

2.3 Position Audits

Manual: Classification Plan Management

Subsection: Classification of Positions

a. Overview

In order to maintain a sound classification program, Employers shall carry on continuous classification studies.

- The Employer shall establish a schedule for position audits so that positions *in which duties and responsibilities might be subject to change* can be reviewed on a regular basis.
- Such schedule shall provide for the audit of at least one-third of such positions annually.
- Each Employer shall develop auditing procedures which will ensure consistency within the classification program at their place of employment, as well as with the Classification Plan in general.

b. Position Audits

When official on-going duties and responsibilities fall partly in one class and partly in another, it is necessary to evaluate the overall function of the position as well as the duties which are essential to it. As a general rule, the classification of a position should be based on those duties and responsibilities occupying the majority of the position's work time. A request to audit an existing position may originate at any time by an employee, an employing unit, a DER, or the System Office.

The following guidelines shall be applied when determining whether a position should be reclassified, reallocated, or canceled:

- Duties of a position should not be revised when the change would result in a *radical shift in position function*; e.g., Clerk to Building Service Worker; Medical Technologist to Nurse. In such cases, a new position should be established, and applicants compete for the vacancy by examination.
- Duties of a position should not be revised sufficiently to warrant reclassification or reallocation upward, when work of the class is, by tradition, sufficiently prescribed so as to preclude an incumbent from performing duties not belonging to the class; e.g., food service, building service, or craft and trade classes. In such cases, a new position should be established, and applicants compete for the vacancy by examination.
- Duties may be revised sufficiently to warrant reclassification or reallocation when the job content of the position is flexible and may be impacted by the knowledges, skills, and abilities of the incumbent such as is typical of many professional, technical, and clerical positions.

c. Implementation Guidelines

- As a general standard, incumbents should normally be notified of classification decisions by the Employer within 30 days after receipt of the completed, properly authenticated, job description from the incumbent or department.
- Delays in the position audit process may be considered justifiable under special circumstances, including holiday closures, academic breaks, and layoffs that temporarily freeze reclassification and reallocation activity.
- The Employer may establish policies to retroactively apply the resulting personnel action to some date within the 30 days after receipt of a fully documented position audit request. In instances where the 30-day timeframe has been extended without adequate justification, such policies demonstrate the intent to effectively manage the classification program and serve as an acceptable alternative to the 30-day audit timeframe guideline.
- In all instances, the Employer should conduct the position audit within a reasonable timeframe.
- Personnel actions based on determinations made through the position audit process can only be applied when the incumbent has been shown to meet the minimum qualifications of the new position and/or otherwise qualifies by successfully completing the appropriate examination.

Exemption Procedures Manual

1.1 History

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

Subsection: General Overview of Exemption from State Universities Civil Service System

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

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

As part of its statutory responsibility, the Merit Board has approved criteria that are to be used as guidelines for determining appropriate civil service exemptions. These criteria were originally drafted in 1972 by members of the Human Resource Directors Advisory Committee and the State Universities Civil Service Advisory Committee and circulated to all the Designated Employer Representatives and members of the University Civil Service Advisory Committee for comment and input. At that time, the Merit Board also approved an Administrative Advisory Committee's resolution recommending that the Merit Board's authority to approve exemptions based on the criteria be delegated to the Executive Director of the University System. The employer would then be allowed to appeal the Executive Director's decisions to the Merit Board. These criteria were expanded in 1975 and 1990.

In 1997 and in 1998, the Merit Board approved position standards that would allow the employer to exempt positions from civil service without prior approval from the Executive Director if the

position description fits within the defined position standard. This exemption process would be subject to audit by the University System.

Section 2.1 below contains the guidelines and criteria to be used in properly validating and designating those positions, and employees in those positions, as exempt from State Universities Civil Service System coverage, as categorically defined above. It is important to note that a significant amount of attention and careful consideration was taken to insure that these standards most accurately reflect and preserve the historical intentions of related statutory provisions and Merit Board actions.

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

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

1.2 Overview

The Merit Board permits the Designated Employer Representative (DER) at each of the universities and agencies to make an initial determination as to whether a position qualifies as an exemption pursuant to §36e of the Act; however, this authority is granted and may be revoked, in whole or in part, at the sole discretion of the Merit Board. This permission does not limit the Executive Director's responsibility for ensuring compliance with statutory and procedural guidelines in this respect.

The state universities and agencies all differ in their organizational structures and within each institution the administrative offices, colleges and various departments all differ in many respects such as size and scope. As a result, institutions must utilize a process for determining exemptions.

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

2.1 Exemptions

- a. In accordance with §36e of the Act, all positions are designated civil service, except for the following positions specified in §36e(1) and (2) of the Act:
 1. The Board of Trustees of each educational institution, State Universities Civil Service System Merit Board, Board of Trustees of the State Universities Retirement System, Board of the Illinois Community College Board, Board of the Illinois Student Assistance Commission and Board of the Illinois Board of Higher Education as set forth in §36e of the Act;
 2. The presidents and vice-presidents of each educational institution set forth in §36e of the Act.
- b. The Act specifically provides that the Merit Board has the authority to determine PAAs at each institution or agency. Section 250.30(a) of the Code further defines the Merit Board's responsibility in this regard, which provides, in part, "Exemptions under Section 36e(3) of the Statute shall be by position. When approved by the Merit Board, a position shall remain exempt until such exemption is terminated by the Merit Board. The Director shall publish guidelines for such exemptions, as approved by the Merit Board."
 1. These procedures to exempt position(s) should generally adhere to the steps outlined and described below:
 - A. Employing department contacts Human Resources (HR) Office for review of a job description.
 - B. HR may request additional information from the department if needed.
 - C. Positions within a general job category may be classified as PAA or a civil service position dependent on the scope/authority of the department.
 - D. HR reviews the duties in each job description as well as the scope, accountability, minimum requirements, organizational structure, reporting relationships, and position title.
 - i. Each position is initially determined to be designated as civil service, which includes a review of the general scope, duties, and function and/or minimum qualifications of an appropriate existing civil service classification.
 - ii. If the scope, duties, function and/or minimum qualifications do not substantially match an appropriate existing civil service classification, the job is reviewed for scope and function including what characteristics may qualify the position to be exempt from civil service.
 - iii. To be designated as exempt from civil service, the position must meet the criteria as described.
 - iv. In the event there is no appropriate civil service classification available and the duties of the proposed position do not justify exemption under the Act, the University System can determine if a revision to an existing civil service classification or creation of a new classification is required.
 2. Principal Administrative Appointments (PAA) may be exempt pursuant to §36e(3) of the Act, whose primary duties constitute senior management or senior

administrative functions for an entire university, campus, agency, administrative/business department/unit, or academic department/unit. If the position does not fit within the general scope, duties, or function of an existing civil service classification, the following criteria may be considered in determining whether the primary duties constitute senior management or senior administrative functions:

- A. Whether and to what extent the position has the authority to represent and obligate the university, campus, agency, or department/unit in matters of significance;
 - B. Exemption as an executive or administrative employee according to the Fair Labor Standards Act, 29 USC 213(A)(1) duties test is necessary, but not alone sufficient to qualify for exemption under 36e(3) of the Act.
3. Notwithstanding the above criteria, specific positions exempted under 36e(3) include:
- A. The chancellor of each educational institution;
 - B. The provost, vice provost or vice chancellor, associate and assistant chancellor, associate and assistant vice presidents, associate and assistant provost, associate and assistant vice provost, associate and assistant vice chancellor of each educational institution;
 - C. The Executive Officer/Executive Director of the Illinois Community College Board, Illinois Student Assistance Commission, State Universities Retirement System, Illinois Board of Higher Education, and State Universities Civil Service System;
 - D. Executive Director positions at each educational institution and agency;
 - E. Positions that are professionally licensed/certified to practice within their respective fields and whose primary duties constitute the practice of that field who also possess a requisite degree within the field of study such as a MD, JD and MSW. Examples of these positions include physicians, veterinarians, dentists, pharmacists, licensed advanced practice providers, audiologists, genetics counselors, attorneys, engineers and architects. Note: other licensed/certified positions such as veterinary technicians, registered nurses, credentialed nursing assistants, lab technicians and other similar positions are not intended to be exempt.
 - F. Executive policy advisors for each position identified in subparagraphs (2.1.a.2) above, and (A-D), in this section;
 - G. Positions whose primary duties constitute fundraising, advancement or development work for the institution.
4. In accordance with §36e of the Act, all positions are designated civil service, except for the following positions specified in §36e(4) of the Act:
- A. All faculty positions as determined by each university's own internal processes.
 - B. Teaching positions include those whose primary function is to instruct or counsel students of the institution or its Laboratory Schools, most specifically related to the normal academic curricula.

- i. Positions with the primary duty of teaching, tutoring, instructing or lecturing in the activity of imparting knowledge, whether in the classroom, field, clinical, online or other similar forms of teaching. These teachers include regular academic teachers; teachers of kindergarten or nursery school pupils; teachers of gifted or disabled children; teachers of skilled and semi-skilled trades and occupations; teachers engaged in automobile driving instruction; aircraft flight instructors; home economics teachers; and vocal and instrumental music instructors; and athletic coaches or trainers. This excludes positions for which the primary duty is the teaching or training of other employees of the university or agency.
 - ii. Exemption pursuant to this subsection does not require that the position be a tenured or tenure-track position. These positions have traditionally been referred to as adjunct or extension, professor, teacher or instructor.
 - iii. Academic advising when that position is granted formal authority by an academic unit (university, college, school, or department) to approve the student's academic program of study and assist the student in progressing toward the appropriate degree.
 - iv. Positions for which the primary duty is recruiting students.
 - v. Residence hall directors.
 - vi. Deans, assistant deans, associate deans or other positions with primary administrative or supervisory responsibility for faculty exempt positions within a single department or program shall be exempt as teaching or extension faculty, respectively.
- C. Research positions primarily engaged in research activities, normally under the direct oversight of an academic department or college and are frequently funded by outside sources. Research in this context is not necessarily limited to the laboratory work typical of the physical sciences, but may also include field historical research, linguistic studies, archaeology, etc. Academic rank is not a prerequisite to inclusion of a particular position in this category. Likewise, those positions with primary administrative or supervisory responsibility for a group of employees falling within this category are considered exempt in accordance with this standard.
- D. Extension faculty positions as determined by each university's own internal processes include instructional positions created to provide both credit and non-credit instructional programs offered by the institution, which typically do not lead to a degree.
 - i. The non-credit component includes instructional programs, including but not limited to Early Childhood Education, Adult Education, Continuing Education, and English as a second language.
 - ii. Positions within this exemption category may be employed solely for the duration of the specific course(s) being offered, based on

- professional experience in a particular profession or industry, or may be subject-matter experts who are employed as regular academic staff members at another educational institution.
 - iii. A position with primary administrative or supervisory responsibility for a group of exempt extension faculty positions within a single department or program shall be exempt as extension faculty.
- 5. Student positions - Students employed under rules prescribed by the Merit Board, without examination or certification.

