

ILLINOIS REGISTER

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENTS

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

PART 250
STATE UNIVERSITIES CIVIL SERVICE SYSTEM

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

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

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

Section 250.30 The Classification Plan

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

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former class, as provided for in this Section, shall be through the University System website and, if necessary for the course of recruitment, also posted in all public places allocated for Civil Service employment information, including electronic means such as official employer websites.

- c) Use of Class Titles. The title of each class shall be the official title of every position allocated to the class for all purposes having to do with the position. This title shall be used on all personnel records and transactions. A functional title may also be given to a position by the employer, but ~~that such~~ functional title cannot be a title approved by the University System Merit Board as a Civil Service class title.
- d) Use of Class Code Number. The class code number is the number that is assigned to each class title in the classification plan.
- e) Use of Promotional Line within a Class Specification Series. Each class specification series is assigned a promotional line. The promotional line can be found on the class specification.
- f) Occupational Areas within a Class Specification. Each class in the classification plan shall be assigned an occupational area. There are 16 occupational areas within the classification plan as follows:
 - 1) 01 professional;
 - 2) 02 semi-professional;
 - 3) 03 managerial;
 - 4) 04 clerical;
 - 5) 05 stores;
 - 6) 06 aeronautical;
 - 7) 07 agricultural;
 - 8) 08 custodial services;

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- 9) 09 domestic services;
- 10) 10 food services;
- 11) 11 heat, light, and power services;
- 12) 12 medical services;
- 13) 13 protective;
- 14) 14 skilled trades;
- 15) 15 semi-skilled trades; and
- 16) 16 unskilled trades.

g) Work Areas within a Class Specification. Each class in the classification plan shall be assigned a work area as follows:

- 1) 000 Special Group
- 2) 001 Admissions and Records Services
- 3) 004 Aeronautical Services
- 4) 007 Agricultural Services
- 5) 010 Architectural Services
- 6) 013 Automotive Services
- 7) 017 Building and Grounds Services
- 8) 021 Communication Services
- 9) 023 Crafts and Trade Services
- 10) 026 Custodial Services
- 11) 029 Electronic Services

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- [29\)](#) [075](#) [Stores Services](#)
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hd) Allocation of New Positions. When a new position is established, the employer

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shall ~~allocate that position~~ recommend in writing to the Director its allocation to an appropriate class, ~~and the Director shall act upon such recommendation.~~

~~i~~e) Reallocation or Reclassification of Existing Positions.

- 1) A request to reallocate or reclassify any existing position may originate with the employee and/or the employer. When material changes occur in the duties and responsibilities of a position, the employer shall reallocate or reclassify ~~recommend to the Director in writing the reallocation or reclassification of~~ the position to its appropriate class, ~~and the Director shall review the request, shall act upon it, and shall notify the employer of his action.~~
- 2) A position may be abolished, the class of a position may be changed, or a new class specification may be prepared, provided that ~~the~~ no such change shall not be made for the purpose of separating an employee from employment in a position in his/her class.
- 3) In order to maintain a sound classification program, the employers, working with the staff of the University System, shall carry on continuous classification studies.

~~j~~f) Status of an Employee Whose Position is Reallocated or Reclassified.

- 1) An employee, ~~whose position is reallocated or reclassified,~~ shall be eligible for continued employment in the position ~~that~~ which is reallocated or reclassified, provided ~~the employee~~ he establishes eligibility for ~~the~~ such a new class. An employee ~~He~~ may establish eligibility by meeting the minimum qualifications for the new class to which the position has been reallocated or reclassified, and by passing an examination for the new class. ~~The employee~~ He must complete a probationary period in the position in the new class.
- 2) A status employee in a position ~~that~~ which is reallocated or reclassified, who chooses not to qualify for, or who fails to gain eligibility for, the new class, shall have his/her name placed by the employer on the reemployment register for the former class in accordance with Section 250.60(b)(1).
- 3) An employee, serving a probationary period in a position ~~that~~ which is

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reallocated or reclassified, who fails to gain eligibility for the new class, and for whom no vacant position exists in the class from which his/her position has been reallocated or reclassified, shall have his/her name placed by the employer on the register from which he/she was certified to a position in the former class in accordance with Section 250.60(b)(2) or ~~Section 250.60~~(b)(3). If ~~the employee~~he has completed a probationary period in a position in a lower class in the same promotional line as that of his/her former position, ~~the employee's~~his name shall be placed by the employer on the reemployment register of the lower class in accordance with Section 250.60(b)(1).

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

Section 250.50 Examinations

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

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~~addition,~~ is working by virtue of a status appointment, in a position of a lower class in the same promotional line, is on leave of absence from ~~that~~ such a position, or is on layoff from ~~that~~ such a position shall be admitted to an examination. An employee who obtains a passing score will have his/her score placed on a promotional employment register, ~~or is on layoff from such a position.~~

- 3) An applicant who fails to meet the minimum qualifications established for the class, but who can offer qualifications, that in the opinion of the Executive Director, are considered to be compensatory, shall be admitted to the examination for the class. The names of all applicants who pass the examination shall be placed on the appropriate register in order of score.
- 4) In the absence of a name of a candidate on any existing register for a class, an applicant who does not possess the minimum qualifications for the class and cannot present compensatory qualifications may be admitted with prior approval of the Executive Director to the examination for the class for the purpose of attempting to fill a specific vacancy. The name of an applicant so admitted, and who passes the examination, shall remain on the register only until the specific vacant position has been filled.
- 5) In accordance with the Americans With Disabilities Act (ADA) ([42 USC 12101](#)), any applicant with a recognized disability may receive an accommodation for any examination maintained by the University System. These accommodations are to be administered in coordination with requirements contained in the ADA, the State Universities Civil Service Act ~~[10 ILCS 70]~~ and this Part, and other applicable policies at each employment location.
- 6) For classes within the 01 professional, 02 semi-professional, ~~or 03~~ ~~or~~ managerial occupational areas for which a broader recruitment base is typically applied, out-of-state residents may be admitted to the examination and equally considered. In these instances, when the Illinois citizenship or residency requirement is waived, out-of-state candidates must establish Illinois residency within 180 calendar days after any employment offer or final appointment.
- 7) Any applicant may ~~complete~~ rewrite an examination for a class ~~four~~ three times within any ~~12~~ twelve month period, with at least one month time lapse between every rewrite. The candidate's place on the register for the

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class shall be determined by the highest score achieved on any examination for the class.

- c) Rejection or Disqualification of Applicants. The employer may reject any applicant or, after examination, the Executive Director may refuse to certify any candidate who, in addition to requirements specified in Section 36f of the State Universities Civil Service Act ~~[110 ILCS 70/36f]~~ and subsection (b), fails to pass a physical examination given to determine his/her physical qualifications for employment, abuses intoxicating substances, uses illegal drugs or narcotics, has been dismissed from either private or public service for a cause detrimental to his/her employment ~~by an employer under the University System~~, has maintained an unsatisfactory employment record, has practiced deception or fraud in his/her application, examination, or material pertaining to these, or has committed an offense that, in the judgment of the Executive Director, disqualifies him/her for employment.
- d) Character of Examinations
- 1) ~~All examinations within the classification plan~~Examinations shall consist of one or more of the following: ~~cognitive or knowledge test; typing test; written test; performance test;~~ oral board test; physical fitness test; ~~credential assessment test; or modified education and experience test or other similar examinations as authorized by the Executive Director~~aptitude test; practical test; ~~other appropriate tests; a rating of experience and training.~~
 - 2) ~~A cognitive or knowledge test may be utilized for certain examinations and consist of one or more of the following components: essay, multiple choice, true/false, or short answer questions. A typing test may be required for certain examinations that would require an applicant to perform this skill. Oral board and physical fitness tests are components for the Police Series examinations. A credential assessment test may be utilized for certain classes~~classifications. ~~That test consists of a review of the applicant's resume or employment application, professional certification, licenses, or other education or experience deemed relevant. A modified education and experience test is a rating of an applicant's training and experience based on the applicant completing a prescribed examination form provided by the University System. For classes~~classifications ~~requiring valid licenses or certifications, an applicant must~~

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show possession of the license or certificate prior to taking the examination.

