure manual changes**
    - Salary procedures**
    - Rule of Three Procedures**
    - Out-of-state procedures**

**f) Discussion regarding possible statute changes**

- **Out-of-state recruitment**
- **Veterans preference**

**g) Agency Budget/Staff Update**

**h) Audit Program Update**

**i) Class Plan Update**

- **Clerk and Office Support Series revisions**
- **Deletion of old/unused classes**

**j) Legal Update**

**k) Projects and Accomplishments**

- **Twitter Account**
- **Specialty Factors**
- **Additional review of questions after there are 25 exams given**
- **Revising Occupational Codes with Federal government Guidelines**
- **Supported Employees**
- **Demonstration Projects – Rule of Three and Soft Money**
- **Out-of-state recruitment**

**10. Report of Executive Committee**

**11. Report of Legislative Committee**

**12. Report of Election Committee**

**13. Other Items as Presented**

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NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS  
CHAPTER VI: STATE UNIVERSITIES CIVIL SERVICE SYSTEM

PART 250  
STATE UNIVERSITIES CIVIL SERVICE SYSTEM

Section

250.5	Definitions
250.10	Purpose, Adoption, and Amendment of Rules
250.20	The State Universities Civil Service System and its Divisions
250.30	The Classification Plan
250.40	Military Service Preference, Veterans Preference
250.50	Examinations
250.60	Eligible Registers
250.70	Nonstatus Appointments
250.80	Status Appointments
250.90	Probationary Period
250.100	Reassignments and Transfers
250.110	Separations and Demotions
250.120	Seniority
250.130	Review Procedures
250.140	Delegation of Authority and Responsibilities
250.150	Training
250.160	Suspension of Rules

**AUTHORITY:** Implementing and authorized by the State Universities Civil Service Act [110 ILCS 70].

**SOURCE:** Rules: State Universities Civil Service System, approved January 16, 1952, effective January 1, 1952; amended at 3 Ill. Reg. 13, p. 68, effective April 1, 1979; amended at 4 Ill. Reg. 10, p. 262, effective February 25, 1980; amended at 6 Ill. Reg. 2620, effective February 22, 1982; amended at 6 Ill. Reg. 7236, effective June 3, 1982; amended at 8 Ill. Reg. 4948 and 4950, effective March 29, 1984; codified at 8 Ill. Reg. 12936; amended at 8 Ill. Reg. 24732, effective December 6, 1984; amended at 9 Ill. Reg. 17422, effective October 23, 1985; amended at 11 Ill. Reg. 8942, effective May 8, 1987; amended at 12 Ill. Reg. 3457, effective February 1, 1988; amended at 12 Ill. Reg. 17079, effective October 7, 1988; amended at 13 Ill. Reg. 7324, effective May 1, 1989; amended at 13 Ill. Reg. 19427, effective February 6, 1990; amended at 18 Ill. Reg. 1901, effective January 21, 1994; amended at 20 Ill. Reg. 4440, effective February 29, 1996; amended at 30 Ill. Reg. 17384, effective October 23, 2006; amended at 31 Ill. Reg. 15848,

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effective November 13, 2007; amended at 32 Ill. Reg. 17268, effective October 16, 2008; amended at 33 Ill. Reg. 11644, effective July 22, 2009; amended at 36 Ill. Reg. 6014, effective April 6, 2012; amended at 37 Ill. Reg. 419, effective December 26, 2012; amended at 39 Ill. Reg. 13504, effective December 1, 2015; amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 250.30 The Classification Plan**

- a) Coverage. The classification plan shall include all classes, as approved, and from time to time amended, by the University System Merit Board, except those exempted by Section 36e of the State Universities Civil Service Act (Act) [110 ILCS 70] Statute. Exemptions under Section 36e(3) of the Act Statute shall be by position. When approved by the Merit Board, a position shall remain exempt until such exemption is terminated by the Merit Board. The Executive Director shall publish guidelines for such exemptions, as approved by the Merit Board. This classification plan shall apply to all positions subject to Section 250.20(a) of this Part.
- b) Class Specifications:
  - 1) The University System shall maintain written specifications, as approved by the Merit Board, for each class in the classification plan. Such specifications shall include the class title, class code number, length of probationary period, function of position, characteristic duties and responsibilities, minimum acceptable qualifications, including any special licenses or certificates required by state or federal laws, and additional desirable qualifications, and as applicable promotional line, occupational area, and work area.
  - 2) The University System employer shall provide written notification to all employers post notice of the addition of a new class ification or of the reactivation of a former class, together with a copy of the class specification, at each appropriate place of employment for a period of at least ten calendar days prior to the date a position of the new, or of the reactivated, class is filled, Except except that for status employees affected by reclassification or reallocation of their positions, as provided in Section 250.30(j)(1) and 250.30(j)(2), this Section does not apply. The notification notice of the addition of a new class or of the reactivation of a former class, as provided for in this Section, shall be through the University System website and if necessary for the course of recruitment also posted in all public places allocated for Civil Service employment

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information, [including electronic means, such as official employer websites.](#)

- c) Use of Class Titles. The title of each class shall be the official title of every position allocated to the class for all purposes having to do with the position. This title shall be used on all personnel records and transactions. A functional title may also be given to a position by the employer, but such functional title cannot be a title approved by the Merit Board as a Civil Service class title.
- [d\) Use of Class Code Number. The class code number is the number that is assigned to each class title in the classification plan.](#)
- [e\) Use of Promotional Line within Class Specification Series. Each class specification series is assigned a promotional line. The promotional line can be found on the class specification.](#)
- [f\) Occupational Areas within a Class Specification. Each class in the classification plan shall be assigned an occupational area. There are 16 occupational areas within the classification plan as follows:](#)
- [01 professional;](#)
  - [02 semi-professional;](#)
  - [03 managerial;](#)
  - [04 clerical;](#)
  - [05 stores;](#)
  - [06 aeronautical;](#)
  - [07 agricultural;](#)
  - [08 custodial services;](#)
  - [09 domestic services;](#)
  - [10 food services;](#)
  - [11 heat, light, and power services;](#)
  - [12 medical services;](#)
  - [13 protective;](#)
  - [14 skilled trades;](#)
  - [15 semi-skilled trades; and](#)
  - [16 unskilled trades.](#)
- [g\) Work Areas within a Class Specification. Each class in the classification plan shall be assigned a work area as follows:](#)

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- [000 Special Group](#)
- [001 Admissions and Records Services](#)
- [004 Aeronautical Services](#)
- [007 Agricultural Services](#)
- [010 Architectural Services](#)
- [013 Automotive Services](#)
- [017 Building and Grounds Services](#)
- [021 Communication Services](#)
- [023 Crafts and Trade Services](#)
- [026 Custodial Services](#)
- [029 Electronic Services](#)
- [035 Fiscal Services](#)
- [038 Food Services](#)
- [041 Heat, Light, and Power Services](#)
- [044 Hospital and Health Services](#)
- [047 Housing Services](#)
- [048 Instructional Services](#)
- [050 Laboratory Services](#)
- [053 Laundry Services](#)
- [056 Legal Services](#)
- [059 Office Services](#)
- [060 Museum and Exhibit Services](#)
- [063 Personnel Services](#)
- [066 Printing, Press and Related Arts Services](#)
- [069 Safety and Security Services](#)
- [071 Social Services](#)
- [072 Statistical and Research Services](#)
- [073 Information Technology](#)
- [075 Stores Services](#)
- [078 Student Activity and Program Services](#)

[hd](#)) Allocation of New Positions. When a new position is established, the employer shall ~~assign recommend in writing to the Director its such~~ allocation to an appropriate classification, ~~and the Director shall act upon such recommendations.~~

[ie](#)) Reallocation or Reclassification of Existing Positions.

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

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

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

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250.60(b)(2) or Section 250.60(b)(3). If ~~they have~~ ~~he has~~ completed a probationary period in a position in a lower class in the same promotional line as that of his/~~her~~ former position, ~~their~~~~his~~ name shall be placed by the employer on the reemployment register of the lower class in accordance with Section 250.60(b)(1).

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 250.50 Examinations**

- a) Kinds of Examinations. Each classification shall have a designated examination. Each examination may have multiple components. A candidate that obtains a score on the examination which is deemed to be passing will have his/her score placed on either an original entry register or a promotional register. Examinations shall be of two kinds: original entry and promotional. Examinations ~~Both kinds~~ shall be open and continuous competitive examinations. For the purpose of this Section, an original entry and a promotional examination shall be considered to be one and the same examination.
- b) Eligibility to Compete in Examinations
- 1) Any citizen or resident of the State of Illinois, who applies for examination in a specific class at a constituent place of employment served by the University System, who is not rejected or disqualified under subsection (c), and who meets the minimum qualifications as prescribed in the class specification, shall be admitted to the examination. ~~For classes requiring valid licenses or certificates, an applicant must show possession of the license or certificate at, or prior to, time of taking the examination.~~ Out-of-state applicants may also be admitted for examination in accordance with conditions outlined in subsection (b)(6).
  - 2) A ~~promotional examination shall be open to a~~ status employee in a place of employment, who is not rejected or disqualified under subsection (c), who meets the minimum qualifications specified in the class specification for a higher class in the appropriate promotional line and who, in addition, is working by virtue of a status appointment, in a position of a lower class in the same promotional line, is on leave of absence from such a position, or is on layoff from such a position and shall be admitted to an examination with the resulting passing grade having his/her score placed on a promotional employment register.