3.1 Accountability Program

The Merit Board permits the Designated Employer Representative (DER) at each of the universities and agencies to make an initial determination as to whether a position qualifies as an exemption pursuant to §36e of the Act; however, this authority is granted and may be revoked, in whole or in part, at the sole discretion of the Merit Board. This permission does not limit the Executive Director's responsibility for ensuring compliance with statutory and procedural guidelines in this respect. Accountability for exemption authorization consists of various components, including, but not limited to, an internal review by the University System employer that includes various periodic reports submitted by each University System employer to the Executive Director, an external review by the University System that includes an audit process, and Merit Board review and corrective or remedial action, if necessary.

The concept of accountability as captured in this procedure is not intended to add another layer of process or procedure requirements for University System employers. Each University system employer must be able to design its exemption process to fit its unique circumstances, in accordance with these guidelines.

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

3.2 Internal Review

Accountability for exemption authorization consists of the following components:

Internal Business Review Process – an internal position review process that will ensure efficient management of the exemption authorization process. This should include a detailed description of the internal oversight, training, review and approval, and recordkeeping components of the employer's exemption process. The internal review process must indicate that exemption requests are reviewed and approved by the DER.

Training Process – training for those human resource professionals who are responsible for implementing the employer's exemption authorization process will be routinely provided by the University System. This should include training for any administrators or employees who will prepare or approve exemption requests for employer approval.

Position Assessment Process – a cyclic review program wherein all exempt position descriptions are reviewed by the employer for currency of job content and title no less often than once every three years. Job changes of exempted positions discovered as a result of this review should commence immediately; however, any conversion to an appropriate civil service classification should be completed in accordance with section 3.3.

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

3.3 Accountability for Exemption Authorization

The Legal and Compliance Services division of the University System will perform audit testing analysis and compare the duties contained in the position description performed by employees in randomly selected positions against University System class specifications. In conjunction with that review, the criteria listed above will also be considered when making a determination of the correct designation for a selected position.

This process is completed through the standard audit conducted by the Legal and Compliance Services division, as outlined in the audit charter. Results are determined and findings are released in accordance with standard audit practices.

Consistent with the audit charter, outcomes from the most recent audit conducted at each employer will be used to determine the scope of any subsequent audit(s). If circumstances warrant, and in consultation with the Merit Board, the position audit review may be expanded across multiple audit timeframes.

a. Final Outcome:

The University System and the university/agency engages in an interactive process to work through any disputed positions and attempt to agree on a resolution, prior to the final audit report issued by the University System.

Nothing in an employment contract can prohibit the conversion of a position/employee based on the below detailed remedy and process.

b. Parties in agreement:

If the University System staff and university/agency agree that a position was improperly exempted, the university/agency will have the choice to convert the position/incumbent to the appropriate civil service classification:

1. Immediately upon agreement with the employee, or
2. When the current contract ends, which includes any institutional notice of non-reappointment period, or
3. By the end of the fiscal or academic year or similar timeframe, or
4. If the position becomes vacant.

NOTE: a position/incumbent must be converted within a maximum of 16 months from the University System decision that the position should be designated as civil service.

c. Parties not in agreement:

If the University System staff and university/agency do not agree that a position was improperly exempted, the employer has the right to appeal the decision to the Merit Board.

If a request for appeal is not filed within 30 calendar days of the University System decision, the University System decision shall be the final decision of the Merit Board.

d. Appeal Process to the Merit Board:

The employer may seek a review of any University System decision. The employer must file a written request, along with a position statement and any written documentation in support thereof, with the Secretary for the Merit Board for a Merit Board review of the University System decision within 30 calendar days from the date of the decision. The request must be received by the Secretary for the Merit Board at least 30 calendar days prior to the next scheduled meeting of the Merit Board for it to be included on the agenda for that meeting; if not so received, it will be placed on the agenda for the next scheduled meeting of the Board. The burden of proof shall be on the employer. The Merit Board shall examine the record and uphold or reverse such decision, or order further review, as it may deem necessary or desirable. If appealed, the final Decision and Order of the Merit Board shall be certified by the Secretary for the Merit Board to the Executive Director and to the parties of record.

e. Position Maintenance Standards:

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

Upon review if a position(s) meets the criteria of civil service employment, the university/agency will have the choice to convert the position/incumbent to the appropriate civil service classification:

1. Immediately upon agreement with the employee, or
2. When the current contract ends, which includes any institutional notice of non-reappointment period, or
3. By the end of the fiscal or academic year or similar timeframe, or
4. If the position becomes vacant.

NOTE: a position/incumbent must be converted within a maximum of 16 months from the University System decision that the position should be designated as civil service.

3.4 Remedial Process

Upon the recommendation of the Executive Director, or upon its own initiative, the Merit Board may take any necessary corrective or remedial action in an attempt to resolve incorrect exemption authorization issues. Such corrective or remedial action may take any specific form, as determined by the Merit Board, and will be based on the pattern of severity and history of the noncompliance issue(s). However, no remedial action will be taken that will result in interference with an employment contract, per notice rights as stated in section 3.3.

4.1 Reporting Requirements

Reports will be requested periodically by the University System regarding hiring activity during the implementation phase of the Act/Rule/Procedure review. This data will be used to review and monitor exempted positions. Information may also be used in concert with the standard audit process.

- a. Periodic Report of Exempt Employees (minimum twice per year):

This report shall include the following for both state funded and non-state funded positions:

1. Number of employees considered exempt under Section 36e(2) -- The presidents and vice-presidents of each educational institution
2. Number of employees considered exempt under Section 36e(3) -- Other principal administrative employees of each institution and agency as determined by the Merit Board
3. Number of employees considered exempt under Section 36e(4) -- The teaching, research, and extension faculties of each institution and agency
4. Number of employees considered exempt under Section 36e(5) -- Students employed under rules prescribed by the Merit Board, without examination or certification

- b. Additional/Ad Hoc Reports

The Executive Director has the authority to request additional data as deemed necessary. Reasonable notification to the employer must be provided.

5.1 Temporary Assignment of Civil Service Employee to a Civil Service Exempt Position

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

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

5.2 Changing an Exempt Position to a Civil Service Position

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

When it has been determined and established that the job responsibilities and duties of a position do not meet the criteria for a 36(e) exemption, the employer may be required to change the position from an exempt position to an appropriate civil service appointment in a recognized classification, in accordance with the following process.

- a. Establishment of appropriate civil service position:
 1. The employer will determine the appropriate civil service classification based on the defined duties and responsibilities associated with the position.
 2. The employer will then establish a pay rate or range for the classification, if one has not already been established. *(Note: The classification of positions remains subject to audit review by the University System.)*
 3. The position will then be officially changed to reflect the appropriate civil service classification and all relevant employment protocols will be followed when filling any future vacancy in this position.

b. Transition of an exempt incumbent into a civil service position:

1. After converting the exempt position to a civil service position, any incumbent in the former exempt position will be officially moved to the designated civil service classification assigned to the converted position. At the time of this action, the employer is required to cite this procedure on the *Notice of Employment*. Appropriate notice rights, per section 3.3, shall be provided.
2. If the incumbent does not meet the minimum acceptable qualifications of the civil service classification assigned to the converted position, a Qualification Waiver Form must be requested and must be approved by the Executive Director. See Example 2.3a of the Examination Procedures Manual for the appropriate form. The incumbent will not be required to complete a civil service examination for the designated classification provided they meet the minimum acceptable qualifications or have obtained the approved waiver form.
3. The incumbent will be required to complete a probationary period associated with the designated civil service classification/position. Time served in the previous exempt position will count towards the completion of the probationary period. Some specific examples follow:

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

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

4. Seniority is accrued from the date that it can reasonably be determined that the position description met the criteria (duties/responsibilities) of a civil service classification. This date can be determined based upon a historical evaluation of the job description for the position. In cases where there has been no significant change in the job description, seniority is accrued from the date of employment into the exempt position.
5. Upon change to the civil service position, the employee will also begin accruing benefits no less than those prescribed in the Merit Board Policy Relating to Employee Benefits.

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

*Sunnycrest Center
1717 Philo Road, Suite 24
Urbana, Illinois 61802-6099*



Lyneir R. Cole
*Merit Board Chair
Jeff Brownfield
Executive Director*

April 2, 2018

Deputy Inspector Thomas Klein
Office of the Executive Inspector General
for the Agencies of the Illinois Governor
607 East Adams, 14th Floor
Springfield, IL 62701-1634
VIA e-mail: thomas.h.klein@illinois.gov

RE: OEIG Case No. 15-00628

Dear Inspector General Klein:

Please accept this letter in response to your office's letter of March 15, 2017, in which the OEIG's investigation was referred to the Merit Board to provide guidance to the University of Illinois (Urbana campus) and our own staff regarding the exemption of university employees as "principal administrative employees" pursuant to §36e(3) of the State Universities Civil Service Act. Attached please find: a copy of our letter to you of June 13, 2017; the letter of June 8, 2017 to the chairs of the various constituent university boards and higher education boards and commission, referred to in the June 13 letter; and the exemption procedure which the Merit Board adopted at its meeting of February 1, 2018.