- 32) All examination content shall be provided by the staff of the University System.
- 43) All examination supplies and materials and all examinations are the property of the University System.
- 54) An ~~original entry or promotional~~ examination may be revised, with the approval of the Executive Director, without affecting existing original entry or promotional registers for the class, providing the revision does not change the character or weighting of sections of the examination.
- 65) Upon approval of the Executive Director, the character or weighting of sections of an ~~original entry or promotional~~ examination may be changed, provided there is sufficient evidence that the current examination for the class is not a satisfactory examining instrument and the current examination has been in use for a period of at least one year. At least 30 calendar days advance notice of the change shall be given to all appropriate employers who shall then communicate the notice ~~in writing~~ to each candidate on an original entry or promotional register by score and shall further communicate the notice ~~in writing~~ to any applicant who applies for an ~~original entry or promotional~~ examination during the ~~30-day~~ notice period. During the ~~30-day~~ notice period, qualified applicants and candidates whose names are already on the register by score ~~may~~ will be scheduled for the examination upon his/her request. At the end of the ~~notice30-day~~ period, the previous original entry register or promotional register of candidates by score will be voided, and a new original entry register or promotional register by score shall be established on the basis of the new examination.

e) Security and Confidentiality Requirements in the Examination Development Process

- 1) The examination development process requires all subject matter experts, and any other participant in the development process, to exercise discretion and maintain the confidentiality and security of ALL examination materials in their possession. Any person, including but not limited to a University System staff member, Designated Employer

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Representative/Human Resources employee, subject matter expert, union representative, or incumbent/volunteer involved in any step of the examination development process who willfully or corruptly discloses, distributes, or fails to secure and maintain materials used in the development of an examination instrument shall be considered in violation of the Act.

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

f) Administration of Examinations

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

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examination materials in the employer's custody and access to any electronic examination process, as provided to the employer by the University System.

gf) Rating of Examinations

- 1) The Executive Director and the staff of the University System shall use appropriate scientific techniques and procedures in rating tests and in determining resulting rank to the end that all competitors receive uniform and fair treatment.
- 2) Each examination shall contain a rating or grading form for employers to utilize in the grading of an examination. Each examination will have its own rating form and is developed by the University System at the time of a new or revised examination. The rating form provides a breakdown of how points are awarded in each area of the examination.
- ~~32)~~ Failure in any portion of a total examination, the passing of which is deemed necessary to qualify for eligibility in the class for which the applicant is being examined, shall eliminate the applicant from passage of the complete examination, regardless of his/her score in other portions of the examination. For each eliminating test and the final average in an examination, the Executive Director shall announce the minimum acceptable rating.
- ~~43)~~ The passing score for eligibility for certification shall be 70~~determined by the Executive Director~~. This score shall be the same for all examinations given for a class, but it may be changed if, in the judgment of the Executive Director, the change is for the best interest of the University System. The, and the change shall be applicable uniformly to all examinations for the class. The passing score shall be made known to all those taking the examination.
- ~~54)~~ An applicant who fails to gain eligibility for employment in a higher class may, at the discretion of the Executive Director, elect to accept eligibility for a lower appropriate class, if his/her scores on all appropriate parts of the examination are sufficient to qualify him/her for the lower class.
- ~~65)~~ All examination scores shall be on a scale of 1 to 100, with decimal points in examination scores being rounded ~~off~~ to the nearest whole number, i.e.,

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with below .5 having the decimal points dropped and with .5 or above being rounded to the next whole number.

hg) Notification and Review of Scores

- 1) An applicant shall be sent a written notice of the date and results of his/her examination. The notice must indicate whether the score achieved is passing or failing and if it includes credit for Veterans Preference.
- 2) All requests by applicants for formal review of examination scores shall be submitted to the Executive Director.

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

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

2016

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Rules of
Governmental Agencies



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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2016

| Issue# | Rules Due Date | Date of Issue |
|--------|-------------------|-------------------|
| 1 | December 21, 2015 | January 4, 2016 |
| 2 | December 28, 2015 | January 8, 2016 |
| 3 | January 4, 2016 | January 15, 2016 |
| 4 | January 11, 2016 | January 22, 2016 |
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| 44 | October 17, 2016 | October 28, 2016 |
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| 50 | November 28, 2016 | December 9, 2016 |
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| 52 | December 12, 2016 | December 27, 2016 |
| 53 | December 19, 2016 | December 30, 2016 |

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: New Section
- 4) Statutory Authority: 110 ILCS 70
- 5) A Complete Description of the Subjects and Issues Involved: The agency currently has an Emergency Rule in place regarding furloughs. Based on the lack of a state budget, employers are finding it necessary to implement a Furlough Program to assist with the reduction/lack of State funds. This new 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? Yes; 40 Ill. Reg. 3772; March 4, 2016
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

| <u>Section Numbers:</u> | <u>Proposed Actions:</u> | <u>Illinois Register Citations:</u> |
|-------------------------|--------------------------|-------------------------------------|
| 250.30 | Amendment | 40 Ill. Reg. 345; January 8, 2016 |
| 250.50 | Amendment | 40 Ill. Reg. 345; January 8, 2016 |
- 11) Statement of Statewide Policy Objective: This proposed amendment 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

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

217/278-3150
email: jeffb@succs.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:

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

PART 250

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

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

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

Section 250.119 Furloughs

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 layoffs.
- b) Voluntary or Mandatory Furlough Program. A furlough can be either voluntary or mandatory. A voluntary or mandatory furlough program may be inclusive of all employees at a designated employer or within a division or program, regardless of employment status, source of funds or location. Except for those positions/employees who have mandated funding, such as a grant or other source, or whose absence would jeopardize the funding for a position/employee or department employees may be exempted from the furlough program. 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 (n).
- c) Notification of Furlough Program to Employees. Once an employer plans to implement a furlough program, the employer shall notify all employees that a furlough program is being implemented. The process 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.

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- d) Furlough Work Status. An employee who is furloughed shall not be at work, on standby or on-call, and shall not perform any work during his/her scheduled furlough time.
- e) 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, all furlough time is considered creditable time for all purposes as if the furloughed employee was in pay status, such as health insurance, life insurance, dental insurance, vision insurance, etc., if applicable, or similar benefits, except for benefits under the State Universities Retirement System or other similar retirement system, or when otherwise prohibited by statute.
 - 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 accumulation of vacation and sick leave, holiday benefits under this Part, and benefits established by the Merit Board Policy Relating to Employee Benefits Policy as approved by the Merit Board and by the Governing Boards of the universities and agencies served by the University System.
 - 4) The benefits shall continue as if the employee was in pay status for a maximum of 30 work days.
- f) Length of a Furlough Program. A furlough program shall only be instituted for a maximum of 30 work days in any fiscal year (July 1 through June 30).
- g) Employer's Tracking of Furlough Days. In order for an employee to continue under the State of Illinois Group Insurance Program, the employer is required to appropriately track designated furlough days for each employee. Employees are only allowed 30 furlough days in any fiscal year (July 1 through June 30).