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- 3) An applicant who fails to meet the minimum qualifications established for the class, but who can offer qualifications that in the opinion of the Executive Director are considered to be compensatory, shall be admitted to the examination for the class. The names of all applicants who pass the examination shall be placed on the appropriate register in order of score.
  - 4) In the absence of a name of a candidate on any existing register for a class, an applicant who does not possess the minimum qualifications for the class and cannot present compensatory qualifications may be admitted with prior approval of the Executive Director to the examination for the class for the purpose of attempting to fill a specific vacancy. The name of an applicant so admitted, and who passes the examination, shall remain on the register only until the specific vacant position has been filled.
  - 5) In accordance with the Americans With Disabilities Act (ADA), any applicant with a recognized disability may receive an accommodation for any examination maintained by the University System. These accommodations are to be administered in coordination with requirements contained in the ADA, the State Universities Civil Service Act [110 ILCS 70] and this Part, and other applicable policies at each employment location.
  - 6) For classes within the 01 professional, 02 semi-professional, ~~or 03~~ managerial, or 13 protective occupational areas for which a broader recruitment base is typically applied, out-of-state residents may be admitted to the examination and equally considered. In these instances, when the Illinois citizenship or residency requirement is waived, out-of-state candidates must establish Illinois residency within 180 calendar days after any employment offer or final appointment.
  - 7) Any applicant may complete ~~rewrite~~ an examination for a class four ~~three~~ times within any twelve month period, with at least one month time lapse between every rewrite. The candidate's place on the register for the class shall be determined by the highest score achieved on any examination for the class.
- c) Rejection or Disqualification of Applicants. The employer may reject any applicant or, after examination, the Executive Director may refuse to certify any candidate who, in addition to requirements specified in Section 36f of the State

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Universities Civil Service Act [110 ILCS 70/36f] and subsection (b), fails to pass a physical examination given to determine his/her physical qualifications for employment, abuses intoxicating substances, uses illegal drugs or narcotics, has been dismissed from either private or public service for a cause detrimental to his/her employment ~~by an employer under the University System~~, has maintained an unsatisfactory employment record, has practiced deception or fraud in his/her application, examination, or material pertaining to these, or has committed an offense that in the judgment of the Executive Director disqualifies him/her for employment.

d) Character of Examinations

- 1) ~~All examinations within the classification plan Examinations~~ shall consist of one or more of the following: ~~cognitive or knowledge test; typing test; written test; performance test; oral board test; physical fitness test; credential assessment test, or modified education and experience test or other similar examinations as authorized by the Executive Director. aptitude test; practical test; other appropriate tests; a rating of experience and training.~~
- 2) A cognitive or knowledge test may be utilized for certain examinations and consist of one or more of the following components: essay, multiple choice, true/false, or short answer questions. A typing test may be required for certain examinations which would require an applicant to perform this skill. Oral board and physical fitness tests are components for the Police Series examinations. A credential assessment test may be utilized for certain classifications, which consists of a review of the applicant's resume or employment application, professional certification, licenses or other education or experience deemed relevant. A modified education and experience test is a rating of an applicant's training and experience based on the applicant completing a prescribed examination form provided by the University System. For classifications requiring valid licenses or certifications, an applicant must show possession of the license or certificate prior to taking the examination.
- 32) All examination content shall be provided by the staff of the University System.
- 43) All examination supplies and materials and all examinations are the property of the University System.

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- 54) An ~~original entry or promotional~~ examination may be revised, with the approval of the Executive Director, without affecting existing original entry or promotional registers for the class, providing the revision does not change the character or weighting of sections of the examination.
- 65) Upon approval of the Executive Director, the character or weighting of sections of an ~~original entry or promotional~~ examination may be changed, provided there is sufficient evidence that the current examination for the class is not a satisfactory examining instrument and the current examination has been in use for a period of at least one year. At least 30 calendar days advance notice of the change shall be given to all appropriate employers who shall then communicate the notice ~~in writing~~ to each candidate on an original entry or promotional register by score and shall further communicate the notice ~~in writing~~ to any applicant who applies for an original entry or promotional examination during the ~~30-day~~ notice period. During the ~~30-day~~ notice period, qualified applicants and candidates whose names are already on the register by score ~~may will~~ be scheduled for the examination upon his/her request. At the end of the ~~30-day-notice~~ period, the previous original entry register or promotional register of candidates by score will be voided, and a new original entry register or promotional register by score shall be established on the basis of the new examination.

e) [Security and Confidentiality Requirements in the Examination Development Process](#)

- 1) [The examination development process requires all subject matter experts, and any other participant in the development process, to exercise discretion and maintain the confidentiality and security of ALL examination materials in their possession. Any person, including but not limited to a University System staff member, Designated Employer Representative/Human Resources employee, subject matter expert, union representative, or incumbent/volunteer involved in any step of the examination development process, who willfully or corruptly discloses, distributes, or fails to secure and maintain materials used in the development of an examination instrument shall be considered in violation of the State Universities Civil Service Act \(Act\) \[110 ILCS 70\].](#)

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- 2) [Following the final development of the examination questions, all electronic/paper copies of questions, along with all reference sources for these questions, must be deleted from emails, computers, external hard drives, etc. Any hand written notes that contain examination data elements or comments must be returned to the University System.](#)
- 3) [All persons must be aware that any violation of the Act is a criminal offense and is punishable under Section 46 of the Act \[110 ILCS 70/46\].](#)
- 4) [If a security breach is discovered, the University System will contact the Illinois Inspector General's Office and the State's Attorney of the county where the offense occurred for investigation and prosecution. The offending party may be held liable for costs incurred by the security breach and the position held by the party will become vacant upon conviction. Additionally, universities and agencies may be forced to freeze all registers and discontinue all employment actions in the affected classification or classifications.](#)

[fe\)](#) Administration of Examinations

- 1) As approved by the Executive Director, examinations shall be scheduled and administered by the employer. The examinations shall be conducted on an open and continuous basis. Upon request by the employer and approval by the Executive Director, examinations to original entry registers at each place of employment may be closed up to six calendar months when a sufficient number of candidates on the register has been established and further recruitment and testing is not required for a period of time.
- 2) In making the determination to close an original entry examination, the Executive Director will consider requests by the employer based on the number of positions in the class, projected new positions, and annual turnover rate. The employer shall be responsible for the security of all examination materials in the employer's custody and access to any electronic examination process, as provided to the employer by the University System.

[gf\)](#) Rating of Examinations

- 1) The Executive Director and the staff of the University System shall use

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appropriate scientific techniques and procedures in rating tests and in determining resulting rank to the end that all competitors receive uniform and fair treatment.

- 2) Each examination shall contain a rating or grading form for employers to utilize in the grading of an examination. Each examination will have its own rating form and is developed by the University System at the time of a new or revised examination. The rating form provides a breakdown of how points are awarded in each area of the examination.
  - ~~32~~) Failure in any portion of a total examination, the passing of which is deemed necessary to qualify for eligibility in the class for which the applicant is being examined, shall eliminate the applicant from passage of the complete examination, regardless of his/her score in other portions of the examination. For each eliminating test and the final average in an examination, the Executive Director shall announce the minimum acceptable rating.
  - ~~43~~) The passing score for eligibility for certification shall be ~~70~~determined by the Executive Director. This score shall be the same for all examinations given for a class, but it may be changed if, in the judgment of the Executive Director, the change is for the best interest of the University System, and the change shall be applicable uniformly to all examinations for the class. The passing score shall be made known to all those taking the examination.
  - ~~54~~) An applicant who fails to gain eligibility for employment in a higher class may, at the discretion of the Executive Director, elect to accept eligibility for a lower appropriate class, if his/her scores on all appropriate parts of the examination are sufficient to qualify him/her for the lower class.
  - ~~65~~) All examination scores shall be on a scale of 1 to 100, with decimal points in examination scores being rounded ~~off~~ to the nearest whole number, i.e., with below .5 having the decimal points dropped and with .5 or above being rounded to the next whole number.
- hg) Notification and Review of Scores
- 1) An applicant shall be sent a written notice of the date and results of his/her examination. The notice must indicate whether the score achieved is

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passing or failing and if it includes credit for Veterans Preference.

- 2) All requests by applicants for formal review of examination scores shall be submitted to the Executive Director.

- i) Filing of Examination Records. All examinations, and all examination components, administered by the employer shall be retained by the employer, in accordance with the employer's record retention policy, or in accordance with the University System's record retention policy and in accordance with the State Records Act (5 ILCS 160).

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 250.110 Separations and Demotions

- a) Resignation. An employee having a nonstatus or status appointment, as described in Sections 250.70 and 250.80, may resign by presenting a signed resignation to his/her employer by demonstrating to the employer by other means his/her intent to separate from employment. Upon receipt of a signed resignation or other evidence of intent to separate from employment, the employee will be separated ~~from employment from his/her employment. The Executive Director shall be notified promptly by the employer of all resignations.~~
- b) Leave of Absence
  - 1) Leave of Absence for Classification Changes. A status employee who accepts a position that represents a promotion in a class outside his/her promotional line shall be granted a leave of absence from a position of his/her former class for the duration of any trainee, provisional, and/or probationary period in the new class.
  - 2) Leave of Absence for Disciplinary Actions. An employee placed on a Disciplinary Suspension or on a Suspension Pending Discharge shall be placed on a leave of absence from his/her position without pay.
  - 3) Leave of Absence for Disability Leave
    - A) If an employee is no longer able to perform the duties and responsibilities of his/her position in the class due to a disability as determined by the employer's medical and/or psychological evaluation procedures, and/or in accordance with State and federal law, the employee will be required to take disability leave in accordance with subsection (b)(3)(B).
    - B) A status employee who becomes eligible for disability benefits to be paid by the employer or, as later determined, by the Illinois State retirement system to which the employee contributed, or becomes eligible for payment benefits as defined by the Workers' Compensation Act [820 ILCS 305], the Illinois Occupational Diseases Act [820 ILCS 310], or a State self-insurance program, shall be granted a disability leave. The disability leave shall be the period for which the employee applies for such benefits, until the time of the expiration of the benefits or a final administrative decision denying or terminating the benefits, including any gap in benefit payments between the expiration of institutional benefits and those available under the approving authority.