To resolve the concerns expressed in your correspondence and through your investigation, we revised the entire Exemptions Procedure Manual through the Merit Board's full board meetings and the direct participation of some of individual Merit Board members outside of those meetings. These revisions and changes will affect all state university employers. We conducted periodic meetings with interested parties, including a series of meetings between Chair Cole and university and higher education human resources leadership, each followed by a meeting between Chair Cole and the statutorily-created State Universities Civil Service Advisory Committee (Employee Advisory Committee). These meetings culminated in a joint meeting with Chair Cole, university and human resource staff, and the Employee Advisory Committee. University System staff participated in each step and provided technical expertise in crafting a revision of our Exemption Procedures Manual. We are confident it will serve to minimize to the fullest extent possible the disagreements that gave rise to your investigation.

The collaborative process better enabled the Merit Board and University System staff to express its views as to the application of the phrase "principal administrative employees" while hearing from the users about potential problems in the implementation of the revised standards. The benefits are twofold: first, many simple and practical problems that typically follow the rollout of a procedure without input from users are avoided before they occur; second, this process produces a 'buy-in' that a top-down approach all too often lacks.

The amended procedure provides additional advantages over its predecessor. The general definition of "principal administrative employee" is found in one sentence. However, in addition, many commonly-used positions are specifically recognized as principal administrative employees, eliminating uncertainty over the status of those positions. As to the audits which were cited in your letter, this revised procedure will lead to a finality previously lacking by making clear that audit exemption findings are the decision of the Merit Board itself, and that positions found to have been improperly exempted shall be converted to civil service without any further action by the Merit Board. However, if the university/higher education agency disagrees, it may appeal, in which case the Merit Board will hear the appeal and determine whether the position justifies exemption. The procedure unequivocally places the burden of proof on the employer to demonstrate that the position is truly one "whose primary duties constitute senior management or senior administrative functions for an entire university, campus, agency, administrative/business department/unit, or academic department/unit." The practical impact of that provision serves as a reminder that the exemption is the 'exception to the rule'; it is the employer's obligation to justify the exception, and not the University System Office's responsibility to justify the rule.

Now that the procedure has been adopted, it is available to all to allow employers and employees alike the opportunity to read through, digest and consider its implementation at each respective place of employment prior to its anticipated effective date of October 1, 2018. At that time, the portion of the audit process concerning exemptions will be reinstated. It is our intent to include outcomes from the most recent audit conducted at each employer to determine the scope of any subsequent audit(s). If circumstances warrant, and in consultation with the Merit Board, the position audit review may be expanded across multiple audit timeframes and consider all positions as the pool for positions to be audited. However, the question of which positions to focus on during the exemption portion of our audits will be discussed at our pending full Merit Board meetings on May 22, and August 23, 2018. As with any process, there is an expectation that minor changes may become necessary, but the fundamentals are all found in this revised procedure and should serve to provide adequate guidance to all involved.

Please contact Executive Director Jeff Brownfield or Legal Counsel David DeThorne if you have any further questions or need additional information.

Sincerely,

Lyneir R. Cole
Chair, University Civil Service Merit Board

Grant/Soft Money Positions

Overview:

There has been discussion regarding the use of short term employment where positions are created based on a grant or similar funding source and there is no immediate intention to retain an employee past the funding cycle.

There is currently a Pilot Program at UIC regarding this topic. Data is being gathered to more fully understand the benefits and drawbacks of the program.

Goal:

Increase civil service employment and eliminate some of the need for extra help or other temporary appointments/workers.

Program Discussion Points / Components:

- These appointments will be referred to as Project Term Appointments
 - Specific to projects with a definite term date.
 - Limited funding source position that is not regular or continuing
- Qualified funding sources may include federal, trust, foundation, corporate, or state grants
- No individual appointment in a Project Term Appointment can exceed ???, two years, 18 months, etc.)
- Employees who are appointed under this employment category shall sign an offer letter or other written agreement outlining the stipulations of the project term appointment
- The duties of a position under this employment category shall be classified to generally meet the specifications for a comparable class established for other services in the System.
- The examination shall be brief, simple, and easily administered, and shall consist of a review of the employee's application and a verbal interview. The examination shall be scored as: Highly Qualified; Qualified; Acceptable; Not Acceptable. The Director shall, upon request for such candidates, certify to the employer the names and addresses of all the persons who have scored in the highest of the three categories, namely: Highly

Qualified; Qualified; Acceptable, in which one or more candidates have scored, and the employer shall select one of the persons so certified.

- Rates of pay shall be established which take into account both the salary range currently established for the appropriate class and rates applicable in the community where the work is being performed.
- Project employees receive all fringe benefits, rights, and privileges given to permanent employees within their assigned classification, except that project employees do not have the right to achieve permanent status in class, appeal the termination of a project appointment, collect layoff benefits, or receive layoff, reinstatement, restoration or bumping rights to any other position.
- Seniority shall only be established on the basis of funding source in which the work is being performed and is not transferrable to any future status position appointments.

Immediate Concerns:

- Opportunity for benefits under CMS, SURS, etc.
- Limit the number of positions hired in this category, we cannot allow this to replace traditional CS hiring protocols.

State Universities Civil Service System

10 Year Trend Analysis

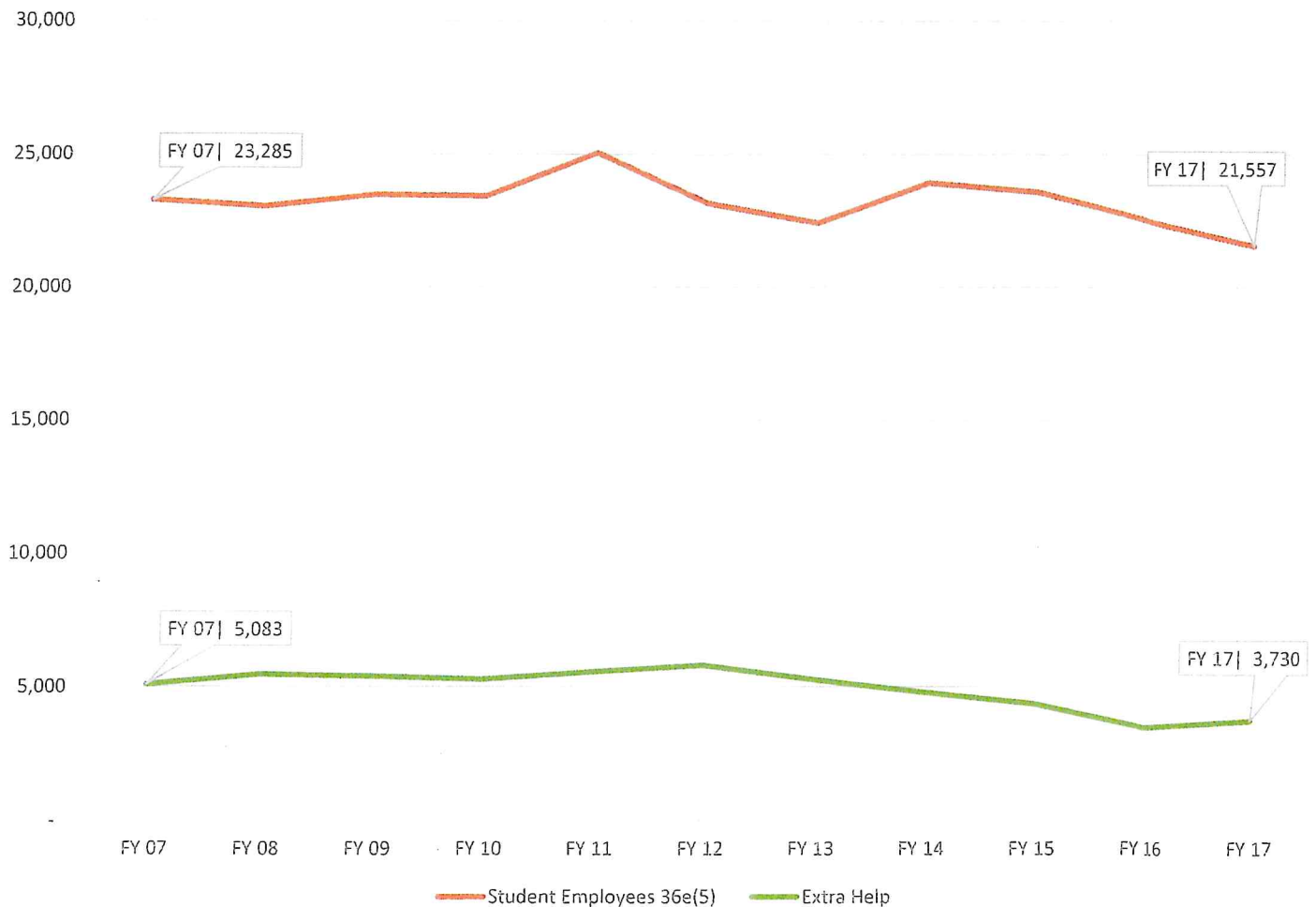
Actual Headcounts

	<u>FY 07</u>	<u>FY 10</u>	<u>FY 15</u>	<u>FY 17</u>
Student Employees 36e(5)	23,285	23,430	23,583	21,557
Extra Help	5,083	5,273	4,364	3,730

Percentage Change from FY 07

Student Employees 36e(5)	1%	1%	-7%
Extra Help	4%	-14%	-27%

State Universities Civil Service System Appointments (September Data)