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- l) 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.
- m) 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 15 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 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.

(Source: Added at 40 Ill. Reg. _____, effective _____)

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

Section 250.110 Separations and Demotions

- a) Resignation. An employee having a nonstatus or status appointment, as described in Sections 250.70 and 250.80 of this Part, may resign by presenting a signed resignation to his/her employer or by demonstrating to the employer by other means his/her intent to separate from employment. Upon receipt of a signed resignation by the employee or other evidence of intent to separate from employment, the employee will be separated from his/her employer employment. The employer shall maintain all resignations or other evidence documentation in accordance with the employer's record retention policy. The Executive Director shall be notified promptly by the employer of all resignations.
- b) Leave of Absence
 - 1) Leave of Absence for Classification Changes. A status employee who accepts a position that represents a promotion in a class outside his/her promotional line shall be granted a leave of absence from a position of his/her former class for the duration of any intern appointment, provisional appointment, and/or probationary period in the new class.
 - 2) Leave of Absence for Disciplinary Actions. An employee placed on a Disciplinary Suspension or on a Suspension Pending Discharge shall be placed on a leave of absence from his/her position without pay.
 - 3) Leave of Absence for Disability Leave
 - A) If an employee is no longer able to perform the duties and responsibilities of his/her position in the class due to a disability as determined by the employer's medical and/or psychological evaluation procedures, and/or in accordance with State and federal laws, the employee will be required to take disability leave in

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accordance with subsection (b)(3)(B).

- B) A status employee who becomes eligible for disability benefits to be paid by the employer or, as later determined, by the Illinois State retirement system to which the employee contributed, or becomes eligible for payment benefits as defined by the Workers' Compensation Act [820 ILCS 305], the Illinois Occupational Diseases Act [820 ILCS 310], or a State self-insurance program, shall be granted a disability leave. The disability leave shall be the period for which the employee applies for such benefits, until the time of the expiration of the benefits or a final administrative decision denying or terminating the benefits, including any gap in benefit payments between the expiration of institutional benefits and those available under the approving authority.
- C) The employer may require an employee to take a medical and/or psychological examination prior to returning to work after a disability leave. The examination shall be conducted by a licensed practitioner selected by the employer to determine the physical and/or mental capability to perform the essential duties of the employee's position. The employer may supply the examining practitioner with facts relating to the employee's difficulty or inability to perform the essential functions of the job and may supply additional information, including but not limited to physical and mental requirements of the employee's position, duty statement, job classification specification, and position description. The employee may also present an alternative opinion provided by a licensed practitioner to be selected and paid for by the employee. If there is a difference of opinion, a third outside practitioner shall be selected by the two physicians. The employer shall pay for all examinations, except those initiated by the employee.
- D) An employee's refusal to submit to an examination as described in subsection (b)(3)(C), the unexcused failure to appear for such an examination, or the refusal to release the results of the examination may be deemed by the employer as an acknowledgement that the employee is not fit for duty and may subject the employee to termination actions as defined in subsection (c).

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- E) A disability leave may be revoked by the employer upon evidence that the cause for granting the leave was misrepresented.
- F) At the expiration of all disability benefits, an employee shall be entitled to return to a position in his/her class without any loss of status due to the disability leave, providing that he/she returns upon the expiration of all disability benefits to which entitled.
- G) Reemployment
 - i) If an employee does not return to work at the expiration of all disability benefits and is terminated in accordance with subsection (c)(2), the employee may, within one year following the expiration of all disability benefits, request reinstatement and, upon approval of the Executive Director, the employee's name may be placed on the reemployment register in the class in which he/she was employed at the time the disability leave was granted and in accordance with total seniority earned.
 - ii) If, within one year following the expiration of all disability benefits, the employee requests reinstatement, but, because of his/her disability, is deemed unable to perform the duties in the class, the employee may be required to pass physical or other tests to determine employability under the University System.
- 4) Military Leave of Absence. An employee shall be granted a Military Leave of Absence in accordance with State and federal laws and regulations.
- 5) Notification. The employer may select to notify the ~~The~~ Executive Director ~~shall be notified promptly by the employer~~ of all leaves of absence, including military, disability, or any other leave otherwise granted or may maintain these records for inspection upon request by the Executive Director or designee during the on-site audit program or other specified time. The notification shall include the beginning and ending dates of leaves that exceed 30 calendar days of non-pay status.

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c) Termination

- 1) An employee having a non-status appointment, as described in Section 250.70 of this Part, may be terminated by his/her employer at any time during the training period and/or upon completion of the work assignment; ~~except for those status employees eligible for a leave of absence as defined in subsection (b)(1).~~
 - 2) An employee on disability leave, as defined in subsection (b)(3), who has exhausted all of his/her disability benefits and is unable to resume the duties and responsibilities of a position in his/her class may be terminated from employment; ~~in accordance with subsection (c)(5). Unless~~ ~~unless~~ the employer and employee have agreed upon employment in a more suitable classification. The alternative employment options shall be subject to standard civil service employment protocols.
 - 3) An employee who fails to report for duty after a disability leave of absence has expired or has been denied, disapproved, revoked, or canceled by the approving authority, or any other failure to report for duty as scheduled after a disability leave of absence, may be terminated from employment in accordance with subsection (c)(5).
 - 4) An employee who fails to report for duty after they have exhausted benefits under the Family and Medical Leave Act (FMLA) may be terminated from employment in accordance with subsection (c)(5).
 - 54) Appropriate notification shall be provided to an employee, as specifically reference in subsection (c)(2), (c)(3), and (c)(4), which will include the notification provisions outlined in subsection (c)(5)(A) through (c)(5)(C) inclusive. This notification and review process shall only apply to subsection (c)(2) and (c)(3).
- A) The employer shall notify the employee that he/she will be terminated from the employer's service to become effective ~~715~~ calendar days from the date of mailing of the notification to the employee. The notification ~~shall must be sent, by certified mail or~~ ~~by sent by an~~ overnight delivery service that requires signature upon receipt, to the most recent address of the employee as shown on the employer's records.

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

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

~~5) The employer shall notify the Executive Director promptly of all terminations of employment, setting forth the reason for the termination.~~

d) Job Abandonment (No Call/No Show)

1) An employee who fails to report to work for 3 consecutive regularly scheduled work days will be placed in a no call/no show status and may be terminated at any point following the third day of failing to report to work pursuant to an employer making a reasonable attempt with supporting documentation to make contact with the employee using the employee's last known address, phone contact, email, or any similar contact information.

2) Pursuant to Section 250.130 of this Part regarding Review Procedures, the employee may request a review of the employer's final notice of termination. The review is limited to a determination of whether this subsection (d) has been properly applied and whether the employer's

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decision is deemed arbitrary or capricious. In the event a review is not requested within the allotted timeframe, the employee's termination from service shall be effective 7 days after the original notification.