- C) The employer may require an employee to take a medical and/or psychological examination prior to returning to work after a disability leave. The examination shall be conducted by a licensed practitioner selected by the employer to determine the physical and/or mental capability to perform the essential duties of the employee's position. The employer may supply the examining practitioner with facts relating to the employee's difficulty or inability to perform the essential functions of the job and may supply additional information, including but not limited to physical and mental requirements of the employee's position, duty statement, job classification specification, and position description. The employee may also present an alternative opinion provided by a licensed practitioner to be selected and paid for by the employee. If there is a difference of opinion, a third outside practitioner shall be selected by the two physicians. The employer shall pay for all examinations, except those initiated by the employee.
- D) An employee's refusal to submit to an examination as described in subsection (b)(3)(C), the unexcused failure to appear for such an examination, or the refusal to release the results of the examination may be deemed by the employer as an acknowledgement that the employee is not fit for duty and may subject the employee to termination actions as defined in subsection (c).
- E) A disability leave may be revoked by the employer upon evidence that the cause for granting the leave was misrepresented.
- F) At the expiration of all disability benefits, an employee shall be entitled to return to a position in his/her class without any loss of status due to the disability leave, providing that he/she returns upon the expiration of all disability benefits to which entitled.
- G) Reemployment
- i) If an employee does not return to work at the expiration of all disability benefits and is terminated in accordance with subsection (c)(2), the employee may, within one year following the expiration of all disability benefits, request reinstatement and, upon approval of the Executive Director, the employee's name may be placed on the reemployment register in the class in which he/she was employed at the time the disability leave was granted and in accordance with total seniority earned.

- ii) If, within one year following the expiration of all disability benefits, the employee requests reinstatement, but, because of his/her disability, is deemed unable to perform the duties in the class, the employee may be required to pass physical or other tests to determine employability under the University System.
- 4) Military Leave of Absence. An employee shall be granted a Military Leave of Absence in accordance with State and federal law and regulations.
- 5) Notification. The Employer may select to notify the Executive Director ~~shall be notified promptly by the employer~~ of all leaves of absence, including military, disability, or any other leave otherwise granted or may maintain these records for inspection upon request by the Executive Director or designee during the on-site audit program or other specified time. ~~The notification shall include the beginning and ending dates of leaves that exceed 30 calendar days of non-pay status.~~[LN1]
- c) Termination
- 1) An employee having a non-status appointment, as described in Section 250.70 of this Part, may be terminated by his/her employer at any time during the training period and/or upon completion of the work assignment; ~~except for those status employees eligible for a leave of absence as defined in subsection (b)(1).~~
- 2) An employee on disability leave, as defined in subsection (b)(3), who has exhausted all of his/her disability benefits and is unable to resume the duties and responsibilities of a position in his/her class may be terminated from employment in accordance with subsection (c)(5). ~~Unless, unless~~ the employer and employee have agreed upon employment in a more suitable classification. The alternative employment options shall be subject to standard civil service employment protocols.
- 3) An employee who fails to report for duty after a disability leave of absence has expired or has been denied, disapproved, revoked, or canceled by the approving authority, or any other failure to report for duty as scheduled after a disability leave of absence, may be terminated from employment in accordance with subsection (c)(5).
- 4) An employee who fails to report for duty after they have exhausted benefits under the Family Medical Leave Act (FMLA) ~~FMLA leave may~~

be terminated from employment in accordance with subsection (c)(5).

5) Appropriate notification shall be provided to an employee, as specifically referenced in subsection (c)(2), (c)(3), and (c)(4), which will include the notification provisions outlined in including the review. This notification and review process as stated in subsection (c)(5)(A) through (c)(5)(C) inclusive., which shall only apply to subsection (c)(2), (c)(3), and

A) The employer shall notify the employee that he/she will be terminated from the employer's service to become effective 7-15 calendar<sup>[JB3]</sup> days from the date of mailing of the notification to the employee. The notification must be sent, by certified mail or by an overnight delivery service that requires signature upon receipt, to the most recent address of the employee as shown on the employer's records.

B) At any time prior to the effective date of termination, the employee shall have the opportunity to provide to the employer evidence of the reason for the unauthorized absence. The employer shall revoke the termination if the employee provides satisfactory evidence of the reason for the unauthorized absence. If the employer determines that the evidence is not satisfactory, the employer shall notify the employee immediately that the termination will remain in effect.

C) Pursuant to Section 250.130 of this Part, the employee may request a review of the employer's final. Within 15<sup>[JB4]</sup> calendar days from original date of notification notice of termination, the employee may request a review of the termination decision pursuant to Section 250.130 of this Part. The review is limited to a determination of whether this Section has been properly applied and whether the employer's decision is deemed arbitrary or capricious. In the event a review is not requested within the allotted timeframe, the employee's termination from service shall be effective 7-15 days after the original notification.

~~6) The employer shall notify the Executive Director promptly of all terminations of employment, setting forth the reason for the termination.~~

d) **Job Abandonment (No call/No Show)**

1) An employee who has failed to report to work for three consecutive regularly scheduled work days will be placed in a no call/no show status and may be terminated at any point following the third day of failing to

report to work pursuant to:

~~1) 2) a~~ An employer making a reasonable attempt with supporting documentation to make contact with the employee using selecting to pursue a termination/discharge of employment based on job abandonment, no call/no show will, over the course of approximately an additional 48 hour periods following the second day of no call/no show, attempt to make contact with the employee making any reasonable attempt necessary, such as telephone message, certified mail, email, or any similar method the employee's - using reasonable means such as sending correspondence to the employee's last known address, phone contact, email or any similar contact information.method.

~~A) — An employee who cannot be contacted be relieved from duty and terminated effective immediately may appeal the termination p if the employee:~~

~~2) i) — Pursuant to Section 250.130 of this Part, the employee may request a review of the employer's final notice of termination. The review is limited to a determination of whether this Section has been properly applied and whether the employer's decision is deemed arbitrary or capricious. In the event a review is not requested within the allotted timeframe, the employee's termination from service shall be effective 7 days after the original notification.~~

ed) Layoff

1) A layoff is defined as a stoppage of work required by management, a discontinuance of employment, or the permanent termination of employment of an employee for business reasons, such as the decision that certain positions are no longer necessary or a business slow-down or interruption in work.

21) The Executive Director shall be notified promptly of all employees on layoff status, together with the dates of the beginning of layoff and of return to employment from layoff status, when the layoff exceeds 30 consecutive work days. A status employee shall receive a written notice, at least 30 calendar days in advance of the effective date of layoff, when the layoff exceeds 30 consecutive work days; however, the effective date of layoff may be extended up to 15 days without the requirement of further notice.

32) Whenever it becomes necessary to lay off one or more employees, except as provided in subsection (d)(4)(d)(3), the employee who has the least amount of service in the class shall be laid off first[CNS], and additional

shall be made in the ascending order of the place of the employee on the service and seniority lists for that class.

- ~~43~~) An employee who is the incumbent of a position for which the Executive Director has authorized specialized certification under Section 250.60(d)(9), or who is the incumbent of a position that has previously been identified as requiring specialized training or experience as required by the position in accordance with minimum acceptable qualifications for the class, may not be bumped by another employee with greater seniority unless the employee with greater seniority possesses the special and identified qualifications authorized for the incumbent's position.
- ~~54~~) Whenever it becomes necessary to reemploy one or more employees in a class, the employee last laid off by seniority shall be reemployed first, and further reemployment shall be made in the order of seniority until the reemployment register for that class is exhausted. Work of short duration requiring reemployment of one or more employees will not require a new written 15 day advance notice of layoff if the work period is to be 5 consecutive working days or less and the work is emergent in nature.
- ~~65~~) A status employee who is subject to layoff from a part-time position may bump an employee in a full-time status position, providing the part-time employee's equivalent full-time accrued seniority based on hours in pay status is greater than that of the least senior employee in a full-time position. A full-time status employee who is subject to layoff may bump the least senior full-time employee, who then may bump the part-time employee having the highest percent-time appointment, providing the full-time employee has more accrued seniority.
- ~~76~~) Names of employees laid off during their probationary periods shall be returned to the register from which they were certified to their position in accordance with service in a status appointment earned as of the date of layoff.
- ~~f~~e) **Disciplinary Suspension.** An employer may suspend an employee as a disciplinary measure for not more than 30 calendar days.

  - 1) The employer will discuss the specific problem pertaining to contemplated suspension with the employee and the Campus Human Resource Director or his/her designee before a suspension notice is served. The employee will be told at that time that suspension is being considered.
  - 2) In imposing a disciplinary suspension, the employer shall serve a written suspension notice on the employee showing reason for the suspension, and

shall immediately report the suspension to the Executive Director and shall send a copy of the notice served on the employee, along with proof of service, to the Executive Director.

- 3) Causes justifying suspension, not for discharge as provided for in subsection (g)(2), shall include, but are not limited to: unauthorized and unexcused absence; leaving work without authority; failure to ring in or out on time card; habitual lateness; punching other time cards; key duplication and/or unauthorized possession of keys; misrepresentation of absence; falsification of records; refusal to do work assigned; failure to follow work schedules; failure to follow time schedules; insolence; failure to adhere to departmental regulations of appearance; smoking in prohibited areas; disregard of safety regulations; careless workmanship resulting in spoilage, waste, or delay; unauthorized use of institutional property; gambling on institutional property; creating or contributing to unsanitary conditions; horseplay or scuffling; fighting; sleeping during working hours; unauthorized visiting; and "loafing on the job".

AGENCY NOTE: It is to be noted that an employee's allegation that a Disciplinary Suspension was unfairly imposed is subject to the grievance procedure established by the employing institution, but is not reviewable by the [State Universities](#) Civil Service System.

**g)** Discharge Proceedings and Effective Date of Discharge

1) Pre-discharge Proceedings

A) Prior to initiating any proceedings before the Merit Board for the discharge of an employee, the employer shall notify the employee in writing, served upon the employee in person if the employee is present on the job or, otherwise, ~~by certified mail or~~ by overnight delivery service that requires signature upon receipt to the most recent address of the employee as shown on the employer's records, of the employer's intention to initiate the proceedings. The notification shall advise the employee of the substance of the charges proposed to be filed in sufficient detail to inform the employee of the nature of the conduct on which the proposed charges are based. The notification shall also advise the employee that either or both of the following options are available to the employee:

- i) within 3 work days after service of the employer's notification, the employee may notify the employer of his/her decision to require the employer to hold a

conference with the employee or his/her representative for the purposes of responding to the matters contained in the notification and of attempting to achieve a reconciliation or understanding; and

- ii) within 3 work days after service of notification, the employee may deliver to the employer a written response to the matters contained in the employer's notification; provided that, if the employee elects to require the conference identified in subsection (gf)(1)(A)(i), at that conference the employee may request and receive an opportunity to respond further in writing within 3 work days after the conclusion of the conference.