State Universities Civil Service System

Civil Service and Exemptions Annual Trends

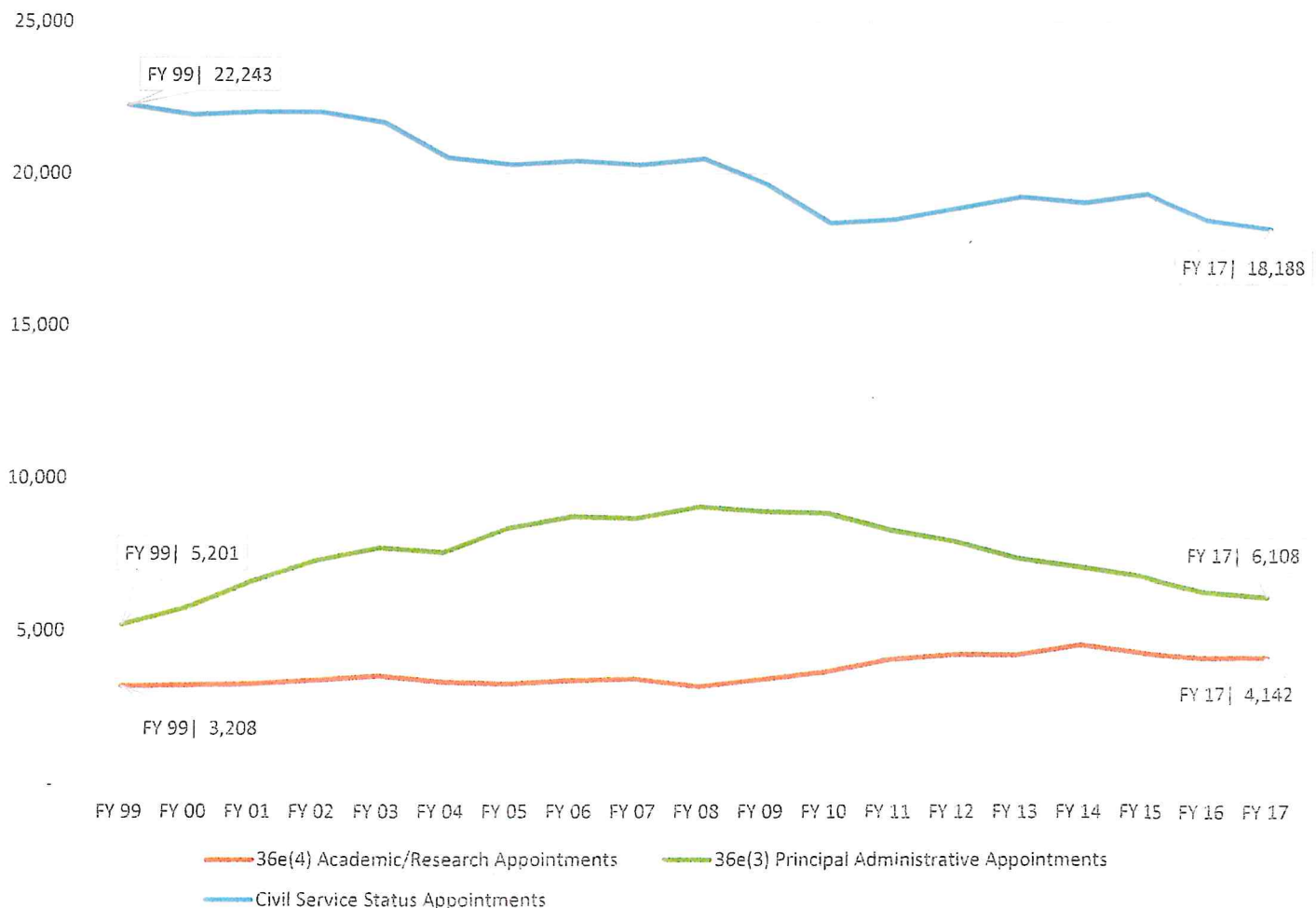
Actual Headcounts

	<u>FY 99</u>	<u>FY 05</u>	<u>FY 10</u>	<u>FY 15</u>	<u>FY 17</u>
Civil Service	22,243	20,287	18,376	19,320	18,188
36e(3) Principal Administrative Appointments Administrative/Academic Professionals (AP)	5,201	8,345	8,850	6,768	6,108
36e(4) Academic/Research Appointments Faculty and Research	3,208	3,266	3,667	4,273	4,142
Total	30,652	31,898	30,893	30,361	28,438

Percentage Change from FY 99

Civil Service	22,243	-9%	-17%	-13%	-18%
36e(3) Principal Administrative Appointments Administrative/Academic Professionals (AP)	5,201	60%	70%	30%	17%
36e(4) Academic/Research Appointments Faculty and Research	3,208	2%	14%	33%	29%
Total	30,652	4%	1%	-1%	-7%

State Universities Civil Service System Total Appointments (Students Excluded)



Some of the exemption discrepancy between FY 10 thru FY 15 can be attributed to redefining positions, such as Dean and Department Head, from 36e(3) and 36e(4).

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: State Universities Civil Service System
- 2) Code Citation: 80 Ill. Adm. Code 250
- 3) Section Number: 250.119 Proposed Action: Amendment
- 4) Statutory Authority: 110 ILCS 70
- 5) A Complete Description of the Subjects and Issues Involved: On September 30, 2017, this Section became invalid. The Merit Board believes that this Section needs to exist on a permanent basis. Because of the uncertainties of the State budget, employers within the State Universities Civil Service System, are finding it necessary to implement Furlough Programs due to the continued reduction or lack of State funds. This Section does not eliminate any bargaining rights or duties to negotiate imposed by the Illinois Educational Labor Relations Act. This Section describes the requirements for employers and information for employees regarding the impact of a Furlough Program.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This proposed rulemaking will not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments on this proposed amendment within 45 days after the date of publication to the *Illinois Register*:

Jeff Brownfield
Executive Director

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

State Universities Civil Service System
1717 Philo Road, Suite 24
Urbana IL 61802

217/278-3150
emails: jeffb@sucss.illinois.gov & teresar@sucss.illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: The Agency did not anticipate this rulemaking.

The full text of the Proposed Amendment begins on the next page:

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 SYSTEMPART 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

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

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, 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. 11192, effective August 4, 2016; amended at 40 Ill. Reg. 16302, effective December 12, 2016; amended at 41 Ill. Reg. 11576, effective August 30, 2017; amended at 42 Ill. Reg. _____, effective _____.

Section 250.119 Furloughs

~~This Section is applicable through September 30, 2017.~~

- a) Furlough. A furlough is the placement of an employee in a temporary nonduty, nonpay status for a continuous or noncontinuous 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, is not subject to Section 250.110(d) regarding a layoff ~~layoffs~~.
- b) Furlough Program Stipulations. A furlough program shall not be used by an employer for the following reasons:
 - 1) Permanent shutdown;
 - 2) As a substitute for permanent part-time employment; or
 - 3) As a disciplinary measure.
- c) Criteria. Uniform participation and selection criteria shall be developed for the designated place of employment and consistently applied. This Section shall only apply to employees who are designated within the employer's furlough program in accordance with subsections (d) through (o).
- d) Temporary and Extra Help Appointments ~~Employee Terminations.~~ Prior to the implementation of a furlough program, all employees ~~An employee on a~~ temporary appointment or an extra help appointment shall be terminated ~~prior to~~

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

~~implementation of the furlough program, unless an exception is permitted subject to subsection (g) the appointment is required based on health and welfare or public safety, or a designated grant or other funding source.~~

- c) ~~Student Appointments. Student~~All student appointments shall be terminated subject to Section 250.70(e) shall be placed in a furlough status for an amount of time that is generally equal to that of traditional civil service employees who are being furloughed, unless an exception is permitted subject to subsection (g) the student appointment is required for health and welfare or public safety, or the appointment is part of the student's financial aid, or if the student is receiving academic credit as part of the conditions of the student appointment.
- f) Voluntary or Mandatory Furlough Program. A furlough can be either voluntary or mandatory. A voluntary or mandatory furlough program is not required to include all employees at a designated employer or within a division or program.
- g) Exceptions. Employers may exempt positions from a furlough program under the following conditions:
- 1) Positions/employees who have mandated funding, such as a grant or other funding source, or whose absence would jeopardize the funding for a position/employee or department; ~~may be exempted from the furlough program.~~
 - 2) Employees in positions considered essential to the critical mission of an employer, such as those related to health and welfare or public safety; ~~may also 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 designated within the employer's furlough program in accordance with subsections (c) through (m).~~
 - 3) Employees in positions considered essential to maintain facilities during a furlough program; or
 - 4) Students whose positions are part of their financial aid package or whose position results in the awarding of academic credit.

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

- hd) Notification of Furlough Program to Employees. No furlough program may be implemented unless~~Once an employer plans to implement a furlough program, the employer has notified~~shall notify all employees at least 30 days prior to a furlough program being implemented. The process by which the employer chooses to notify employees is at the employer's discretion, but must conform to the employer's policies related to contacting an employee for official business. The notice must inform the employee of the date or dates on which the employee is to be on furlough status and the end date of the furlough program.
- ie) Furlough Work Status. An employee who is furloughed shall not be at work, on standby or on-call, and shall not perform any work for the furloughing employer during his/her scheduled furlough time. However, for emergency situations, employees subject to a collective bargaining agreement may be called back to work in accordance with the agreement. For those employees not subject to a collective bargaining agreement, employees may be called back to work in accordance with standard employer policies.
- jf) Employee Benefits
- 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 the time during which he/she is being furloughed.
 - 2) Notwithstanding any other Section in this Part, or the fact that an employee's work hours or pay is reduced by the requirement to take a furlough, ~~A)~~ furlough time will be credited as if the employee were in pay status for employee benefit programs such as health, life, dental and vision insurance and any similar benefits, ~~and~~
 - B) ~~pension credit for furlough time can be purchased by an employee as provided under Section 15-113.11 of the Illinois Pension Code [40 ILCS 5] (i.e., for furlough time taken between July 1, 2015 and June 30, 2017, pension credit can be purchased; otherwise, it cannot).~~
 - 3) A furloughed employee shall be entitled to the same benefits to which he/she was entitled on the paid workday immediately preceding the furlough day. These benefits include, but are not limited to, continued

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

accumulation of vacation and sick leave, holiday benefits, and benefits established by the Merit Board Policy Relating to Employee Benefits as approved by the Merit Board, and other benefits approved by the Governing Boards of the universities and agencies served by the University System.