~~e~~) Layoff

- 1) A layoff is defined as a stoppage of work required by management, a discontinuance of employment, or the permanent termination of employment of an employee for business reasons, such as the decision that certain positions are no longer necessary or a business slow-down or interruption in work.
- ~~2~~1) The Executive Director shall be notified promptly of all employees on layoff status, together with the dates of the beginning of layoff and of return to employment from layoff status, when the layoff exceeds 30 consecutive work days. A status employee shall receive a written notice, at least 30 calendar days in advance of the effective date of layoff, when the layoff exceeds 30 consecutive work days; however, the effective date of layoff may be extended up to 15 days without the requirement of further notice.
- ~~3~~2) Whenever it becomes necessary to lay off one or more employees, except as provided in subsection ~~(e)(4)(d)(3)~~, the employee who has the least amount of service in the class shall be laid off first, and additional layoffs shall be made in the ascending order of the place of the employee on the service and seniority lists for that class.
- ~~4~~3) An employee who is the incumbent of a position for which the Executive Director has authorized specialized certification under Section 250.60(d)(9) of this Part, or who is the incumbent of a position that has previously been identified as requiring specialized training or experience as required by the position in accordance with minimum acceptable qualifications for the class, may not be bumped by another employee with greater seniority unless the employee with greater seniority possesses the special and identified qualifications authorized for the incumbent's position.
- ~~5~~4) Whenever it becomes necessary to reemploy one or more employees in a class, the employee last laid off by seniority shall be reemployed first, and

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further reemployment shall be made in the order of seniority until the reemployment register for that class is exhausted. Work of short duration requiring reemployment of one or more employees will not require a new written 15 day advance notice of layoff if the work period is to be 5 consecutive working days or less and the work is emergent in nature.

65) A status employee who is subject to layoff from a part-time position may bump an employee in a full-time status position, providing the part-time employee's equivalent full-time accrued seniority based on hours in pay status is greater than that of the least senior employee in a full-time position. A full-time status employee who is subject to layoff may bump the least senior full-time employee, who then may bump the part-time employee having the highest percent-time appointment, providing the full-time employee has more accrued seniority.

76) Names of employees laid off during their probationary periods shall be returned to the register from which they were certified to their position in accordance with service in a status appointment earned as of the date of layoff.

fe) Disciplinary Suspension. An employer may suspend an employee as a disciplinary measure for not more than 30 calendar days.

1) The employer will discuss the specific problem pertaining to contemplated suspension with the employee and the ~~Campus~~ Human Resource Director or his/her designee before a suspension notice is served. The employee will be told at that time that suspension is being considered.

2) In imposing a disciplinary suspension, the employer shall serve a written suspension notice on the employee showing reason for the suspension, and shall immediately report the suspension to the Executive Director and shall send a copy of the notice served on the employee, along with proof of service, to the Executive Director.

3) Causes justifying suspension, not for discharge as provided for in subsection (gf)(2), shall include, but are not limited to: unauthorized and unexcused absence; leaving work without authority; failure to ring in or out on time card; habitual lateness; punching other time cards; key duplication and/or unauthorized possession of keys; misrepresentation of

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absence; falsification of records; refusal to do work assigned; failure to follow work schedules; failure to follow time schedules; insolence; failure to adhere to departmental regulations of appearance; smoking in prohibited areas; disregard of safety regulations; careless workmanship resulting in spoilage, waste, or delay; unauthorized use of institutional property; gambling on institutional property; creating or contributing to unsanitary conditions; horseplay or scuffling; fighting; sleeping during working hours; unauthorized visiting; and "loafing on the job".

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

gf) Discharge Proceedings and Effective Date of Discharge

1) Pre-discharge Proceedings

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

- i) within 3 work days after service of the employer's notification, the employee may notify the employer of his/her decision to require the employer to hold a conference with the employee or his/her representative for the purposes of responding to the matters contained in the notification and of attempting to achieve a reconciliation or understanding; and

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

B) Employer's Decision

- i) Within 7 work days after compliance with the provisions of subsection (gf)(1)(A), the employer shall either:
 - notify the employee that no further action will be taken to initiate discharge proceedings with the Merit Board against the employee based solely on the matters contained in the employer's notification; or
 - initiate proceedings before the Merit Board under this subsection (gf) seeking discharge of the employee based solely on the matters contained in the employer's notification.
- ii) The employer's election not to initiate discharge proceedings with the Merit Board shall not preclude the employer from imposing a suspension in accordance with subsection (fe) or some lesser penalty.

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

2) Actual Discharge Proceedings

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- A) Proceedings before the Merit Board seeking the discharge of an employee shall be initiated by the employer by completing and filing a Written Charges for Discharge form with the Merit Board/University System, employee, legal counsel for employer, and employer, setting forth the causes for discharge in sufficient detail to inform the employee of the nature of the conduct on which the charges are based. The Written Charges for Discharge form shall be set forth in separately numbered charges. Attached to theThe Written Charges for Discharge form shall contain a document the dates, names of persons, places, and facts necessary to properly allege cause for discharge. If a breach of duty, statute, or rule of the employer is alleged, the statute, law, or rule shall be cited in connection with the charge. At this time, it is not necessary to attach exhibits to the Written Charges for Discharge form.
- B) The Written Charges for Discharge form shall be accompanied with a certification by the employer that all procedures set forth in subsection (g)(1) have been followed and that there has been full compliance with any options elected by the employee. At the time the Written Charges for Discharge and the certification are filed with the Merit Board/University System office, the employer shall serve copies upon the employee in person if the employee is present on the job; otherwise, service shall be ~~by certified mail or~~ by an overnight delivery service that requires signature upon receipt to the most recent address of the employee as shown on the employer's records, and the employer shall file a proof of the service with the Merit Board/University System office.
- C) At any time prior to commencement of the hearing, the Executive Director may direct or authorize the Written Charges for Discharge to be amended to correct technical defects or to set forth additional facts or allegations related to the subject matter of the original charges. The amendments shall relate back to the original proof of service date ~~of service~~ of the Written Charges for Discharge form. The employer shall serve copies of the Amended Written Charges for Discharge form upon the employee in person if the employee is present on the job; otherwise, service shall be ~~by certified mail or~~ by an overnight delivery service that requires signature upon

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receipt to the most recent address of the employee as shown on the employer's records, and the employer shall file a proof of the service with the Merit Board/University System office.

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

3) Hearing Request

- A) An employee who has been served with Written Charges for Discharge may request a hearing by filing a written request for hearing with the Secretary for the Merit Board within 15 calendar days from the "Proof of Service on Employee" section on the Written Charges for Discharge form which is either after the date of personal delivery or mailing of the Written Charges for Discharge form to the employee. The Secretary for the Merit Board shall immediately notify the employer of the filing of the written request by the employee such hearing. Thereafter, further proceedings shall be as provided in this subsection (g) and any discharge shall be effective on the date of the discharge order of the Merit Board, unless otherwise expressly stated in the order.
- B) If the employee does not file a written request for hearing with the

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Secretary for the Merit Board within 15 calendar days from the “Proof of Service on Employee” section on the Written Charges for Discharge form, the employee's discharge shall become effective at the end of the 15-day period without further action by the Merit Board. The Secretary for the Merit Board shall promptly notify the employer of the employee's failure to file a timely written request for hearing.

4) Hearing Proceedings

- A) Upon receipt of the employee's written request for hearing on the Written Charges for Discharge, the Merit Board/University System office shall promptly appoint a Hearing Board or Hearing Officer to hear the charges and the employee's response. All hearings relating to discharge proceedings shall be convened by and conducted under the control of the Executive Director or his/her authorized representative. The Executive Director, the Hearing Board or Hearing Officer, the employee and the employer shall all make good faith efforts to commence the hearing within 10 calendar days after receipt of the employee's written request for hearing, but in no event shall the hearing commence later than 45 days after service of the Written Charges for Discharge, unless a continuance is granted pursuant to subsection (g)(19)(B). Dilatory tactics or actions will not be permitted and the Executive Director, the Hearing Board or Hearing Officer, the employee and the employer shall all make good faith efforts to conduct the hearings in no more than ~~three~~ hearing days, unless justice, due process, and fundamental fairness require otherwise. All hearings shall be open to the public unless, upon motion of either party, the Hearing Board or Hearing Officer finds it necessary to close the hearing or parts of the hearing in instances where personal safety is of concern or when confidential testimony/exhibits are to be referenced or revealed. There shall be a presumption that hearings will be closed only under extraordinary circumstances. A transcript of the hearing, including exhibits, shall be made and shall be filed with the Secretary for the Merit Board as soon as possible following the conclusion of the hearings.
- B) Within 15 calendar days after receipt of the transcript from the

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

- C) The Executive Director shall certify as the Hearing Record the Written Charges for Discharge, the Suspension Notice Pending Discharge, the employee's request for hearing, the transcript and exhibits, the Hearing Board's or Hearing Officer's findings of fact and other recommendations, and other documents that have been filed.