B) Employer's Decision

- i) Within 7 work days after compliance with the provisions of subsection (gf)(1)(A), the employer shall either:

- notify the employee that no further action will be taken to initiate discharge proceedings with the Merit Board against the employee based solely on the matters contained in the employer's notification; or
- initiate proceedings before the Merit Board under this subsection (gf) seeking discharge of the employee based solely on the matters contained in the employer's notification.

- ii) The employer's election not to initiate discharge proceedings with the Merit Board shall not preclude the employer from imposing a suspension in accordance with subsection (fe) or some lesser penalty.

- C) An employee who has been served with an employer's notification as provided in subsection (gf)(1)(A) may be placed on excused absence with pay during all or any part of the period covered by this subsection (gf)(1) to provide the employer an opportunity to investigate serious charges.

2) Actual Discharge Proceedings

- A) Proceedings before the Merit Board seeking the discharge of an

employee shall be initiated by the employer completing and filing a Written Charges for Discharge form with the Merit Board, employee, employer, and employer legal counsel, setting forth the causes for discharge in sufficient detail to inform the employee of the nature of the conduct on which the charges are based. The Written Charges for Discharge form shall be set forth in separately numbered charges. The Written Charges for Discharge form shall contain the dates, names of persons, places, and facts necessary to properly allege cause for discharge. If a breach of duty, statute, or rule of the employer is alleged, the statute, law, or rule shall be cited in connection with the charge.

- B) The Written Charges for Discharge form shall be accompanied with a certification by the employer that all procedures set forth in subsection (~~ff~~)(1) have been followed and that there has been full compliance with any options elected by the employee. At the time the Written Charges for Discharge and the certification are filed with the Merit Board, the employer shall serve copies upon the employee in person if the employee is present on the job; otherwise, service shall be by ~~certified mail or~~ by overnight delivery that requires signature upon receipt to the most recent address of the employee as shown on the employer's records, and the employer shall file a proof of the service with the Merit Board.
- C) At any time prior to commencement of the hearing, the Executive Director may direct or authorize the Written Charges for Discharge to be amended to correct technical defects or to set forth additional facts or allegations related to the subject matter of the original charges. The amendments shall relate back to the original date of service of the Written Charges for Discharge. The employer shall serve copies of the Amended Written Charges for Discharge upon the employee in person if the employee is present on the job; otherwise, service shall be ~~by certified mail or~~ by overnight delivery that requires signature upon receipt to the most recent address of the employee as shown on the employer's records, and the employer shall file a proof of the service with the Merit Board.
- D) An employee who has been served with Written Charges for Discharge in accordance with subsections (~~ff~~)(2)(A) and (B) may be suspended without pay by the employer during all or any part of the period that the discharge proceeding is pending, and until final disposition, if the employer is of the opinion that the employee's presence on the job might constitute a substantial risk of injury to life or property, or might cause a disruptive effect on employer's

operations. Any suspension without pay shall become effective on the date the employer serves the Suspension Notice Pending Discharge [form](#) upon the employee, which may be served with the Written Charges for Discharge or on any date thereafter. Service shall be upon the employee in person if the employee is present on the job; otherwise, service shall be ~~by certified mail or by~~ overnight delivery that requires signature upon receipt to the most recent address of the employee as shown on the employer's records, and the employer shall file with the Merit Board a copy of the Suspension Notice Pending Discharge and proof of service.

3) Hearing Request

- A) An employee who has been served with Written Charges for Discharge may request a hearing by filing a written request for hearing with the Secretary for the Merit Board within 15 calendar days [from the "Proof of Service on Employee" section on the Written Charges for Discharge form which is either](#) after the date of personal delivery or mailing of the Written Charges for Discharge to the employee. The Secretary for the Merit Board shall immediately notify the employer of the filing of the written request by the employee. Thereafter, further proceedings shall be as provided in this subsection ([gf](#)) and any discharge shall be effective on the date of the discharge order of the Merit Board, unless otherwise expressly stated in the order.
- B) If the employee does not file a written request for hearing with the Secretary for the Merit Board within 15 calendar days, the employee's discharge shall become effective at the end of the 15-day period without further action by the Merit Board. The Secretary for the Merit Board shall promptly notify the employer of the employee's failure to file a timely written request for hearing.

4) Hearing Proceedings

- A) Upon receipt of the employee's written request for hearing on the Written Charges for Discharge, the Merit Board shall promptly appoint a Hearing Board or Hearing Officer to hear the charges and the employee's response. All hearings relating to discharge proceedings shall be convened by and conducted under the control of the Executive Director or his/her authorized representative. The Executive Director, the Hearing Board or Hearing Officer, the employee and the employer shall all make good faith efforts to

commence the hearing within 10 calendar days after receipt of the employee's written request for hearing, but in no event shall the hearing commence later than 45 days after service of the Written Charges for Discharge, unless a continuance is granted pursuant to subsection (f)(19)(B). Dilatory tactics or actions will not be permitted and the Executive Director, the Hearing Board or Hearing Officer, the employee and the employer shall all make good faith efforts to conduct the hearings in no more than three hearing days, unless justice, due process, and fundamental fairness require otherwise. All hearings shall be open to the public unless, upon motion of either party, the Hearing Board or Hearing Officer finds it necessary to close the hearing or parts of the hearing in instances where personal safety is of concern or when confidential testimony/exhibits are to be referenced or revealed. There shall be a presumption that hearings will be closed only under extraordinary circumstances. A transcript of the hearing, including exhibits, shall be made and shall be filed with the Secretary for the Merit Board as soon as possible following conclusion of the hearings.

- B) Within 15 calendar days after receipt of the transcript from the Secretary for the Merit Board, the Hearing Board or Hearing Officer shall file its findings of fact and any other recommendations with the Secretary for the Merit Board, unless that time is extended by the Executive Director for good cause shown. For the purpose of this Section, good cause shall include, but not be limited to: sickness, attendance at court proceedings, death, weather conditions that prevent the members from meeting. If by that time the findings of fact have not been received by the Secretary for the Merit Board, the Executive Director will either appoint another approved Hearing Board or Hearing Officer that will then review the record and submit findings of fact within 10 calendar days after the appointment, or the Executive Director will give written notice to all Hearing Board members or the Hearing Officer and to all parties to the proceeding that he or she will, within 10 calendar days, discontinue the hearing and commence a new hearing and the present Hearing Board or Hearing Officer will be dismissed without pay. Within this 10-day period following the Executive Director's notice, the Hearing Board or Hearing Officer can appeal to the Executive Director by showing cause why time should be extended.
- C) The Executive Director shall certify as the Hearing Record the Written Charges for Discharge, the Suspension Notice Pending

Discharge, the employee's request for hearing, the transcript and exhibits, the Hearing Board's or Hearing Officer's findings of fact and other recommendations, and other documents that have been filed.

D) Upon certification by the Executive Director, the Secretary for the Merit Board shall, ~~by certified mail or~~ by overnight delivery that requires signature upon receipt, immediately forward a copy of the Hearing Record, along with notice that the Hearing Record has been certified, to all parties of record. Any objections to the form or contents of the Hearing Record, or briefs, abstracts, or excerpts from the Hearing Record, or arguments, motions, or recommendations, relating to the hearing proceedings or the Hearing Record, or requests for further hearing or for permission to supplement further the Hearing Record by other evidence, must be filed with the Secretary for the Merit Board within 14 calendar days after the date of the postmark of the certified mail notice or the mailing date of the overnight delivery that the Hearing Record has been certified, with proof of service on all parties. No answer or reply briefs and arguments in response to these filings will be permitted unless expressly authorized by the Executive Director or the Merit Board or its Chair.

E) A party requesting oral argument before the Merit Board in cases of discharge must file an appropriate motion with the Secretary for the Merit Board with notice to all parties within 14 calendar days after the date of the postmark of the certified mail notice or the mailing date of the overnight delivery of the certified hearing record, with proof of service on all parties. The motion must specifically state the issues and any relevant law that will be the subject of argument. The Merit Board will grant or deny the motion at the Merit Board meeting at which oral argument is requested. Oral argument in cases of discharge will generally not be allowed unless novel or precedent setting questions of law or policy are at issue.

5) Conduct of Hearing

A) Pre-hearing Conference. In all hearings, it is recommended that the Hearing Board or Hearing Officer hold a pre-hearing conference immediately preceding the hearing on the day of the hearing. The Hearing Board or Hearing Officer will give the parties an opportunity to discuss issues and share information at the pre-hearing conference that will allow them to present their

cases in a fair, efficient, and timely manner. Generally, the Hearing Board or Hearing Officer will conduct the pre-hearing conference for the purpose of achieving one or more of the following points, as determined by the Hearing Board or Hearing Officer on a case by case basis:

- i) defining and simplification of the issues;
- ii) negotiating admissions or stipulations of fact to avoid unnecessary proof;
- iii) reviewing each party's witness and exhibit list;
- iv) limiting redundant witness testimony or duplication of evidentiary material, if necessary;
- v) determining the length of time each party will need to present its case;
- vi) exchanging exhibits; and
- vii) discussing any matter that may aid in the efficient and timely disposition of the case.

B) Following the Pre-hearing Conference. The Hearing Board or Hearing Officer shall enter into the record any action taken and any agreements made by the parties as to the matters considered. The length and scope of the pre-hearing conference is at the discretion of the Hearing Board or Hearing Officer, but should generally be concluded within a one hour timeframe.

6) Order of Hearing

- A) The Executive Director, or authorized representative, shall open and convene the hearing.
- B) The Executive Director, or authorized representative, shall request all persons who have been asked to serve as witnesses, other than a party or employer representative, to be excluded from the hearing room while the hearing is in process, except during their own testimony and cross-examination. Except as he/she might intervene, or be requested to intervene, the Executive Director, or authorized representative, shall empower the Hearing Board or Hearing Officer to proceed with the hearing in such a manner as to

provide the employer and the employee a full opportunity to present their positions to the Hearing Board or Hearing Officer.