- 4) A furloughed employee shall continue to accrue seniority during any and all furlough work days.
- ~~kg)~~ Maximum Number of Furlough Work Days. A furlough program shall only be instituted for a maximum of 15 work days in any fiscal year (July 1 through June 30).
- ~~lh)~~ Employer's Tracking of Furlough Days. ~~The~~In order for an employee to continue under the State Employees Group Insurance Act of 1971 [5 ILCS 375], the employer is required to track designated furlough days for each employee.
- ~~i)~~ Accumulation of Seniority during a Furlough Status. ~~An employee shall continue to accrue seniority during any and all furlough work days.~~
- ~~mj)~~ Military Leave during a Furlough Program. An employee on military leave shall not be scheduled for any furlough days during his/her leave and may be scheduled for furlough days that may be prorated dependent upon the date the employee returns 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 shutdown;
 - ~~2)~~ As a substitute for permanent part-time employment; or
 - ~~3)~~ As a disciplinary measure.
- ~~n4)~~ Collective Bargaining Agreements. Implementation of furloughs for employees covered under a collective bargaining agreement is subject to applicable State and federal labor laws and regulations. This Section is not intended to circumvent or supersede other State or federal labor laws and/or regulations that apply.

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

~~om)~~ Notification to the State Universities Civil Service System of a Furlough Program. An employer may institute a voluntary or mandatory furlough program upon notification to the Executive Director at least 30 calendar days prior to the implementation of any employee being furloughed. The employer shall include in the notification the following:

- ~~1)~~ ~~Whether the furlough program is for the entire employer or designated divisions or programs;~~
- ~~2)~~ What considerations have been contemplated or invoked for other employees, such as those listed in Section 36e(1) through (5) of the Act;
- ~~3)~~ An explanation of the facts related to the temporary nature of the event causing the furlough program;
- ~~4)~~ The funding deficit related to the affected work areas;
- ~~5)~~ The approximate number of employees affected by the furlough program; and
- ~~6)~~ The beginning date and ending ~~date~~ of the furlough program ~~for the employer.~~

p) Reporting Requirements for a Furlough Program. An employer shall provide specific reports to the University System office within 10 calendar days following the implementation of a furlough program. These reports shall contain the following:

- 1) Summary of positions affected by the furlough program:
 - A) Headcount of total employees impacted and their classifications;
 - B) Number of furlough days being implemented;
 - C) Approximate amount of savings for the designated positions/employees; and

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

- D) Impact of furloughs invoked for other employees, such as those listed in Section 36e(1) through (5) of the Act.
- 2) An explanation of the facts related to the temporary nature of the event causing the furlough program.
- 3) Other related documentation as requested by the University System office.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Bill Status of HB3185 100th General Assembly

Short Description: EDUCATION-TECH**House Sponsors**Rep. Carol Ammons**Senate Sponsors**(Sen. Scott M. Bennett)**Last Action**

Date	Chamber	Action
3/13/2018	Senate	Placed on Calendar Order of 3rd Reading March 14, 2018

Statutes Amended In Order of Appearance110 ILCS 70/36m

from Ch. 24 1/2, par. 38b12

Synopsis As Introduced

Amends the State Universities Civil Service Act. Makes a technical change in a Section concerning temporary appointments.

House Committee Amendment No. 1*Deletes reference to:*110 ILCS 70/36m*Adds reference to:*110 ILCS 70/36b

from Ch. 24 1/2, par. 38b1

110 ILCS 70/36c

from Ch. 24 1/2, par. 38b2

110 ILCS 70/36d

from Ch. 24 1/2, par. 38b3

110 ILCS 70/36e

from Ch. 24 1/2, par. 38b4

110 ILCS 70/36f

from Ch. 24 1/2, par. 38b5

110 ILCS 70/36g

from Ch. 24 1/2, par. 38b6

110 ILCS 70/36g-1

from Ch. 24 1/2, par. 38b6.1

110 ILCS 70/36h

from Ch. 24 1/2, par. 38b7

110 ILCS 70/36j

from Ch. 24 1/2, par. 38b9

110 ILCS 70/36o

from Ch. 24 1/2, par. 38b14

110 ILCS 70/36p

from Ch. 24 1/2, par. 38b15

110 ILCS 70/36s

from Ch. 24 1/2, par. 38b18

Replaces everything after the enacting clause. Amends the State Universities Civil Service Act. Removes references to the abolished State Community College of East St. Louis. Removes outdated provisions. Removes a requirement that vacancies be filled by promotion whenever practicable. Allows the Merit Board to issue subpoenas in the course of any investigation or hearing conducted pursuant to the Act. Removes the power of the Merit Board to set probationary periods of employment. Changes various references from "Director" to "Executive Director". Provides for the appointment of Designated Employer Representatives. Provides that the enumeration of specific duties and powers that the Merit Board may delegate to the Executive Director does not preclude the Merit Board from delegating other duties and powers. Allows the Merit Board to authorize the creation and use of pilot programs to further the goals of the Act. Allows examinations under the Act to be in various forms. Requires examinations in the same classification to be uniform, and provides for the waiver of examination requirements in specified circumstances. Makes changes to provisions concerning

veteran preferences and active military service. Moves certain provisions concerning employees promoted in the promotional line and seniority. Makes changes concerning hearings on demotion, removal, or discharge. Expands nondiscrimination protections to include ancestry, age, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, or unfavorable discharge from the military.

House Floor Amendment No. 2

With respect to the University Civil Service Merit Board, changes a reference from "chairman" to "chairperson". Removes duplicate language concerning examinations. Allows for the waiver of examination requirements for additional positions, entry level only (instead of just additional positions). Restores language that provides that employees in positions covered by the State Universities Civil Service Act who, while in good standing, leave to engage in military service during a period of hostility shall be given credit for seniority purposes for time served in the armed forces. Makes technical corrections.

Actions

Date	Chamber	Action
2/9/2017	House	Filed with the Clerk by <u>Rep. Carol Ammons</u>
2/9/2017	House	First Reading
2/9/2017	House	Referred to <u>Rules Committee</u>
2/22/2017	House	Assigned to <u>Executive Committee</u>
3/21/2017	House	House Committee Amendment No. 1 Filed with Clerk by <u>Rep. Carol Ammons</u>
3/21/2017	House	House Committee Amendment No. 1 Referred to <u>Rules Committee</u>
3/23/2017	House	Re-assigned to <u>Personnel & Pensions Committee</u>
3/23/2017	House	House Committee Amendment No. 1 Rules Refers to <u>Personnel & Pensions Committee</u>
3/30/2017	House	House Committee Amendment No. 1 Adopted in <u>Personnel & Pensions Committee</u> ; by Voice Vote
3/30/2017	House	Do Pass as Amended / Short Debate <u>Personnel & Pensions Committee</u> ; 014-000-000
3/30/2017	House	Placed on Calendar 2nd Reading - Short Debate
4/26/2017	House	Second Reading - Short Debate
4/26/2017	House	Held on Calendar Order of Second Reading - Short Debate
4/27/2017	House	House Floor Amendment No. 2 Filed with Clerk by <u>Rep. Carol Ammons</u>
4/27/2017	House	House Floor Amendment No. 2 Referred to <u>Rules Committee</u>
4/28/2017	House	House Floor Amendment No. 2 Recommends Be Adopted <u>Rules Committee</u> ; 004-000-000
4/28/2017	House	Rule 19(a) / Re-referred to <u>Rules Committee</u>
5/15/2017	House	Approved for Consideration <u>Rules Committee</u> ; 003-000-000
5/15/2017	House	Placed on Calendar 2nd Reading - Short Debate
5/15/2017	House	Final Action Deadline Extended-9(b) May 26, 2017
5/15/2017	House	House Floor Amendment No. 2 Recommends Be Adopted <u>Rules Committee</u> ; 003-000-000
5/23/2017	House	Second Reading - Short Debate
5/23/2017	House	House Floor Amendment No. 2 Adopted
5/23/2017	House	Placed on Calendar Order of 3rd Reading - Short Debate
5/26/2017	House	Final Action Deadline Extended-9(b) May 31, 2017
5/31/2017	House	Final Action Deadline Extended-9(b) June 30, 2017
6/26/2017	House	Third Reading - Short Debate - Passed 106-000-000
6/27/2017	Senate	Arrive in Senate

6/27/2017	Senate	Placed on Calendar Order of First Reading
6/27/2017	Senate	Chief Senate Sponsor <u>Sen. Scott M. Bennett</u>
6/27/2017	Senate	First Reading
6/27/2017	Senate	Referred to <u>Assignments</u>
1/24/2018	Senate	Assigned to <u>Higher Education</u>
1/30/2018	Senate	Do Pass <u>Higher Education</u> ; 012-000-000
1/30/2018	Senate	Placed on Calendar Order of 2nd Reading January 30, 2018
3/13/2018	Senate	Second Reading
3/13/2018	Senate	Placed on Calendar Order of 3rd Reading March 14, 2018

HB3185



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3185

by Rep. Carol Ammons

SYNOPSIS AS INTRODUCED:

110 ILCS 70/36m

from Ch. 24 1/2, par. 38b12

Amends the State Universities Civil Service Act. Makes a technical change in a Section concerning temporary appointments.

LRB100 11276 NHT 21622 b

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Universities Civil Service Act is
5 amended by changing Section 36m as follows:

6 (110 ILCS 70/36m) (from Ch. 24 1/2, par. 38b12)

7 Sec. 36m. Temporary appointments. For positions which are
8 temporary or of an emergency nature, the ~~the~~ Merit Board may
9 authorize temporary appointments for not more than three
10 months, to be made from names on an eligible register when such
11 register exists.

12 (Source: Laws 1951, p. 1289.)