- D) Upon certification by the Executive Director, the Secretary for the Merit Board ~~shall, by certified mail or by~~ shall by an overnight delivery ~~service~~ that requires signature upon receipt, immediately forward a copy of the Hearing Record, along with notice that the Hearing Record has been certified, to all parties of record. Any objections to the form or contents of the Hearing Record, or briefs, abstracts, or excerpts from the Hearing Record, or arguments, motions, or recommendations, relating to the hearing proceedings or the Hearing Record, or requests for further hearing or for permission to supplement further the Hearing Record by other evidence, must be filed with the Secretary for the Merit Board

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

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

5) Conduct of Hearing

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

- i) defining and simplification of the issues;
- ii) negotiating admissions or stipulations of fact to avoid unnecessary proof;

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

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employee. Opening statements may be waived or may be reserved and presented at the commencement of the party's case-in-chief.

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

7) Evidence and Motions

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

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

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

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motion of this nature shall not be allowed to cause any delay in the proceedings.

- G) Performance records of the employee or past disciplinary records are admissible and relevant for the purpose of mitigation or aggravation, except if otherwise excluded by a local employer policy or collective bargaining agreement.
- 8) Stipulations. Parties may agree by stipulation upon any facts involved in the hearing. The facts stipulated shall be considered as evidence in the hearing. It is the policy of the Merit Board to encourage stipulation of facts whenever practicable.
- 9) Evidence Depositions. Upon request to the Executive Director and upon good cause shown (which shall include, but is not restricted to, potential unavailability of a witness at the time the hearing is scheduled, scheduling or travel arrangement considerations, or agreement of the parties) any party may request a deposition of any witness to be taken for evidence in a hearing. If desired, subpoenas may be requested upon application to the Executive Director in a manner consistent with this Part. The deposition shall proceed in the manner provided by law for depositions in civil actions in the circuit courts of the State of Illinois.
- 10) Subpoenas. Requests for subpoenas shall be directed to the Executive Director at least five work days before the scheduled hearing, unless an exception is granted by the Executive Director. Subpoena requests may be granted if reasonably designed to produce or lead to the production of evidence related to the alleged charges and the terms of compliance are reasonable given the time frames and other circumstances. The party requesting the subpoenas shall be responsible for service and costs related to the subpoena of a witness. The fees of the witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts of the State of Illinois. Subpoenas are effective throughout the course of the proceedings. Requests for subpoenas must be submitted in writing and include the following:
 - A) The name and address of the witnesses sought;

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- B) Any specific documents the witnesses will be required to bring; and
 - C) A brief statement of the relevant facts or testimony that the witnesses will be providing.
- 11) Request for Documents. At least 3 working days prior~~Prior~~ to the hearing, each party shall serve upon the other party and file a copy with the Secretary for the Merit Board, to be submitted to the Hearing Board or Hearing Officer, the following information, to the extent available at that time:
- A) A list of the names and addresses of the witnesses the party proposes to call; and
 - B) All documents the party proposes to offer in its case-in-chief.
- 12) Failure to Appear. Failure of a party to appear on the date set for hearing may result in findings of fact unfavorable to that party and may result in a loss of rights by default.

A) Failure to Appear by Employee

- i) A “Notice of Convening of Hearing” will be sent to all parties of record confirming the date, time, and place of the hearing. If an employee or his/her representative is not present on the designated hearing date, the employer will try to make a reasonable contact with the employee or his/her representative immediately. If within a reasonable time on the hearing date, the employer is unable to contact the employee, the hearing will commence.
- ii) The Executive Director or his/her authorized representative will commence the hearing by opening the hearing with an opening statement. At the conclusion of the opening statement, if the employee or his/her representative has still failed to appear, the hearing will be suspended for 3 work days. During this 3 work day period, the Executive Director or his/her authorized representative will continue

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to try to make contact with the employee or his/her representative using the last known address, phone, email, or any similar method as shown on the Written Charges for Discharge form.

iii) If the employee or his/her representative cannot be reached within 3 work day period or if the employee is unable to produce a reasonable explanation for failure to attend the hearing, the hearing will be closed and the employee's discharge shall become effective at the end of the 15-day period of the "Proof of Service on Employee" as found on the Written Charges for Discharge form without further action by the Merit Board. The Merit Board/University System office shall notify the parties of record immediately of the action.

iv) If the employee or his/her representative has a reasonable explanation for not attending the hearing, the Executive Director or his/her authorized representative shall schedule a new hearing date. A new "Notice of Convening of Hearing" will be issued to the parties of records and Executive Director or his/her authorized representative will appoint either the same Hearing Board or Hearing Officer or appoint a new Hearing Board or Hearing Officer to conduct the hearing.

v) Reasonable explanations can include, but not limited to: injury on the day or preceding day of the scheduled hearing, traffic accident, death or significant injury of a family member, or other cause that is deemed reasonable by the Executive Director or his/her authorized representative. In any event, the employee is required to demonstrate that there was reasonable effort made to contact his/her employer or the Merit Board/University System office.

B) Failure to Appear by Employer. If the employer fails to appear without reasonable cause as determined by the Executive Director or his/her authorized representative, the employee will be

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reinstated to his/her position without loss of compensation as of the "Proof of Service on Employee" date on the Written Charges for Discharge form.

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

- 14) Ex Parte Communications
 - A) Except in the disposition of matters they are authorized by law to entertain or dispose of on an ex parte basis, the Merit Board, the Executive Director, employees of the University System Office, and the assigned Hearing Board or Hearing Officer shall not, after the Notice of Convening of Hearing has been issued to parties of record, communicate, directly or indirectly, with any party or the party's representative regarding any issue of fact or with any person or party in connection with any other issue regarding the case, except upon notice and opportunity for all parties to participate. However, the Merit Board, the Executive Director, employees of the University System, and the Hearing Board or Hearing Officer may communicate with each other. Also, members of the Merit Board and the Hearing Board or Hearing Officer may have the aid and advice of one or more personal assistants.

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

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

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- D) Enter any order that further carries out the purpose of this Section.
- 16) Final Decision of the Merit Board. In the course of reaching its decision, the Merit Board may request the Executive Director to make recommendations that he/she deems appropriate with respect to the discharge proceedings. Nothing in subsections (g~~f~~)(16)(A) and (B) is intended to eliminate or limit the Merit Board's discretion to determine the appropriate disposition on a case-by-case basis. The Merit Board shall enter findings of fact and shall order the following decision and order or any other decision and order it deems appropriate:
- A) Discharge, if just cause is found to exist. No employee shall be discharged except for just cause. Just cause is defined as some substantial shortcoming that renders the employee's continuance in his/her position in some way detrimental to the discipline and efficiency of the service and that the law and sound public opinion recognize as good cause for the employee no longer holding the position; or
 - B) Reinstatement, if just cause for discharge is found not to exist. An employee shall be reinstated as follows:
 - i) Reinstatement with no loss of compensation when none of the significant charges are proven.
 - ii) Reinstatement with an unpaid suspension of a minimum of 60 days to a maximum of 120 days~~day suspension~~ when the proven charges do not rise to the level of just cause for discharge, but some disciplinary action is justified based on the severity of the proven charges. If the Merit Board orders reinstatement with a ~~60-day~~ suspension, any time served while on suspension pending discharge will be applied towards the fulfillment of the ~~60-day~~ suspension. The Merit Board shall not order a reinstatement with a suspension past the day of the action taken by the Merit Board.
- 17) Final Decision and Order of the Merit Board. The Secretary for the Merit Board shall immediately forward copies of all Merit Board orders to the

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employer and the employee ~~by certified mail or~~ by an overnight delivery service that requires signature upon receipt.