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

7) Evidence and Motions

- A) As a general matter, the rules of evidence and privilege as applied in civil cases in the circuit courts of the State of Illinois shall be followed. However, evidence not admissible under those rules may be admitted (except where precluded by statute) if it is of a

type commonly relied upon by reasonably prudent persons in the investigation and conduct of serious matters of this nature. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

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

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

- A) A list of the names and addresses of the witnesses the party proposes to call; and
  - B) All documents the party proposes to offer in its case-in-chief.
- 12) Failure to Appear. Failure of a party to appear on the date set for hearing may result in findings of fact unfavorable to that party and may result in a loss of rights by default.

**A) Failure to Appear by Employee**

- i) As stated in the Notice of Convening of Hearing that was sent to the parties of record which contained the date, time, and place of the hearing, if the employee or his/her representative is not present, the employer will try to make reasonable contact with the employee. If within a reasonable time, the employer is unable to contact the employee, the hearing will commence.
- ii) The Executive Director or his/her authorized representative will commence the hearing by opening the hearing with an opening statement. At the conclusion of the opening statement, if the employee or his/her representative has failed to appear, the hearing will be suspended for three work days.
- iii) For three work days following the opening of the hearing, the Executive Director or his/her authorized representative will continue to try to make contact with the employee using the last known address, phone, email, or any similar method as shown on the Written Charges for Discharge form. If the employee cannot be reached within this three day period or the employee is unable to produce a reasonable explanation for failure to attend the scheduled hearing, the hearing will be closed and the employee's discharge shall become effective at the end of the 15-day period of the "Proof of Service on Employee" as found on the Written Charges for Discharge form without further action by the Merit Board.
- iv) If the employee has a reasonable explanation for not attending the hearing, the Executive Director or his/her authorized representative will reschedule the hearing and appoint a Hearing Board or Hearing Officer and a new

hearing will commence at a new hearing date will be established only one time by the parties of record. A Notice of Convening of Hearing will be issued. Reasonable explanations can include, but is not limited to: injury on the day or preceding day of the hearing, traffic accident, death or significant injury of a family member, or other cause that is deemed reasonable by the Executive Director or his/her representative. In any event, the employee is required to demonstrate that there was reasonable effort made to make contact with the Employer.

**B) Failure to Appear by Employer**

- i) If the employer fails to appear without reasonable cause as determined by the Executive Director or his/her authorized representative, the employee will be reinstated to their position without loss of compensation as of the date of filing the Written Charges for Discharge.

13) Disqualification of Assigned Hearing Board or Hearing Officer. A Hearing Board or Hearing Officer may be disqualified on grounds of bias or conflict of interest. An adverse ruling, or the fact that a Hearing Board or Hearing Officer has had contact with the University System, by itself, shall not constitute bias or conflict of interest. Whenever any party believes a Hearing Board or Hearing Officer should be disqualified from conducting an assigned proceeding, that party may file a request with the Executive Director to disqualify the Hearing Board or Hearing Officer, setting forth by affidavit the alleged grounds for disqualification, with proof of service on all parties. The Executive Director shall rule and make the final determination on all requests for disqualification.

14) Ex Parte Communications

- A) Except in the disposition of matters that ~~at ey~~ are authorized by law to entertain or dispose of on an ex parte basis, the Merit Board, the Executive Director, employees of the University System Office, and the assigned Hearing Board or Hearing Officer shall not, after Notice of Convening of Hearing has been issued, communicate, directly or indirectly, with any party or the party's representative regarding any issue of fact or with any person or party in connection with any other issue regarding the case, except upon notice and opportunity for all parties to participate. However, the Merit Board, the Executive Director, employees of the University System, and the Hearing Board or Hearing Officer may

communicate with each other. Also, members of the Merit Board and the Hearing Board or Hearing Officer may have the aid and advice of one or more personal assistants.

- B) Communications regarding procedure, including interpretation and application of Section 360 of the Act, subsection (gf), and related procedures, are not considered ex parte communications.

15) Role and Responsibilities of the Hearing Board or Hearing Officer. The Hearing Board or Hearing Officer shall be responsible for the following activities:

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

determination of just cause is the sole province of the Merit Board;  
and

I) Enter any order that further carries out the purpose of this Section.

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

A) Discharge, if just cause is found to exist. No employee shall be discharged except for just cause. Just cause is defined as some substantial shortcoming that renders the employee's continuance in his/her position in some way detrimental to the discipline and efficiency of the service and that the law and sound public opinion recognize as good cause for the employee no longer holding the position; or

B) Reinstatement, if just cause for discharge is found not to exist. An employee shall be reinstated as follows:

i) Reinstatement with no loss of compensation when none of the significant charges are proven.

ii) Reinstatement with a 60-day suspension when the proven charges do not rise to the level of just cause for discharge, but some disciplinary action is justified based on the severity of the proven charges. If the Merit Board orders reinstatement with a 60-day suspension, any time served while on suspension pending discharge will be applied towards the fulfillment of the 60-day suspension.

17) Final Decision and Order of the Merit Board. The Secretary for the Merit Board shall immediately forward copies of all Merit Board orders to the employer and the employee ~~by certified mail or~~ by overnight delivery that requires signature upon receipt.

18) Administrative Review. All final decisions of the Merit Board shall be subject to appeal by the parties to the proceedings under the Administrative Review Law [735 ILCS 5/Art. III]. A complaint for

administrative review must be filed and summons issued within 35 days after the date that a copy of the Merit Board decision has been served upon the party affected. A decision of the Merit Board shall be deemed served either when personally delivered or when deposited in the United States mail in a sealed envelope or package, with postage paid, addressed to the party affected by the decision at his/her last known residence or place of business.

19) Time Period Proceedings

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

jurisdiction of any matter.

D) If the last date for filing falls on a weekend or legal holiday, the last date for filing is the first business day following that weekend or legal holiday.

20) Reason for Discharge. Causes justifying discharge and any suspension during the discharge proceedings shall include, but are not limited to: all those listed as cause for suspension if they become recurring offenses; and, in addition, theft; drinking intoxicating liquors on institutional time or property; inability to perform satisfactorily assigned duties as a result of drinking alcoholic beverages; malicious damage to property, tools, or equipment; immoral or indecent conduct that violates common decency or morality; conviction of an offense involving moral turpitude; illegal or excessive use of drugs, narcotics, and/or intoxicants.

21) Hearing Expenses. All customary and reasonable court reporter and copying expenses incident to the preparation of the Hearing Record and providing copies to parties to the proceedings shall be paid by the employer. The Merit Board shall pay all expenses of the Hearing Board or Hearing Officer and any legal expenses incurred by a Hearing Board or Hearing Officer, to the extent that those expenses have been approved by the Merit Board or its Executive Director.

| hg) Demotion

| 1) Any of the actions described in this subsection (hg)(1) is considered to be a demotion when that action has been initiated by the employer. A demotion may occur when a status employee:

A) is subject to a reduction in salary in his/her current position, or in a position of the same class to which he/she has been reassigned, except when the reduction in pay results from an overall reduction in pay to persons employed in the same class and/or when the Merit Board, on the basis of supporting evidence, determines that the pay potential should be lowered for a class;

B) is subject to a reduction in percentage of time worked;

C) is appointed to a position in a lower class in a promotional line;

D) is appointed to a position in a class outside a promotional line with a lower pay potential;

- E) is given a nonstatus appointment.
- 2) None of the actions described in subsection (gg)(1) are considered to be a demotion when the action has been initiated, or willingly accepted, by the employee.
- A) Evidence of initiation by, or willing acceptance by, an employee shall be: a statement signed by the employee (to be filed by the employer with the notice of employment) indicating that the new appointment is at his/her request and/or is acceptable to him/her, or the employee applied for, and took, the Civil Service examination, upon the results of which the new appointment is based, after the date of certification to his/her most recent position.
- B) Without the evidence indicated in subsection (hg)(2)(A), the action will be considered to have been initiated by the employer and, therefore, will be considered to be a demotion.
- 3) Any classification plan changes authorized and implemented by the University System and/or the Merit Board that may result in a lower pay potential will not be considered a demotion.
- 4) An employer may effectuate a demotion by filing a Notice of Demotion with the Merit Board and serving a copy of the Notice of Demotion on the employee by certified mail, by overnight delivery that requires signature upon receipt, or by personally serving the employee. The Notice of Demotion shall designate the position and class to which the employee has been demoted and shall factually state the causes justifying demotion. The effective date of the demotion shall be the date of service of the Notice of Demotion upon the employee. A demotion shall be subject to the same hearing and review procedures as are provided an employee in the case of a discharge. (See subsection (f).) During any hearing and review proceedings, the employee shall be paid the approved rate for the class of the position to which he/she has been demoted, as set forth in the Notice of Demotion.
- 5) A status employee who is demoted to a position in a class in which he/she has never been employed on a status appointment may qualify for the position to which he/she is demoted, if his/her name is not already on an eligible register for that class, by taking the examination given to all other applicants for this class as promptly as possible following demotion to the class. The employee must pass the examination as a condition to retaining his/her appointment.

h) Dismissal

- 1) An employer may dismiss an employee whose name has been certified and who has been subsequently employed in a status position at any time during the probationary period of employment in a class, if the employer determines, pursuant to conditions of Section 250.90(a), that the employee has failed to demonstrate the ability and the qualifications necessary to furnish satisfactory service.
- 2) The employer shall notify the Executive Director promptly of dismissals, setting forth the reasons for the dismissal.

Draft April 8 2016 Post Meeting

ILLINOIS REGISTER

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS  
CHAPTER VI: STATE UNIVERSITIES CIVIL SERVICE SYSTEM

PART 250  
STATE UNIVERSITIES CIVIL SERVICE SYSTEM

Section	
250.5	Definitions
250.10	Purpose, Adoption, and Amendment of Rules
250.20	The State Universities Civil Service System and its Divisions
250.30	The Classification Plan
250.40	Military Service Preference, Veterans Preference
250.50	Examinations
250.60	Eligible Registers
250.70	Nonstatus Appointments
250.80	Status Appointments
250.90	Probationary Period
250.100	Reassignments and Transfers
250.110	Separations and Demotions
250.119	Furloughs
250.120	Seniority
250.130	Review Procedures
250.140	Delegation of Authority and Responsibilities
250.150	Training
250.160	Suspension of Rules

AUTHORITY: Implementing and authorized by the State Universities Civil Service Act [110 ILCS 70].