Rep. Carol Ammons

Filed: 3/21/2017

10000HB3185ham001

LRB100 11276 MLM 23968 a

1 AMENDMENT TO HOUSE BILL 3185

2 AMENDMENT NO. 1. Amend House Bill 3185 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Universities Civil Service Act is
5 amended by changing Sections 36b, 36c, 36d, 36e, 36f, 36g,
6 36g-1, 36h, 36j, 36o, 36p, and 36s as follows:

7 (110 ILCS 70/36b) (from Ch. 24 1/2, par. 38b1)

8 Sec. 36b. Creation.

9 (1) A classified civil service system to be known as the
10 State Universities Civil Service System is hereby created, and
11 is hereinafter referred to as the University System.

12 (2) The purpose of the University System is to establish a
13 sound program of personnel administration for the Illinois
14 Community College Board, ~~State Community College of East St.~~
15 ~~Louis (abolished under Section 2-12.1 of the Public Community~~
16 ~~College Act)~~, Southern Illinois University, Chicago State

1 University, Eastern Illinois University, Governors State
2 University, Illinois State University, Northeastern Illinois
3 University, Northern Illinois University, Western Illinois
4 University, the University of Illinois, the State Universities
5 Civil Service System, the State Universities Retirement
6 System, the State Scholarship Commission, and the Board of
7 Higher Education. All certificates, appointments and
8 promotions to positions in these agencies and institutions
9 shall be made solely on the basis of merit and fitness, to be
10 ascertained by examination, except as specified in Section 36e.

11 (3) The University ~~State Universities Civil Service~~ System
12 hereby created shall be a separate entity of the State of
13 Illinois and shall be under the control of a Board to be known
14 as the University Civil Service Merit Board, and is hereinafter
15 referred to as the Merit Board.

16 (Source: P.A. 97-333, eff. 8-12-11.)

17 (110 ILCS 70/36c) (from Ch. 24 1/2, par. 38b2)

18 Sec. 36c. The merit board. The Merit Board shall be
19 composed of 11 members, 3 of whom shall be members of the Board
20 of Trustees of the University of Illinois, one of whom shall be
21 a member of the Board of Trustees of Southern Illinois
22 University, one of whom shall be a member of the Board of
23 Trustees of Chicago State University, one of whom shall be a
24 member of the Board of Trustees of Eastern Illinois University,
25 one of whom shall be a member of the Board of Trustees of

1 Governors State University, one of whom shall be a member of
2 the Board of Trustees of Illinois State University, one of whom
3 shall be a member of the Board of Trustees of Northeastern
4 Illinois University, one of whom shall be a member of the Board
5 of Trustees of Northern Illinois University, and one of whom
6 shall be a member of the Board of Trustees of Western Illinois
7 University. ~~The 7 new members required to be elected to the~~
8 ~~Merit Board by their respective Boards of Trustees shall~~
9 ~~replace the 2 persons who, until the effective date of this~~
10 ~~amendatory Act of 1995, served as members of the Merit Board~~
11 ~~elected from the Board of Governors of State Colleges and~~
12 ~~Universities and the Board of Regents; and the terms of the~~
13 ~~members elected to the Merit Board from the Board of Governors~~
14 ~~of State Colleges and Universities and the Board of Regents~~
15 ~~shall terminate on the effective date of this amendatory Act of~~
16 ~~1995.~~ The members of the Merit Board shall be elected by the
17 respective Boards in which they hold membership and they shall
18 serve at the pleasure of the electing Boards.

19 All members of the Merit Board shall serve without
20 compensation but shall be reimbursed for any traveling expenses
21 incurred in attending meetings of the Merit Board.

22 The Merit Board shall determine the number necessary for a
23 quorum, elect its own chairman and set up an Executive
24 Committee of its own members which shall have all of the powers
25 of the Merit Board except as limited by the Merit Board.

26 The Merit Board shall cause to be elected a committee of

1 not less than eleven members to be made up of Civil Service
2 Employees, six of whom shall be nominated by and from the Civil
3 Service Employees of the University of Illinois and one of whom
4 shall be nominated by and from the Civil Service Employees of
5 each of the other institutions specified in Section 36e, who
6 will function in an advisory capacity to the Merit Board on all
7 matters pertaining to the University System. This Advisory
8 Committee shall meet at least quarterly and members of the
9 Committee shall be reimbursed by their respective employers for
10 time lost from work and for expenses incurred in attending
11 meetings of the Committee.

12 (Source: P.A. 89-4, eff. 1-1-96.)

13 (110 ILCS 70/36d) (from Ch. 24 1/2, par. 38b3)

14 Sec. 36d. Powers and duties of the Merit Board. The Merit
15 Board shall have the power and duty:-

16 (1) To approve a classification plan prepared under its
17 direction, assigning to each class positions of
18 substantially similar duties. The Merit Board shall have
19 power to delegate to its Executive Director the duty of
20 assigning each position in the classified service to the
21 appropriate class in the classification plan approved by
22 the Merit Board.

23 (2) To prescribe the duties of each class of positions
24 and the qualifications required by employment in that
25 class.

1 (3) To prescribe the range of compensation for each
2 class or to fix a single rate of compensation for employees
3 in a particular class; and to establish other conditions of
4 employment which an employer and employee representatives
5 have agreed upon as fair and equitable. The Merit Board
6 shall direct the payment of the "prevailing rate of wages"
7 in those classifications in which, on January 1, 1952, any
8 employer is paying such prevailing rate and in such other
9 classes as the Merit Board may thereafter determine.
10 "Prevailing rate of wages" as used herein shall be the
11 wages paid generally in the locality in which the work is
12 being performed to employees engaged in work of a similar
13 character. Each employer covered by the University System
14 shall be authorized to negotiate with representatives of
15 employees to determine appropriate ranges or rates of
16 compensation or other conditions of employment and may
17 recommend to the Merit Board for establishment the rates or
18 ranges or other conditions of employment which the employer
19 and employee representatives have agreed upon as fair and
20 equitable. Any rates or ranges established prior to January
21 1, 1952, and hereafter, shall not be changed except in
22 accordance with the procedures herein provided.

23 (4) To recommend to the institutions and agencies
24 specified in Section 36e standards for hours of work,
25 holidays, sick leave, overtime compensation and vacation
26 for the purpose of improving conditions of employment

1 covered therein and for the purpose of insuring conformity
2 with the prevailing rate principal.

3 (5) To prescribe standards of examination for each
4 class, the examinations to be related to the duties of such
5 class. The Merit Board shall have power to delegate to the
6 Executive Director and his or her staff the preparation,
7 conduct and grading of examinations. Examinations may be
8 written, oral, by statement of training and experience, in
9 the form of tests of knowledge, skill, capacity, intellect,
10 aptitude; or, by any other method, which in the judgment of
11 the Merit Board is reasonable and practical for any
12 particular classification. Different examining procedures
13 may be determined for the examinations in different
14 classifications but all examinations in the same
15 classification shall be uniform.

16 (6) To authorize the continuous recruitment of
17 personnel and to that end, to delegate to the Executive
18 Director and his or her staff the power and the duty to
19 conduct open and continuous competitive examinations for
20 all classifications of employment.

21 (7) To cause to be established, from the results of
22 examinations, registers for each class of positions in the
23 classified service of the University ~~State Universities~~
24 ~~Civil Service~~ System, of the persons who shall attain the
25 minimum mark fixed by the Merit Board for the examination;
26 and such persons shall take rank upon the registers as

1 candidates in the order of their relative excellence as
2 determined by examination, without reference to priority
3 of time of examination.

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

8 (8.5) To issue subpoenas to secure the attendance and
9 testimony of witnesses and the production of books and
10 papers in the course of any investigation or hearing
11 conducted pursuant to the Act.

12 (9) (Blank). ~~To set a probationary period of employment~~
13 ~~of no less than 6 months and no longer than 12 months for~~
14 ~~each class of positions in the classification plan, the~~
15 ~~length of the probationary period for each class to be~~
16 ~~determined by the Director.~~

17 (10) To provide by its rules for employment at regular
18 rates of compensation of persons with physical
19 disabilities in positions in which the disability does not
20 prevent the individual from furnishing satisfactory
21 service.

22 (11) To make and publish rules, to carry out the
23 purpose of the University ~~State Universities Civil Service~~
24 System and for examination, appointments, transfers and
25 removals and for maintaining and keeping records of the
26 efficiency of officers and employees and groups of officers

1 and employees in accordance with the provisions of Sections
2 36b to 36q, inclusive, and said Merit Board may from time
3 to time make changes in such rules.

4 (12) To appoint an Executive a Director who shall
5 appoint staff to and such assistants and other clerical and
6 technical help as may be necessary efficiently to
7 administer Sections 36b to 36q, inclusive. To authorize the
8 Executive Director to appoint a Designated Employer
9 Representative ~~an assistant resident~~ at the place of
10 employment of each employer specified in Section 36e, and
11 this Designated Employer Representative ~~assistant~~ may be
12 authorized to give examinations and to certify names from
13 the regional registers provided in Section 36k. The
14 enumeration of specific duties and powers that the Merit
15 Board may delegate to the Executive Director in this
16 Section does not preclude the Merit Board from delegating
17 other duties and powers to the Executive Director.

18 (13) To submit to the Governor of this state on or
19 before November 1 of each year prior to the regular session
20 of the General Assembly a report of the University System's
21 business and an estimate of the amount of appropriation
22 from state funds required for the purpose of administering
23 the University System.

24 (14) To authorize the creation and use of pilot programs to
25 further the goals of the Act, which may be inconsistent with
26 any rules adopted by the Merit Board, provided that such

1 programs are of limited duration and do not reduce any rights
2 or benefits of employees subject to this Act.

3 (Source: P.A. 99-143, eff. 7-27-15.)