- 18) Administrative Review. All final decisions of the Merit Board shall be subject to appeal by the parties to the proceedings under the Administrative Review Law [735 ILCS 5/Art. III]. A complaint for administrative review must be filed and summons issued within 35 days after the date that a copy of the final Merit Board decision has been served upon the party affected. A final decision of the Merit Board shall be deemed served either when personally delivered or when deposited in the United States mail in a sealed envelope or package, with postage paid, addressed to the party affected by the decision at his/her last known residence or place of business.
- 19) Time Period Proceedings
 - A) On the motion of either party with notice to the other party, or by independent action of the Chair of the Merit Board or the Executive Director communicated to both parties, any time period set forth in this subsection (~~gf~~) may be extended by the Chair of the Merit Board or by the Executive Director for good cause shown.
 - B) No extension may be beyond a period established by statute, except for cases in which a written motion for continuance of a scheduled hearing is filed with the Secretary for the Merit Board at least 48 hours prior to the time scheduled for hearing, unless an exception is granted by the Executive Director. The moving party must set forth emergency grounds for a continuance, which are limited to unforeseen, unavoidable or uncontrollable circumstances, such as an Act of God; the sudden illness or death of the movant, a member of his or her immediate family, or his/her legal counsel; or if the movant is able to demonstrate some other real and compelling need for additional time. If there is an arrest or criminal indictment of any employee that resulted from an employee's conduct in the course of employment duties, the Executive Director, at the request of the employee, may grant a continuance of hearing pending some resolution of the criminal charges. Requests for continuances must be preceded by

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contacting the opposing party and asking for agreement to the continuance.

- C) The time periods set forth in this subsection (~~gf~~), except for the 15-day period set forth in subsection (~~gf~~)(3)(B) and except for any time period provided for seeking administrative review of a final decision of the Merit Board, shall be deemed directory and not mandatory; and no failure to comply with any of the time periods set forth in this subsection (~~gf~~), except for the 15-day period set forth in subsection (~~gf~~)(3)(B) of this Section and except for any time period provided for seeking administrative review of a final decision of the Merit Board, shall cause the Merit Board to lose jurisdiction of any matter.
- D) If the last date for filing falls on a weekend or legal holiday, the last date for filing is the first business day following that weekend or legal holiday.

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

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

~~hg~~) Demotion

- 1) Any of the actions described in this subsection (~~hg~~)(1) is considered to be

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a demotion when that action has been initiated by the employer. A demotion may occur when a status employee:

- A) is subject to a reduction in salary in his/her current position, or in a position of the same class to which he/she has been reassigned, except when the reduction in pay results from an overall reduction in pay to persons employed in the same class and/or when the Merit Board, on the basis of supporting evidence, determines that the pay potential should be lowered for a class;
 - B) is subject to a reduction in percentage of time worked;
 - C) is appointed to a position in a lower class in a promotional line;
 - D) is appointed to a position in a class outside a promotional line with a lower pay potential;
 - E) is given a nonstatus appointment.
- 2) None of the actions described in subsection (hg)(1) are considered to be a demotion when the action has been initiated, or willingly accepted, by the employee.
- A) Evidence of initiation by, or willing acceptance by, an employee shall be: a statement signed by the employee (to be filed by the employer with the notice of employment) indicating that the new appointment is at his/her request and/or is acceptable to him/her, or the employee applied for, and took, the Civil Service examination, upon the results of which the new appointment is based, after the date of certification to his/her most recent position.
 - B) Without the evidence indicated in subsection (hg)(2)(A), the action will be considered to have been initiated by the employer and, therefore, will be considered to be a demotion.
- 3) Any classification plan changes authorized and implemented by the University System and/or the Merit Board that may result in a lower pay potential will not be considered a demotion.

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- 4) An employer may effectuate a demotion by filing a Notice of Demotion form with the Merit Board and serving a copy of the Notice of Demotion on the employee by ~~certified mail, by an~~ overnight delivery service that requires signature upon receipt, or by personally serving the employee. The Notice of Demotion form shall designate the position and class to which the employee has been demoted and shall factually state the causes justifying demotion. The effective date of the demotion shall be the “Proof of Service on Employee” date on date of service of the Notice of Demotion ~~form upon the employee~~. A demotion shall be subject to the same hearing and review procedures as are provided an employee in the case of a discharge. (See subsection (gf).) During any hearing and review proceedings, the employee shall be paid the approved rate for the class of the position to which he/she has been demoted, as set forth in the Notice of Demotion form.

- 5) A status employee who is demoted to a position in a class in which he/she has never been employed on a status appointment may qualify for the position to which he/she is demoted, if his/her name is not already on an eligible register for that class, by taking the examination given to all other applicants for this class as promptly as possible following demotion to the class. The employee must pass the examination as a condition to retaining his/her appointment.

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

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



July 5, 2016

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STATE UNIVERSITIES
CIVIL SERVICE SYSTEM
Urbana, IL

jetfb@succs.illinois.gov
Jeff Brownfield
Executive Director
State of Illinois
State Universities Civil Service System
1717 Philo Road, Suite 24
Urbana, IL 61802

Re: Comments on Proposed Rulemaking; University Furloughs; 80 IAC 250; 40 Ill. Reg. 3772; 40 Ill. Reg. 7537

Dear Mr. Brownfield:

This constitutes the comments of AFSCME Council 31 regarding the above proposed rulemaking.

- I. The exigent circumstances that were the basis for the proposed rules no longer exist.

AFSCME is opposed to the rule and urges that the rule be rejected. The rule was first proposed due to the state's budget impasse and the lack of university funding for FY16.

The description of the rule when it was proposed stated:

Based on the lack of a state budget, employers are finding it necessary to implement a Furlough Program to assist with the reduction/lack of State funds

The Universities will now receive their state funding for both FY16 and at least the first half of FY 17. The basis for the rule, therefore, no longer exists. To the extent that any future exigency arises, the Civil Service System retains the option of issuing another emergency rule.

- II. The proposed rules fail to protect university employee pensions, which have been legislatively incorporated into past furlough programs for state employees.

Under this proposed rule, employees would not only be forced to help universities address an immediate fiscal crisis, but they would suffer in retirement long after the universities' immediate fiscal crisis had been resolved.

When state employees took furlough days in prior fiscal years, legislation was passed so that employees' pensions would not be negatively impacted. See, 40 ILCS 5/14-104.2¹; 40 ILCS 5/14-

¹ Any member who participated in a voluntary furlough plan or who was subject to a 4 day work week pursuant to negotiated agreements in fiscal years 1983 and 1984 may

105(e)²; and 40 ILCS 5/14-104(u)³. AFSCME believes that university employees should not be asked or required to take furlough days absent the same pension protections that have been afforded state employees subject to furlough programs in prior fiscal years. Pension protection is an essential component of any furlough program.

III. Comments about specific proposed language.

In the event the Committee is inclined to approve the proposed rules, AFSCME also has some specific comments.