SOURCE: Rules: State Universities Civil Service System, approved January 16, 1952, effective January 1, 1952; amended at 3 Ill. Reg. 13, p. 68, effective April 1, 1979; amended at 4 Ill. Reg. 10, p. 262, effective February 25, 1980; amended at 6 Ill. Reg. 2620, effective February 22, 1982; amended at 6 Ill. Reg. 7236, effective June 3, 1982; amended at 8 Ill. Reg. 4948 and 4950, effective March 29, 1984; codified at 8 Ill. Reg. 12936; amended at 8 Ill. Reg. 24732, effective December 6, 1984; amended at 9 Ill. Reg. 17422, effective October 23, 1985; amended at 11 Ill. Reg. 8942, effective May 8, 1987; amended at 12 Ill. Reg. 3457, effective February 1, 1988; amended at 12 Ill. Reg. 17079, effective October 7, 1988; amended at 13 Ill. Reg. 7324, effective May 1, 1989; amended at 13 Ill. Reg. 19427, effective February 6, 1990; amended at 18 Ill. Reg.

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1901, effective January 21, 1994; amended at 20 Ill. Reg. 4440, effective February 29, 1996; amended at 30 Ill. Reg. 17384, effective October 23, 2006; amended at 31 Ill. Reg. 15848, effective November 13, 2007; amended at 32 Ill. Reg. 17268, effective October 16, 2008; amended at 33 Ill. Reg. 11644, effective July 22, 2009; amended at 36 Ill. Reg. 6014, effective April 6, 2012; amended at 37 Ill. Reg. 419, effective December 26, 2012; amended at 39 Ill. Reg. 13504, effective December 1, 2015; amended at 40 Ill. Reg. 3105, effective January 26, 2016; emergency amendment at 40 Ill. Reg. 3772, effective March 1, 2016, for a maximum of 150 days; amended at 40 Ill. Reg. \_\_\_\_\_, effective\_\_\_\_\_.

**Section ~~250.119 Furloughs~~250.119 Furloughs**

- a) Furloughs. A furlough is the placement of an employee in a temporary non-duty, non-pay status for a continuous or non-continuous period of time due only to a lack of funds. A furlough is not considered a layoff or a reduction in ~~force~~ action, and therefore not subject to section 250.110(d) of this Part. ~~A Furlough will not begin on the first day of any pay period.~~
- b) Voluntary or Mandatory Furlough Program. A furlough can be either voluntary or mandatory. A voluntary or mandatory furlough program may be inclusive of all employees within an ~~an employer university or agency~~, division, or program regardless of employment status, source of funds, or location. Employees in positions considered essential to the critical mission ~~of an employer at a university or agency~~, such as those related to health, welfare, and safety, may be excluded from participation in a furlough program. Uniform participation and selection criteria shall be developed by the employer and consistently applied. ~~This section shall only apply to employees who are Only designated within the employer's employees who are designated as part of the furlough employer's furlough program, and are are subject to subsections c through -n.~~
- c) Notification of Furlough Program to Employees. Once an employer has plans to implement a furlough program, the employer shall notify all employees that a furlough program is/has been implemented. The process the employer chooses to notify employees is a product of an employer's discretion.
- d) Furlough Work Status. An employee who is furloughed shall not be at work, on standby, or on-call, and shall not perform any work during ~~his/her scheduled furlough time~~this time.
- e) Employee Benefits

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- 1) Employees who are furloughed are not permitted to use vacation, sick leave, personal leave, “floating” holidays, or any other compensable time or similar benefit for time which the employee is being furloughed.
  - 2) Notwithstanding any other rule in this Part, or the fact that an employee’s work hours or pay is reduced by the requirement to take a furlough, all furlough time is considered creditable time for all purposes as if the furloughed employee was in pay status except benefits under the State Universities Retirement System or other similar retirement system or where otherwise prohibited by statute.
  - 3) Furloughed employees shall be entitled to the same benefits, such as continued accumulation of vacation and sick leave, holiday benefits under this Part, and as established by the Merit Board Policy Relating to Employee Benefits Policy as approved by the Merit Board and by the Governing Boards of the universities and agencies served by the University System, to which the employee was entitled on the paid workday immediately preceding the furlough.
  - 4) Such benefits shall continue as if the employee was in pay status for a maximum of 30 calendar days.
- f) Length of a Furlough Program. A furlough program shall only be instituted for a maximum of 30 calendar days in any fiscal year which runs from July 1 through June 30.
- g) Employer’s Tracking of Furlough Days. In order for an employee to continue under the State of Illinois Group Insurance Program the employer is required to appropriately track designated furlough days. An employee who is furloughed for one day during a workweek, the employer shall count that as one furlough day. An employee who is furloughed for two consecutive- work days during a workweek, employers shall count that as two furlough days. However, in instances when furlough days encompass a weekend or other designated non-work period, the employer will count all days, inclusive. For example, an employee who is working a Monday through Friday work schedule, if the employee is placed on furlough on Friday and also on Monday of the following workweek, employers shall count that as four furlough days.

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- h) Accumulation of Seniority during a Furlough Status. An employee shall continue to accrue seniority during any and all furloughs not exceeding a total of 30 work days within any fiscal year which runs from July 1 through June 30.
- i) Furlough Order. Furloughs shall first be determined ~~first~~ by status and then by service and seniority. Employees shall be furloughed in the following order:
- 1) employees on temporary appointments;
  - 2) employees on temporary upgrading assignments, unless the temporary upgrade is required due to a collective bargaining agreement, public safety or welfare ~~(terminate)~~;
  - 3) provisional employees;
  - 4) extra help employees, unless the temporary upgrade is required due to a collective bargaining agreement, public safety or welfare;
  - 5) newly hired employees serving an initial probationary period ~~i.e., newly employed~~;
  - 6) intern appointments; and then
- ~~7~~6) status employees.
- j) Military Leave during a Furlough Program. An employee on paid military leave or other unpaid leave shall not be scheduled for furlough during the leave and may be scheduled for furlough upon return to work if a furlough program remains in effect.
- k) Furlough Program Stipulations. A Furlough program shall not be used by an employer for the following reasons:
- 1) permanent shut-down;
  - 2) as a substitute for permanent part-time employment; or
  - 3) as a disciplinary measure.

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

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- l) Collective Bargaining Agreements. Implementation of furloughs for employees covered under a collective bargaining agreement are subject to applicable state/federal labor laws, and regulations. The provisions contained in this section are not intended to circumvent or supersede other state/federal labor laws and/or regulations as applicable in this respect.
- m) Notification of Furlough Program to the Executive Director. An employer may institute a voluntary or mandatory furlough program upon notification to the Executive Director at least **15** calendar days prior to implementation of any employee being furlough and of such a program. The employer shall include in the notification the following:
  - 1) whether the program is for the entire employer place of employment or a designated division(s) or a designated program(s);
  - 2) what considerations have been contemplated or invoked to other employees, such as those listed in 36e of the State Universities civil Service Act [110 ILCS 70/36e];
  - 3) an explanation of the facts related to the temporary nature of the event causing the furlough;
  - 4) the funding deficit related to the affected work areas;
  - 5) the approximate number of employees affected by the program; and
  - 6) the beginning date and ending date of the program.
- n) This section shall be deleted on October 1, 2017.

# PAY ADMINISTRATION MANUAL

## **Section**

### **1**

#### **General Procedures**

##### 1.1 Introduction

1.1a Example Salary Data System

~~1.1b Example Statewide Salary Data Processing System~~

~~1.1c Example Statewide Salary Data Processing System~~

~~1.1d Example Statewide Salary Data Processing System~~

~~1.1d Example Statewide Salary Data Processing System~~

### **2**

#### **Open Ranges and Established Rates**

2.1 Setting and Adjusting Open Range Salary Schedule

2.2 Setting and/or Adjusting Established Rates

2.3 Request for Setting or Changing Open Ranges & Established Rates

### **3**

#### **Negotiated and Prevailing Rates**

3.1 Setting and/or Adjusting Negotiated and Prevailing Rates

3.2 Request for Setting or Changing Negotiated and Prevailing Rates

Section 1 – General Procedures

*(Reference 110 ILCS 70/36d(3) of the State Universities Civil Service Act)*

**1.1 INTRODUCTION**

As a matter of operating policy, the Merit Board has historically interpreted Section 36d(3) of the [State Universities Civil Service Act \(Act\) Statute](#) to require the payment of wages to all employees which are generally comparable to the wages paid in the locality, or recruiting area, to employees engaged in work of a similar character. This interpretation, which might be referred to as the “prevailing wage principle”, is not to be confused with the term “prevailing rate”, which is one of four methods the Merit Board has recognized in the establishment of rates and ranges. These four methods are:

- a. **Open range** - Ranges recommended by the [eEmployer](#) based upon one, or a combination, of the following:
  1. ~~◆~~ comparisons of ranges in effect for the same class by other [eEmployers](#) within the [University System](#);
  2. ~~◆~~ pay surveys for like jobs in the recruiting area; and/or
  3. ~~◆~~ comparative skill, effort, responsibility and working conditions with other classes utilized by the [eEmployer](#).
- b. **Negotiated rate or range** - A rate or range determined in accordance with a collective bargaining agreement between the [eEmployer](#) and an employee group represented by a bargaining agent or committee, under the provision of Section 36d(3) of the [Act Statute](#) and other applicable laws.
- c. **Prevailing rate** - A rate of pay generally established in accordance with a local multi-employer craft and trade agreement, or as otherwise determined by the Merit Board.
- d. **Established rate or range** - A rate or range based on a direct tie or relationship to a negotiated or prevailing rate, or to reflect a local market condition unlike that represented by the Open Range salary structure of the Employer.