4 (110 ILCS 70/36e) (from Ch. 24 1/2, par. 38b4)

5 Sec. 36e. Coverage. All employees of the Illinois Community
6 College Board, ~~State Community College of East St. Louis~~
7 ~~(abolished under Section 2-12.1 of the Public Community College~~
8 ~~Act)~~, Southern Illinois University, Chicago State University,
9 Eastern Illinois University, Governors State University,
10 Illinois State University, Northeastern Illinois University,
11 Northern Illinois University, Western Illinois University, the
12 University of Illinois, the University ~~State Universities~~
13 ~~Civil Service~~ System, the State Universities Retirement
14 System, the State Scholarship Commission, and the Board of
15 Higher Education, shall be covered by the University System
16 described in Sections 36b to 36q, inclusive, of this Act,
17 except the following persons:

18 (1) The members and officers of the Merit Board and the
19 board of trustees, and the commissioners of the
20 institutions and agencies covered hereunder;

21 (2) The presidents and vice-presidents of each
22 educational institution;

23 (3) Other principal administrative employees of each
24 institution and agency as determined by the Merit Board;

25 (4) The teaching, research and extension faculties of

1 each institution and agency;

2 (5) Students employed under rules prescribed by the
3 Merit Board, without examination or certification.

4 (Source: P.A. 97-333, eff. 8-12-11.)

5 (110 ILCS 70/36f) (from Ch. 24 1/2, par. 38b5)

6 Sec. 36f. Examinations.

7 (a) All examinations given under the University System
8 shall be open to all applicants who are citizens of or
9 residents in the State of Illinois and who can qualify by
10 training and experience for the position for which application
11 is made. In examinations for technical positions for which no
12 qualified residents of this State are available the residence
13 requirement may be waived.

14 (b) Examinations may be written; oral; by statement of
15 training and experience; in the form of tests of knowledge,
16 skill, capacity, intellect, or aptitude; or by any other method
17 which, in the judgment of the Merit Board, is reasonable and
18 practical for any particular classification. The examinations
19 shall be practical and shall relate to the classification for
20 which the examination is given. No question in any examination
21 shall relate to political or religious affiliation or racial
22 origins of the examinee.

23 (c) Different examining procedures may be determined for
24 the examinations in different classifications, but all
25 examinations in the same classification must be uniform. The

1 examination requirement for the initial appointment, entry
2 level position only, of law enforcement personnel may be waived
3 if an applicant has satisfied all the requirements established
4 by the Illinois Police Training Act for appointment of law
5 enforcement officers and if the Merit Board allows for such a
6 waiver by rule. Additional positions may have the examination
7 requirement waived if the occupational standards are regulated
8 by the Department of Financial and Professional Regulation, as
9 designated by the Merit Board and provided for in adopted
10 rules.

11 (Source: Laws 1951, p. 1289.)

12 (110 ILCS 70/36g) (from Ch. 24 1/2, par. 38b6)

13 Sec. 36g. Appropriate ~~For the granting of appropriate~~
14 preference in entrance examinations to qualified persons who
15 have been members of the armed forces of the United States or
16 to qualified persons who, while citizens of the United States,
17 were members of the armed forces of allies of the United States
18 in time of hostilities with a foreign country, and to certain
19 other persons as set forth in this Section.

20 (a) As used in this Section:

21 (1) "Time of hostilities with a foreign country" means
22 any period of time in the past, present, or future during
23 which a declaration of war by the United States Congress
24 has been or is in effect or during which an emergency
25 condition has been or is in effect that is recognized by

1 the issuance of a Presidential proclamation or a
2 Presidential executive order and in which the armed forces
3 expeditionary medal or other campaign service medals are
4 awarded according to Presidential executive order.

5 (2) "Armed forces of the United States" means the
6 United States Army, Navy, Air Force, Marine Corps, Coast
7 Guard. Service in the Merchant Marine that constitutes
8 active duty under Section 401 of federal Public Law 95-202
9 shall also be considered service in the Armed Forces of the
10 United States for purposes of this Section.

11 (b) The preference granted under this Section shall be in
12 the form of points added to the final grades of the persons if
13 they otherwise qualify and are entitled to appear on the list
14 of those eligible for appointments.

15 (c) A veteran is qualified for a preference of 10 points if
16 the veteran currently holds proof of a service connected
17 disability from the United States Department of Veterans
18 Affairs or an allied country or if the veteran is a recipient
19 of the Purple Heart.

20 (d) A veteran who has served during a time of hostilities
21 with a foreign country is qualified for a preference of 5
22 points if the veteran served under one or more of the following
23 conditions:

24 (1) The veteran served a total of at least 6 months, or

25 (2) The veteran served for the duration of hostilities
26 regardless of the length of engagement, or

1 (3) The veteran was discharged on the basis of
2 hardship, or

3 (4) The veteran was released from active duty because
4 of a service connected disability and was discharged under
5 honorable conditions.

6 (e) A person not eligible for a preference under subsection
7 (c) or (d) is qualified for a preference of 3 points if the
8 person has served in the armed forces of the United States, the
9 Illinois National Guard, or any reserve component of the armed
10 forces of the United States and the person: (1) served for at
11 least 6 months and has been discharged under honorable
12 conditions or (2) has been discharged on the ground of hardship
13 or (3) was released from active duty because of a service
14 connected disability. An active member of the National Guard or
15 a reserve component of the armed forces of the United States is
16 eligible for the preference if the member meets the service
17 requirements of this subsection (e).

18 (f) The rank order of persons entitled to a preference on
19 eligible lists shall be determined on the basis of their
20 augmented ratings. When the Executive Director establishes
21 eligible lists on the basis of category ratings such as
22 "superior", "excellent", "well-qualified", and "qualified",
23 the veteran eligibles in each such category shall be preferred
24 for appointment before the non-veteran eligibles in the same
25 category.

26 (g) (Blank). ~~Employees in positions covered by this Act~~

1 ~~who, while in good standing, leave to engage in military~~
2 ~~service during a period of hostility, shall be given credit for~~
3 ~~seniority purposes for time served in the armed forces.~~

4 (h) A surviving unremarried spouse of a veteran who
5 suffered a service connected death or the spouse of a veteran
6 who suffered a service connected disability that prevents the
7 veteran from qualifying for civil service employment shall be
8 entitled to the same preference to which the veteran would have
9 been entitled under this Section.

10 (i) A preference shall also be given to the following
11 individuals: 10 points for one parent of an unmarried veteran
12 who suffered a service connected death or a service connected
13 disability that prevents the veteran from qualifying for civil
14 service employment. The first parent to receive a civil service
15 appointment shall be the parent entitled to the preference.

16 (Source: P.A. 87-796.)

17 (110 ILCS 70/36g-1) (from Ch. 24 1/2, par. 38b6.1)

18 Sec. 36g-1. Active military service. Any employee of any
19 institution or agency subject to this Act ~~State Community~~
20 ~~College of East St. Louis (abolished under Section 2-12.1 of~~
21 ~~the Public Community College Act), Southern Illinois~~
22 ~~University, the University of Illinois, any university under~~
23 ~~the jurisdiction of the Board of Regents, or any college or~~
24 ~~university under the jurisdiction of the Board of Governors of~~
25 ~~State Colleges and Universities~~ who is a member of any reserve

1 component of the United States Armed Services, including the
2 Illinois National Guard, and who is mobilized to active
3 military duty ~~on or after August 1, 1990~~ as a result of an
4 order of the President of the United States, shall, for each
5 pay period beginning on or after the date of that mobilization,
6 ~~August 1, 1990~~ continue to receive the same regular
7 compensation that he or she receives or was receiving as an
8 employee of that educational institution or agency at the time
9 he or she is or was so mobilized to active military duty, plus
10 any health insurance and other benefits he or she is or was
11 receiving or accruing at that time, minus the amount of his or
12 her base pay for military service, and shall be given credit
13 for seniority purposes for the duration of his or her active
14 military service.

15 In the event any provision of a collective bargaining
16 agreement or any policy of the educational institution covering
17 any employee so ordered to active duty is more generous than
18 the provisions contained in this Section, that collective
19 bargaining agreement or policy shall be controlling.

20 (Source: P.A. 97-333, eff. 8-12-11.)

21 (110 ILCS 70/36h) (from Ch. 24 1/2, par. 38b7)

22 Sec. 36h. Appointment.

23 (1) Whenever an employer covered by the University System
24 has a position which needs to be filled, this employer shall
25 inform the Executive Director of the Merit Board. The Executive

1 Director shall then certify to the employer the names and
2 addresses of the persons with the 3 highest scores on the
3 register for the classification to which the position is
4 assigned. The employer shall select one of these persons
5 certified for the position and shall notify the Executive
6 Director of the Merit Board of the selection. If less than 3
7 scores appear on the appropriate register, the Executive
8 Director shall certify the names and addresses of all persons
9 on the register.

10 (2) All appointments shall be for a probationary period of
11 no less than 6 months and no longer than 12 months for each
12 class of positions in the classification plan, the length of
13 the probationary period for each class having been determined
14 by the Executive Director, except that persons first appointed
15 to any police department of any university or college subject
16 to this Act ~~covered by the University System after the~~
17 ~~effective date of this amendatory Act of 1979~~ shall be on
18 probation for one year. The service during the probationary
19 period shall be deemed to be a part of the examination. During
20 the probationary period, the employee may be dismissed if the
21 employer determines that the employee has failed to demonstrate
22 the ability and the qualifications necessary to furnish
23 satisfactory service. The employer shall notify the Executive
24 Director in writing of such dismissal. If an employee is not so
25 dismissed during his or her probationary period, his or her
26 appointment shall be deemed complete at the end of the period.

1 (3) No person shall be appointed to any police department
2 of any university or college covered by the University System
3 unless he or she possesses a high school diploma or an
4 equivalent high school education and unless he or she is a
5 person of good character and is not a person who has been
6 convicted of a felony or a crime involving moral turpitude.

7 (Source: P.A. 99-72, eff. 1-1-16.)

8 (110 ILCS 70/36j) (from Ch. 24 1/2, par. 38b9)

9 Sec. 36j. Promotions.

10 (a) The Merit Board shall by rules provide for promotions
11 on the basis of ability and experience and seniority in service
12 and examination and to provide in all cases where it is
13 practicable that vacancies will be filled by promotion. For the
14 purpose of this Section, an advancement in class shall
15 constitute a promotion.