1. Section 250.119. AFSCME urges that, if a furlough rule is approved, the currently-proposed expiration date of September 30, 2017 continue to be incorporated into the rule. The use of furloughs should not be viewed as a long-term resolution of the budget crisis. If the furlough procedure is viewed as a permanent condition of employment,

receive service and earnings credit for such periods by making contributions on or before December 31, 1984, based on the rate of compensation in effect immediately prior to the furlough or the fifth work day of any calendar week and the contribution rate then in effect. Contributions made under this Section must be made prior to retirement except that any member who retired on or before August 22, 1983 may receive service and earnings credit for such periods by making the contribution as required in this Section. Any annuitant who establishes service and earnings credit as herein provided shall have his retirement annuity adjusted retroactively to the date of retirement.

² e) Any member may establish creditable service and earnings credit for a period of voluntary or involuntary furlough, not exceeding 5 days, beginning on or after December 1, 2001 and ending before January 1, 2003, that is utilized as a means of addressing a State fiscal emergency. To receive this credit, the member must apply in writing to the System or the member's employer before July 1, 2005. No additional contribution is required for this credit.

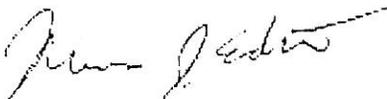
¹ (u) By paying the required contributions under this Section, plus an amount determined by the Board to be equal to the employer's normal cost of the benefit, plus interest, a member may establish creditable service and earnings credit for periods of furlough beginning on or after July 1, 2008. To receive this credit, the participant must (i) apply in writing to the System before December 31, 2011 and (ii) not receive compensation for the furlough period. For service established under this subsection, the required employee contribution shall be based on the rate of compensation earned by the employee immediately following the date of the first furlough day in the time period specified in this subsection (u), and the required interest shall be calculated at the actuarially assumed rate from the date of the furlough to the date of payment.

this would constitute a permanent pay reduction inconsistent with the Civil Service pay principles.

2. Section 250.119(c). AFSCME urges that employees who are involuntarily required to take furlough days be provided at least 30 days' notice, consistent with the notice required prior to layoffs under Section 250.110 (d){2}.
3. Section 250.119(d). The proposal states that an employee on furlough shall not be at work, on standby or on call. AFSCME requests that the proposal clarify the treatment of an employee on mandatory furlough who, for perhaps unforeseen reasons, is required to come in to work. This might be due to the absences of other employees, emergencies or other circumstances. Would the employee, for example, be required to reschedule the furlough days, or receive any other compensation? Would the employee be eligible for overtime?
4. Section 250.119(i). The Employers should be required to terminate all provisional, extra help, intern and other non-permanent employees before furloughs are applied to status employees. By definition, there is no justification for continuing to employ and expend funds for temporary employees while permanent employees are not able to work because of a lack of funds. Student help should not be allowed to perform the work of furloughed status employees.
5. Section 250.119(h). AFSCME objects to the proposed 30-day maximum number of furlough days in a fiscal year. This would amount to an approximate 11.5% cut in pay. AFSCME urges that the maximum be set at 15 working days.
6. Section 250.119(l). This language should specifically require that employers be required to bargain with collective bargaining representatives prior to implementing any furlough program, and that, where there is a collective bargaining representative, furloughs may only be implemented by mutual agreement between the employer and the collective bargaining representative.

In summary, AFSCME respectfully requests that the proposed rules be withdrawn or rejected because the circumstances supporting the rules no longer exist. To the extent that any rules are adopted, they should be modified to correct and clarify the specific concerns addressed above.

Respectfully submitted,



Thomas J. Edstrom
Supervising Counsel



STATE UNIVERSITIES CIVIL SERVICE SYSTEM
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MERIT BOARD POLICY RELATING TO EMPLOYEE BENEFITS

(as approved by the Merit Board on June 24, 1970 and as Amended)

WHEREAS the State Universities Civil Service Statute Act provides that "the Merit Board shall have the power and duty ~~to~~

~~to~~ To prescribe the range of compensation for each class or to fix a single rate of compensation for employees in a particular class; and

~~to~~ To establish other conditions of employment which an employer and employee representatives have agreed upon as fair and equitable; ~~and~~

~~to~~ To take into account the rate of compensation generally paid for similar work in the locality in which the work is to be performed; ~~and~~

~~to~~ To recommend to the institutions and agencies ~~to~~ standards for hours of work, holidays, sick leave, overtime compensation and vacation for the purpose of improving conditions of employment ~~and~~ insuring conformity with the prevailing rate principle."

WHEREAS uniformity in benefits among institutions is desirable, and institutional representatives have expressed concurrence with this principle;

THEREFORE, BE IT RESOLVED that it is the judgment of the Merit Board that each of the governing boards, institutions, and agencies specified in Section 36e of the Statutes subject to its jurisdiction should shall accord fringe benefits to its employees through adoption of the following benefit policies and develop administrative rules and procedures for uniform application of these policies throughout its organization.

I. HOURS OF WORK

A. Work Schedules

Each institution or agency shall report to the Merit Board the classes of employees for which it changes the hours of workweek. The Merit Board may recommend to the institutions and agencies standards for hours of work. (Amended and reinstated at Seventy-Third meeting of the Merit Board, September 27, 1977.)

B. Overtime Compensation

1. Employees nonexempt from the overtime provisions of the Fair Labor Standards Act will be compensated at time and one-half for all time in a work week in excess of the number of hours of work comprising an established full-time daily or weekly work schedule, whichever is greater, except, that for an employee paid on a prevailing rate basis, the number of hours before daily and/or weekly overtime begins, and the rate of the employee's overtime pay, will depend on the number of hours and the rate being paid locally, pursuant to the appropriate multi-employer area agreement.

II. ELIGIBILITY FOR EMPLOYEE BENEFITS

Except as indicated otherwise below for prevailing wage rate groups, employee benefits will be made available to employees in status appointments. Included in this group will be those in appointments designed to qualify employees for status in the class, e.g., ~~intern~~~~learner~~, ~~trainee~~, apprentice, and, where appropriate, provisional. Employees in other types of nonstatus appointments will not be extended employee benefits. Eligibility for benefits in relation to work, leave, layoff, or absence status shall be determined by each institution or agency. Rules for the uniform administration of each form of employee benefit shall be established by the governing board of each institution or agency or by an official to whom delegation has been made as needed to meet program requirements of the institution or agency.

III. HOLIDAYS

A. Employees other than Prevailing Wage Rate Groups

Eligible employees not in prevailing wage rate groups will be excused with full pay, except for necessary operations, on New Year's Day, Memorial Day (as determined by the Law of the State of Illinois), Independence Day, Labor Day (first Monday in September), Thanksgiving Day, Christmas Day and on five other holidays designated by the governing board of the institution or agency. These five other holidays may differ between institutions and agencies but shall be of commemorative or other significance as nonwork days (e.g., legal holidays in the State of Illinois) and shall result in a reasonable distribution of holidays throughout the year. Days suggested for consideration are Lincoln Day (first Monday in February), Washington Day (third Monday in February), Good Friday, Columbus Day (second Monday in October), Veterans' Day, day after Thanksgiving, full day adjacent to Christmas, full day adjacent to New Year's.