*Prior to implementation by an [eEmployer](#), all rates or ranges must be submitted to the [University System Office](#), with substantiation, for approval.*

~~Effective March 15, 2002 all All~~ requests to establish, revise, correct, or delete pay rates or ranges shall be submitted for approval on-line via a secure web site ([see Example 1.1a](#)). ~~hosted by Northern Illinois University and referred to as the Statewide Salary Data Processing System (see Examples 1.1 (a) through (e)). The new system may be accessed through the NIU web site at [www.sucss.niu.edu](http://www.sucss.niu.edu) or by clicking a link on the SUCSS home page at [www.state.il.us/sucss](http://www.state.il.us/sucss).~~ The new on-line system will

Section 1 – General Procedures

*(Reference 110 ILCS 70/36d(3) of the State Universities Civil Service Act)*

eliminate the need to submit any supporting paper documents in the approval of pay rates and ranges so long as those documents can be submitted within the salary data system by e-mail attachment, or currently exist on employers' web sites; e.g., collective bargaining agreements. Certain basic processing details to be followed when submitting salary requests will remain unchanged; such as:

1. When it becomes necessary to correct a current rate or range (e.g., an approved salary range contained a typographical error), the *correction must be retroactive*; i.e., the effective date of the corrected range must be the same as the effective date of the “incorrect” range.
2. No rates or ranges may be deleted if there are current incumbents in the class or if there are employees on leave from positions currently assigned to the class.
3. On occasions when classes move from “open range” to “negotiated”, please submit a copy of the ~~“Certification of Representation”~~ form upon receipt from the IELRB. However, do not submit a new salary request changing the rate type from “open range” to “negotiated” until such time as rates have been negotiated between the Employer and the exclusive representative.

## Example 1.1a

### Statewide Salary Data Processing System

The Salary Data System is accessed by logging into the State Universities Civil Service System apps website at apps.sucss.illinois.gov. Approval by the Designated Employee Representative is required before gaining access. In conjunction with designated University System staff, those employees granted access to the Salary Data System will be provided training on the functionality of the system.

The Salary Data System allows the university or agency:

1. Establish new salary ranges
2. Edit or delete existing ranges
3. Access reports
4. Submit salary survey data

~~The Salary Data System new system mayis be accessed by a secure link located at logging in to through the State Universities Civil Service System apps website homepage at wwwapps.sucss.illinois.gov. Approval by the Designated Employee Representative is required before gaining access. The Salary Data System allows the University or Agency: NIU web site at www.sucss.niu.edu or by clicking a link on the SUCSS home page at www.state.il.us/sucss. This online platform e new on line system will eliminates the need to submit any supporting paper documents in the approval of pay rates and ranges so long as those documents can be submitted by e-mail attachment, or currently exist on Employers' web sites; e.g., collective bargaining agreements.~~

- ~~— Establish new salary ranges~~
- ~~— Edit or delete existing ranges~~
- ~~— Access reports~~
- ~~— Submit salary survey data~~

#### **Logging in**

- ~~1. Type in your user name and password.~~
- ~~2. Your agency's "home page" should appear, displaying your name, your agency's contact information, classes available for revision or deletion (those currently approved for use by your agency) and classes available for establishment (those currently not approved for use by your agency). [LN1]~~

**Example 1.1b**

**Statewide Salary Data Processing System**

*Revising a Salary*

1. From the home page, select the classification for the salary you want to revise and click the *REVISE SALARY* button. A screen will appear showing the currently approved salary information for that classification.
2. Input the pertinent information.
3. If you would like to use an alternate title, indicate the title in the Alternate Title block. **Remember that only Alternate Titles approved by the System Office will be accepted.** If you use an Alternate Title that has not been approved, your request will be denied by the System Office.
4. In the justification block, provide the necessary information to validate your request.
5. Double check your information and send your request to the System Office by clicking the *SEND REQUEST* button.

**NOTES:**

- You will receive verification via e-mail message that your request has been sent.
- When the System Office has made their decision, you will receive an e-mail message stating that your request has been approved or denied.
- **The effective date field will not accept effective dates greater than 60 days.**
- If you submit a request for a Prevailing Rate or Negotiated class, a reminder message will appear.

**Example 1.1e**

**Statewide Salary Data Processing System**

**Deleting a Salary**

1. ~~From the home page, select the classification for the salary you want to delete and click the *DELETE SALARY* button.~~
2. ~~A verification of action screen will appear, to let you know that your action will permanently delete the salary for the selected classification, upon approval by the State Universities Civil Service System.~~
3. ~~Send your request to the System Office by clicking the *SEND REQUEST* button.~~

**NOTES:**

- ~~You will receive verification via e-mail message that your request has been sent.~~
- ~~When the System Office has made their decision, you will receive an e-mail message stating that your request has been approved or denied.~~

**Example 1.1d**

**Statewide Salary Data Processing System**

**Establishing a Salary**

1. From the home page, select the classification for the salary you want to establish and click the *ESTABLISH SALARY* button.
2. Input the pertinent information.
3. If you would like to use an alternate title, indicate the title in the Alternate Title block. **Remember that only Alternate Titles approved by the System Office will be accepted.** If you use an Alternate Title that has not been approved, your request will be denied by the System Office.
4. In the justification block, provide the necessary information to validate your request.
5. Double check your information and send your request to the System Office by clicking the *SEND REQUEST* button.

**NOTES:**

- The System is designed to allow you to establish salaries only for those classifications not currently in use by your agency. The new salary will not appear on your revise or delete class list, until the System Office has approved it.
- If you want to establish a salary for a classification that has been approved by the System Office but the title does not appear in the list of classifications available, use the contact form to e-mail Celeste Latham and she will get the classification added for you.
- You will receive verification via e-mail message that your request has been sent.
- When the System Office has made their decision, you will receive an e-mail message stating that your request has been approved or denied.
- **The effective date field will not accept effective dates greater than 60 days.**
- If you submit a request for a Prevailing Rate or Negotiated class, a reminder message will appear.

**Example 1.1e**

**Statewide Salary Data Processing System**

**Reports**

1. ~~From the home page, click the *REPORTS* button. A screen will appear showing the available Salary Range Reports and Salary Surveys.~~
2. ~~Click on the *VIEW* button of the report you would like to see.~~

**NOTES:**

- ~~The Salary Range Report is updated every Monday.~~
- ~~A month's worth of Salary Range Reports will be available.~~
- ~~A year's worth of Salary Surveys will be available.~~

Section 2 – Open Ranges and Established Rates

*(Reference 110 ILCS 70/36d(3) of the State Universities Civil Service Act)*

**2.1 SETTING AND ADJUSTING OPEN RANGE SALARY SCHEDULE**

Employers shall establish a schedule of salary ranges for all Open Range classes. A salary range for each class shall be submitted to the University System Office for approval. The schedule of salary ranges may be organized and incorporated into a table of salary ~~grades, grades and,~~ may be submitted as verification of university/agency rate/range. Following are general guidelines when submitting salary ranges through the University System Office Salary Data System:-

- ~~Range minimums shall maximums shall~~ generally not exceed ~~an range minimums by more than 8060% difference from the range maximum,; except when authorized by the University System Office.~~
- ~~Employers are not required to submit range updates in the Salary Data System at the time where there is a change to the previously approved rate/range or at least once every four (4) years; unless there is an actual change to the range.~~
- ~~To avoid rounding issues within the Salary Data System, the actual dollar amount of the range should be submitted;;~~
- ~~The schedule of salary ranges shall be reviewed as required on an annual basis by the employer and revised as appropriate.~~ Current salary ranges are subject to review during the biennial audit;;
- ~~When an eEmployer has there are two ranges for the same classification and Employer, i.e., negotiated and open range, the widest range will be submitted in order to capture what is actually compensated for the applicable classification;;~~
- ~~When an eEmployer has two ranges for the same classification, i.e., negotiated and open range, select the Rate Type based ion the predominate number of employees;;~~
- Across-the-board adjustments for all classes shall not require substantiation of individual range changes, other than a statement such as “3% across-the-board adjustment” or “2.5% fiscal year adjustment”.

In accordance with ~~s~~Section 36(d)(3) of the State Universities Civil Service Act, the employer shall identify and analyze valid salary data of wages paid for similar work by other employers within the appropriate recruitment area. Employers are encouraged to utilize one of the following methods to collect valid salary data.

- a. Statistically valid wage data may be obtained through surveys conducted by the employer or through independent sources, such as agencies, consulting firms, professional associations, and local employer groups. A valid survey is one that is current and geographically applicable, contains data on a sufficient number of employees and employers to be a representative sampling of the appropriate market, provides sufficient definition of each job category to

Section 2 – Open Ranges and Established Rates

*(Reference 110 ILCS 70/36d(3) of the State Universities Civil Service Act)*

assure equitable comparison, and provides median and/or weighted average salaries for each job class.

- b. In the absence of any available valid salary survey data, the University System Office shall consider proposals based on one of the following mathematical calculations:
1. *averaging the minimums of current ranges for the class of all University System employers, and assigning the class to the salary range with the minimum closest to the average; or*
  2. *averaging the midpoints of current ranges for the class of all University System employers, and assigning the class to the salary range with the midpoint closest to the average.*

**NOTE:** *Ranges used in the above calculation shall have been approved within the preceding 12 months, and the class shall have one or more persons employed at the time of the survey. If method 1 or 2 above is used in developing salary ranges, it shall be the exclusive calculation method used by the employer; i.e., only one method may be used by an employer to determine pay ranges when utilizing this option.*

Significant variations in ranges by employers may indicate differences in application of classes, and shall be discussed with the appropriate employer(s) to verify accuracy of comparisons. When range proposals are submitted, the University System Office may take the following into account:

- Directly related classes which require substantially similar skill, effort, responsibility and working conditions.
- Comparisons may be made with lower and/or higher level classifications in the same series or with those to/from which employees in the proposed class would normally progress.

Note: Whenever possible, the above attachments can be submitted in the Wage Addendum section which allows you to either attach a document, or specify a URL.

Salary proposals returned to the eEmployer without approval will include the reason(s) for non-approval as well as directive action if appropriate.

Section 2 – Open Ranges and Established Rates

*(Reference 110 ILCS 70/36d(3) of the State Universities Civil Service Act)*

**2.2 SETTING AND/OR ADJUSTING ESTABLISHED RATES**

To set the pay rate/range of a class ~~as an TO BE DESIGNATED WITH AN~~ Established rate type, the ~~e~~Employer shall provide the following types of justification.