16 (b) The Merit Board shall by rule fix lines of promotion
17 from such several offices and places to superior offices or
18 places in all cases where, in the judgment of the Merit Board,
19 the duties of such several positions directly tend to fit the
20 incumbent for a superior position.

21 ~~(c) Employees promoted in the promotional line shall have~~
22 ~~their seniority for the highest position held on the basis of~~
23 ~~length of service in that classification. For the next lower~~
24 ~~classification the employee may add his seniority in the higher~~
25 ~~classification to that in the lower to determine seniority in~~

1 ~~the lower classification.~~ Whenever a superior position in the
2 promotional line in the classified civil service under the
3 University System is to be filled, the Executive Director shall
4 certify to the employer, in the order of their seniority, the
5 names and addresses of the persons with the 3 highest scores on
6 the promotional register for the class or grade to which said
7 position belongs. The employer shall appoint one of those
8 persons whose names were certified by the Executive Director.

9 (d) Appointments to superior positions in the promotional
10 line shall be on probation for a period of no less than 6
11 months and no longer than 12 months for each class of positions
12 in the classification plan, the length of the probationary
13 period having been determined by the Executive Director.
14 Persons so appointed may be demoted at any time during the
15 period of probation if, in the opinion of the employer, they
16 have failed to demonstrate the ability and the qualifications
17 necessary to furnish satisfactory service, but shall not be
18 discharged from the superior position if they have previously
19 completed a probationary period in an inferior position in the
20 promotional line.

21 (e) Employees promoted in the promotional line shall have
22 their seniority for the highest position held on the basis of
23 length of service in that classification. For the next lower
24 classification, the employee may add his or her seniority in
25 the higher classification to that in the lower to determine
26 seniority in the lower classification.

1 (f) Whenever a person is promoted to a superior position in
2 the promotional line prior to the completion of the
3 probationary period in any one of the positions in the
4 classified civil service under the University System, total
5 service in the inferior position and in all such superior
6 positions shall be combined to establish certified status and
7 seniority in the inferior position.

8 (Source: P.A. 99-72, eff. 1-1-16.)

9 (110 ILCS 70/36o) (from Ch. 24 1/2, par. 38b14)

10 Sec. 36o. Demotion, removal, and discharge.

11 (a) After the completion of his or her probationary period,
12 no employee shall be demoted, removed or discharged except for
13 just cause, upon written charges, and after an opportunity to
14 be heard in his or her own defense if he or she makes a written
15 request for a hearing to the Merit Board within 15 days after
16 the serving of the written charges upon him or her.

17 (b) Upon the filing of such a request for a hearing, the
18 Merit Board shall grant such hearing by a hearing board or
19 hearing officer appointed by the Merit Board to commence be
20 held within 45 days from the date of the service of the
21 demotion, removal, or discharge notice, which may be continued
22 from time to time by a hearing board or hearing officer
23 appointed by the Merit Board. The members of the hearing board
24 or the hearing officer shall be selected from among the members
25 of a panel established by the Merit Board after consultation

1 ~~with the Advisory Committee provided in Section 36e.~~ The
2 hearing board or hearing officer shall make and render findings
3 of facts on the charges and transmit to the Merit Board a
4 transcript of the evidence along with the hearing board's or
5 hearing officer's findings of fact. The findings of the hearing
6 board or hearing officer when approved by the Merit Board shall
7 be certified to the parties ~~employer~~.

8 (c) If cause for demotion, removal, or discharge is found,
9 the employee shall be immediately demoted, removed, or
10 discharged ~~separated~~ from the service. If cause is not found,
11 the employee shall forthwith be reassigned to perform the
12 duties of a position in his or her classification without loss
13 of compensation.

14 (d) In the course of the hearing, the Executive Director of
15 the Merit Board shall have power to administer oaths and to
16 secure by subpoena the attendance and testimony of witnesses
17 and the production of books and papers relevant to the inquiry.

18 (e) The provisions of the Administrative Review Law and all
19 amendments and modification thereof, and the rules adopted
20 pursuant thereto, shall apply to and govern all proceedings for
21 the judicial review of final administrative decisions of the
22 Merit Board hereby created. The term "administrative decision"
23 is defined as in Section 3-101 of the Code of Civil Procedure.

24 (Source: P.A. 95-113, eff. 8-13-07.)

1 Sec. 36p. Nondiscrimination. In the administration of the
2 University System, no applicant shall be denied employment by
3 the Merit Board or by any employer subject to this Act because
4 of race, color, sex, national origin, religious or political
5 affiliations, ancestry, age, marital status, order of
6 protection status, disability, military status, sexual
7 orientation, pregnancy, or unfavorable military discharge, as
8 defined in the Illinois Human Rights Act, except that any
9 applicant for employment may be required as a condition of
10 employment, to sign a valid oath attesting his loyalty to the
11 state and the United States.

12 (Source: P.A. 78-842.)

13 (110 ILCS 70/36s) (from Ch. 24 1/2, par. 38b18)

14 Sec. 36s. Supported employees.

15 (a) The Merit Board shall develop and implement a supported
16 employment program. ~~It shall be the goal of the program to~~
17 ~~appoint a minimum of 10 supported employees to State University~~
18 ~~civil service positions before June 30, 1992.~~

19 (b) The Merit Board shall designate a liaison to work with
20 State agencies and departments, any funder or provider or both,
21 and State universities in the implementation of a supported
22 employment program.

23 (c) As used in this Section:

24 (1) "Supported employee" means any individual who:

25 (A) has a severe physical or mental disability

1 which seriously limits functional capacities,
2 including but not limited to, mobility, communication,
3 self-care, self-direction, work tolerance or work
4 skills, in terms of employability as defined,
5 determined and certified by the Department of Human
6 Services; and

7 (B) has one or more physical or mental disabilities
8 resulting from amputation; arthritis; blindness;
9 cancer; cerebral palsy; cystic fibrosis; deafness;
10 heart disease; hemiplegia; respiratory or pulmonary
11 dysfunction; an intellectual disability; mental
12 illness; multiple sclerosis; muscular dystrophy;
13 musculoskeletal disorders; neurological disorders,
14 including stroke and epilepsy; paraplegia;
15 quadriplegia and other spinal cord conditions; sickle
16 cell anemia; and end-stage renal disease; or another
17 disability or combination of disabilities determined
18 on the basis of an evaluation of rehabilitation
19 potential to cause comparable substantial functional
20 limitation.

21 (2) "Supported employment" means competitive work in
22 integrated work settings:

23 (A) for individuals with severe disabilities for
24 whom competitive employment has not traditionally
25 occurred, or

26 (B) for individuals for whom competitive

1 employment has been interrupted or intermittent as a
2 result of a severe disability, and who because of their
3 disability, need on-going support services to perform
4 such work. The term includes transitional employment
5 for individuals with chronic mental illness.

6 (3) "Participation in a supported employee program"
7 means participation as a supported employee that is not
8 based on the expectation that an individual will have the
9 skills to perform all the duties in a job class, but on the
10 assumption that with support and adaptation, or both, a job
11 can be designed to take advantage of the supported
12 employee's special strengths.

13 (4) "Funder" means any entity either State, local or
14 federal, or private not-for-profit or for-profit that
15 provides monies to programs that provide services related
16 to supported employment.

17 (5) "Provider" means any entity either public or
18 private that provides technical support and services to any
19 department or agency subject to the control of the
20 Governor, the Secretary of State or the University ~~Civil~~
21 ~~Service~~ System.

22 (d) The Merit Board shall establish job classifications for
23 supported employees who may be appointed into the
24 classifications without open competitive testing requirements.
25 Supported employees shall serve in a trial employment capacity
26 for not less than 3 or more than 12 months.

1 (e) The Merit Board shall maintain a record of all
2 individuals hired as supported employees. The record shall
3 include:

4 (1) the number of supported employees initially
5 appointed;

6 (2) the number of supported employees who successfully
7 complete the trial employment periods; and

8 (3) the number of permanent targeted positions by
9 titles.

10 (f) The Merit Board shall submit an annual report to the
11 General Assembly regarding the employment progress of
12 supported employees, with recommendations for legislative
13 action.

14 (Source: P.A. 99-143, eff. 7-27-15.)".



Rep. Carol Ammons

Filed: 4/27/2017

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LRB100 11276 NHT 25186 a

1 AMENDMENT TO HOUSE BILL 3185

2 AMENDMENT NO. 2. Amend House Bill 3185, AS AMENDED,
3 with reference to page and line numbers of House Amendment No.
4 1, as follows:

5 on page 3, line 23, by replacing "chairman" with "chairperson
6 ~~chairman~~"; and

7 on page 6, by replacing lines 7 through 15 with the following:
8 "conduct and grading of examinations. ~~Examinations may be~~
9 ~~written, oral, by statement of training and experience, in the~~
10 ~~form of tests of knowledge, skill, capacity, intellect,~~
11 ~~aptitude; or, by any other method, which in the judgment of the~~
12 ~~Merit Board is reasonable and practical for any particular~~
13 ~~classification. Different examining procedures may be~~
14 ~~determined for the examinations in different classifications~~
15 ~~but all examinations in the same classification shall be~~
16 ~~uniform.~~"; and

1 by replacing line 24 on page 8 through line 2 on page 9 with the
2 following:

3 "(14) To authorize the creation and use of pilot
4 programs to further the goals of this Act, which may be
5 inconsistent with any rules adopted by the Merit Board,
6 provided that such programs are of limited duration and do
7 not reduce any rights or benefits of employees subject to
8 this Act."; and

9 on page 11, line 6, after "positions", by inserting ", entry
10 level only,"; and

11 by replacing line 26 on page 13 through line 3 on page 14 with
12 the following:

13 "(g) Employees in positions covered by this Act who, while
14 in good standing, leave to engage in military service during a
15 period of hostility, shall be given credit for seniority
16 purposes for time served in the armed forces."