- a. ~~Generally, F~~the basis ~~of reason~~ for recommending an Established pay rate/range includes;  
such as:
  1. direct supervision of employees whose rates of pay are Negotiated or Prevailing;
  2. similarity of work to that performed by Negotiated or Prevailing Rate employees of the Employer and/or special pay situation existing in the local community.
- b. The actual relationship which is being set up and how it will be applied, such as:
  1. a supervisory level to be established as a constant dollar amount or percent above the top rate of the class of employees being supervised;
  2. a tandem relationship with one or more specific classes of the ~~e~~Employer and/or jobs of certain outside local employers with such relationship either equal to, above, below, or between.

To adjust the rate or range of a class with an existing Established rate/range, the ~~e~~Employer shall either:

1. a.—provide current wage information for the classes upon which the Established rate/range is based if agreed upon relationship is to be maintained; or
2. b.—provide the same information as in b (1) or (2) above if the relationship is being changed.

Adjustments to existing Established pay rates/ranges shall generally occur at the same time as do adjustments for the classes to which the Established pay rate/range is related, if those classes are internal to the ~~e~~Employer. If the Established pay rate/range is related to pay rates of specific jobs of local Employer(s), adjustments shall generally coincide with the Employer's timing practices of increase for classes on the Open Range salary structure.

Note: Any attachments can be submitted in the Wage Addendum section which allows you to either attach a document or specify a URL.

Section 2 – Open Ranges and Established Rates

*(Reference 110 ILCS 70/36d(3) of the State Universities Civil Service Act)*

*Salary proposals returned to the eEmployer without approval will include the reason(s) for non-approval as well as directive action, if appropriate.*

Section 2 – Open Ranges and Established Rates

*(Reference 110 ILCS 70/36d(3) of the State Universities Civil Service Act)*

**2.3 REQUEST FOR SETTING OR CHANGING OPEN RANGES & ESTABLISHED RATES**

Requests to establish or revise salary ranges that are either *open range* or *established* rate types shall be submitted electronically through the ~~SUCSS-Statewide~~ Salary Data ~~Processing~~ System. Please see Examples ~~1.1a 1.1 (a) through (e)~~ for the steps involved in accessing and working within the system. In submitting justification for proposed ranges, please be aware of, and take the following into account:

- a. Direct market comparisons shall accompany the request or be available upon request during the regularly scheduled on-site audit, if requested. Information required includes ~~and include~~ the name(s) of the ~~e~~Employer(s) surveyed, the job title used for comparison, and the pay range or the average salary associated with the job.
- b. Proposals based on system-wide salary ranges shall include an average of the minimums or midpoints of current ranges as discussed above.
- c. Range proposals based on ranges in effect for directly related classes shall include supportive data identifying classes and information substantiating relationships used for comparison purposes.

***Salary proposals returned to the ~~e~~Employer without approval will include the reason(s) for non-approval as well as ~~-directive action if appropriate.~~***

Section 3 – Negotiated and Prevailing Rates

*(Reference 110 ILCS 70/36d(3) of the State Universities Civil Service Act)*

**3.2 REQUEST FOR SETTING OR CHANGING NEGOTIATED AND PREVAILING RATES**

Requests to establish or revise salary ranges that are either *negotiated* or *prevailing* rate types shall be submitted electronically through the ~~SUCSS~~ ~~Statewide~~ Salary Data ~~Processing~~ System. Please see Examples 1.1a ~~(a) through (e)~~ for the steps involved in accessing and working within the system.

The ~~e~~Employer shall submit requests to establish or revise *negotiated* rates preferably prior to and no later than the date such changes are to be implemented (may be retroactive) by the ~~e~~Employer. In submitting justification for proposed ranges, please ~~be aware of, and remember take the following into account:~~

- a. The wage change request shall be accompanied by a copy of the entire collective bargaining agreement, or a copy of the current wage ~~addendum~~ ~~appendix~~ to previously submitted agreements.
- b. Requests may be submitted for effecting wage changes that are satisfactorily negotiated prior to finalization of other sections of an agreement. A copy of the entire agreement shall be supplied to the University System Office upon finalization.

~~1.c.~~ The group with whom the agreement is in effect shall be noted on the request form.

The ~~e~~Employer shall submit requests to establish or revise prevailing rates that include the following justification:

- a. A copy of the current wage addendum from the collective bargaining agreement of the local craft or trade upon which the proposed wages are based; or
- b. A copy of the Illinois Department of Labor wage certification to the Department of Central Management Services listing the hourly wage rate and effective date; or
- c. Other current wage data in accordance with the Employer's past practice with respect to Prevailing Rate determinations.

Note: Whenever possible, the above attachments can be submitted in the Wage Addendum section which allows you to either attach a document, or specify a URL. ~~to negotiated or prevailing rate requests should be submitted as e-mail attachments directed to the System office. Collective bargaining agreements accessible by a link to employers' web sites are also acceptable. Only when it is impossible to transmit the above information electronically will paper documents be acceptable.~~

Section 3 – Negotiated and Prevailing Rates

*(Reference 110 ILCS 70/36d(3) of the State Universities Civil Service Act)*

***Salary proposals returned to the Employer without approval will include the reason(s) for non-approval as well as- directive action, if appropriate.***

Section 3 – Negotiated and Prevailing Rates

*(Reference 110 ILCS 70/36d(3) of the State Universities Civil Service Act)*

**3.1 SETTING AND ADJUSTING NEGOTIATED AND PREVAILING RATES**

As required by ~~s~~Section 36d of the ~~State Universities Civil Service Act~~Statute, wages agreed upon as a result of negotiation between an ~~e~~Employer and representatives of the employees, shall be recommended to the Merit Board for establishment.

Basic processing details to be followed when submitting salary requests involving *prevailing rates* will remain unchanged; such as:

- a. Existing Prevailing Rate classes and rates and ranges with respect to those classes always remain subject to review and re-determination by the Merit Board and by the ~~Executive~~ Director of the ~~University System~~~~State Universities Civil Service System~~ through delegated powers.
- b. A Prevailing Rate class continues to exist so long as circumstances justify that a Prevailing Rate exists.
- c. A Prevailing Rate review will be conducted by the ~~e~~Employer when requested by the Merit Board, or when known facts and circumstances so warrant, or when a request or complaint is made by an employee or employee representative. ~~The An e~~Employer ~~retains the institution~~ ~~always has the~~ right, as well as the duty, to institute a review of a ~~specific particular~~ Prevailing Rate class at any time and to request such changes as the facts and circumstances may warrant.

<b>Classification Plan Update (FY2016)</b>	<b>Effective Date</b>
<b>REVISED CLASSIFICATIONS/EXAMINATIONS CONSTRUCTED</b>	
<b>Athletic Facilities Maintenance Series -</b>	9/15/2015
<i>Athletic Facilities Attendant &amp; Supervisor</i>	
<b>Campus Transportation Operator -</b>	11/1/2015
<i>Campus Transportation Operator &amp; Head Campus Transportation Operator</i>	
<b>Reimbursement Coding Series -</b>	11/15/2015
<i>Reimbursement Representative, Specialist &amp; Coordinator</i>	
<b>Accountant Series -</b>	12/1/2015
<i>Accountant I, II, III, Assistant Chief Accountant &amp; Chief Accountant</i>	
<b>Human Resource Assistant</b>	12/15/2015
<b>Human Resource Representative</b>	12/15/2015
<b>Police Officer</b>	12/15/2015
<b>Police Corporal</b>	1/1/2016
<b>Program/Student Advisor</b>	2/1/2016
<b>Operating Engineer Series -</b>	3/1/2016
<i>Assistant Operating Engineer, Operating Engineer, Operative Crane Engineer &amp; Operating Engineer Foreman</i>	
<b>Food Series -</b>	4/1/2016
<i>Food Service Worker I, II, III, IV, &amp; V, Cooks Helper, Cook, Head Cook, First Cook, Second Cook, Grill Cook, Kitchen Helper, Snack Bar Attendant, Snack Bar Supervisor, Test Kitchen Cook, Baker I, II, III, and IV</i>	
<b>Dietitian Nutritionist</b>	4/15/2016
<b>Electrician Series -</b>	5/15/2016
<i>Electrician, Sub-Foreman, Foreman &amp; General Foreman</i>	
<b>DELETED CLASSIFICATIONS/EXAMINATIONS</b>	
<b>Procedures and Systems Analyst Series -</b>	8/1/2015
<i>Procedures and Systems Analyst I, II, and III</i>	
<b>Painter Chageman</b>	3/15/2016
<b>CURRENT CLASSIFICATIONS/EXAMINATION CONSTRUCTION IN PROGRESS</b>	
<b>Accounting Associate</b>	
<b>Carpenter Series -</b>	
<i>Carpenter, Sub-Foreman, Foreman &amp; General Foreman</i>	
<b>Clerk Series -</b>	
<i>Clerical Assistant, Clerk, Chief Clerk, Staff Clerk, &amp; Administrative Clerk</i>	
<b>Office Support Series -</b>	
<i>Office Support Assistant, Office Support Associate, Office Support Specialist, Office Manager, &amp; Office Administrator</i>	
<b>Painter Series -</b>	
<i>Painter, Sub-Foreman &amp; Foreman</i>	
<b>Procurement Officer Series (Purchasing Officer Series)</b>	
<i>Purchasing Officer I, II, III &amp; IV</i>	
<b>Security Officer Series -</b>	
<i>Security Officer &amp; Security Sergeant</i>	
<b>CLASSIFICATIONS/EXAMINATIONS TO BE REVISED</b>	
<b>Building Service Worker Series</b>	
<b>Business/Administrative Associate</b>	
<b>Grants and Contracts Administrator Series</b>	
<b>Grants and Contracts Specialist</b>	
<b>Security Guard Series -</b>	
<i>Security Guard &amp; Security Guard Supervisor</i>	
<b>CLASSIFICATIONS/EXAMINATIONS TO BE CREATED</b>	
<b>Admissions Associate</b>	
<b>Financial Aid Associate</b>	