B. Prevailing Wage Rate Groups

Eligible employees in prevailing wage rate groups will be excused from work on the holidays of the institution or agency irrespective of whether the holiday is observed

under the appropriate multi-employer area agreement but will be compensated as follows:

1. If the holiday is recognized for other employers under the appropriate multi-employer area agreement the employee will be compensated in accordance with practice under that agreement.
2. If the holiday is not recognized under the appropriate multi-employer area agreement the employee will be excused without pay.
3. Notwithstanding 1 and 2 above, each prevailing rate employee shall be extended the option of charging any unpaid holiday under 1 or 2 above to earned Vacation or Personal Leave accrued to the employee's credit on the date of the holiday.

C. **Holiday Work**

In the event that work is required of an employee on any holiday recognized by the employing institution or agency:

1. Employees in prevailing wage rate groups will be compensated in accordance with prevailing practice on those holidays designated in the appropriate multi-employer area agreement.
2. Other nonexempt employees, as defined by the Fair Labor Standards Act (including prevailing rate employees for holidays not designated in the appropriate multi-employer area agreement), in addition to regular compensation, will receive additional payment at the rate of time and one-half, or, if mutually agreed to, by time off at the rate of time and one-half.

D. **Holiday on Nonwork Day**

For employees who normally work a Monday-through-Friday schedule, holidays which fall on a calendar Saturday will be observed on the preceding day, and holidays which fall on a calendar Sunday will be observed on the following day. Employees who normally work other than a Monday-through-Friday schedule, and who are not scheduled to work on a calendar holiday, will receive, as necessary operations permit, either (1) a scheduled work day off within two weeks of the recognized holiday, or (2) an additional day's pay at the regular rate.

IV. PAID LEAVE

A. **Initial Probationary Period**

That employees' use of earned vacation (either days taken or paid days) during probationary period be permitted. If separation occurs during the probationary period, no penalty is imposed. (Approved by the Merit Board at its Ninety-First meeting, November 10, 1982.)

B. Vacation and Personal Leave

- Each employee who is nonexempt under the Fair Labor Standards Act, and each employee who is exempt as an executive or administrative employee but who (1) is required to work a fixed shift and (2) receives overtime compensation if required to perform overtime shall earn Vacation and Personal Leave at the rate which is shown opposite the employee's service years in Schedule A.

SCHEDULE A

| <i>Years of Service Completed</i> | | <i>Rate Earned Per Hour of Pay-Status Service (Exclusive of Overtime)</i> | <i>Approximate Leave Days Earned in One Year</i> |
|-----------------------------------|----------------------|---------------------------------------------------------------------------|--------------------------------------------------|
| <i>At Least</i> | <i>Not More Than</i> | | |
| 0 | 3 | .0462 | 12 |
| 3 | 6 | .0577 | 15 |
| 6 | 9 | .0692 | 18 |
| 9 | 14 | .0808 | 21 |
| 14 | | .0962 | 25 |

- Each employee who is (1) an executive, administrative, or professional employee as defined under the Fair Labor Standards Act, (2) not provided with a fixed or rigid daily and weekly schedule, and (3) required to discharge duties, the discharge of which usually requires a certain amount of flexibility in such schedule, shall earn Vacation and Personal Leave at the rate which is shown opposite the employee's service years in Schedule B.

SCHEDULE B

| <i>Years of Service Completed</i> | | <i>Rate Earned Per Hour of Pay-Status Service (Exclusive of Overtime)</i> | <i>Approximate Leave Days Earned in One Year</i> |
|-----------------------------------|----------------------|---------------------------------------------------------------------------|--------------------------------------------------|
| <i>At Least</i> | <i>Not More Than</i> | | |
| 0 | 3 | .0962 | 25 |
| 3 | 6 | .1000 | 26 |
| 6 | 9 | .1038 | 27 |
| 9 | | .1077 | 28 |

3. Based on mandated changes or compliance with Federal, State, and regulations, such as that contained within the terms of the Fair Labor Standards Act, and as applied to the definition of employees in section IV(B)(1) and (2), Paid Leave, an employer may allow an employee hired prior to the effective date of the mandated change of December 1, 2016, the opportunity to continue accruing vacation on the same accrual schedule prior to the mandated change.
43. An employee may accumulate at the employee's then current earning rate an amount of leave equal to that earned in two service years but upon reaching this accumulation will cease to earn leave except as the accumulation is reduced. Employees converting from principal administrative positions to a status civil service position may be allowed to transfer balances greater than the two year accumulation maximum.
54. Institutions with present Vacation and Personal Leave plans which differ from the above shall move to these schedules after due notice to employees and shall place each present employee on the service year step of the above schedules that will most nearly preserve the employee's present earning rate of Vacation and Personal Leave.
65. Each institution shall issue appropriate rules and administrative procedures to assure that within the total amount of Vacation and Personal Leave accumulated, employer operations permitting, periods of up to one or two days at a time will be granted an employee for personal reasons upon request of the employee and without the need for advance planning. Longer periods of vacation should be planned and scheduled by the institution after taking into account employee preferences.
76. Where there has been a break in service, the service year shall be computed as though all previous State service which qualified for earning of Vacation and Personal Leave benefits is continuous with present service, i.e., service during each separate period of employment, whether institution or other State service, shall be added together to arrive at total service. This provision is effective October 1, 1972. It applies to the future earning rate of eligible employees on the institution's rolls on this effective date as well as to those who enter or reenter institution service after that date. (Amendment approved and added by the Merit Board at its Fifty-Sixth meeting, October 30, 1972.)

C. Sick Leave

1. An eligible employee shall earn credit for Sick Leave with full pay at the rate of one work day for each month (23 days of service (.0462 per hour for each hour of pay-status service). The amount of leave accumulated at the time when illness or injury begins shall be available in full, and additional leave shall continue to accrue while an employee is using that already accumulated.

2. There shall be no limit in the amount of Sick Leave which may be accumulated.
3. An eligible employee may use accumulated Sick Leave only when an employee is ill or injured or obtaining medical or dental consultation or treatment. Each institution shall reserve the right to require acceptable evidence of disability before allowing the use of Sick Leave.
4. Use of Sick Leave shall be limited to illness for employee, spouse or partner in a civil union, and/or children. Exceptions and applications of this policy beyond spouse or partner in a civil union and children, e.g., members of household, may be granted.
5. A former employee who separates in good standing and returns to employment within two years, shall have former accrued Sick Leave restored. (Paragraphs 4 and 5 approved and added by the Merit Board at its Eighty-Fourth meeting, June 11, 1980.)

D. Funeral Leave

Approval, with pay, will be granted to an eligible employee for a leave of up to three work days for the death of a member of the employee's immediate family, household, in-laws, and/or grandparents of immediate family; and of one day to attend the funeral of a relative outside the employee's immediate family or household.

1. Immediate family is defined as: father, mother, sister, brother, spouse or partner in a civil union, ~~and children, step-children, and legal guardianship of any such person~~. In-laws are defined as: mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, and daughter-in-law. (Amended and approved at the Seventy-Third meeting of the Merit Board, September 27, 1977.)

1-2. Relative is defined as: uncle, aunt, nephew, niece, and first cousin,

E. Jury Duty

An eligible employee shall be granted a leave of absence without loss of pay when called for Jury Duty service.

F. Military Training

Leave of absence with pay shall be granted in accordance with the Military Leave of Absence Act (5 ILCS 325/1) to an eligible employee for military training who is a member of any reserve component of the United States Armed Forces, including the Illinois National Guard. The length of the leave with pay for training will not exceed standards established by federal or state regulations for training activities required to maintain standing in the above military units. During leaves for military training, the employee shall be eligible for compensation and benefit programs in accordance with applicable state and federal regulations. (Approved by the Merit Board at its One-Hundred and Fifty-Ninth meeting, November 16, 2005.)

G. Mobilized to Active Duty

Leave of absence with pay shall be granted in accordance with the Military Leave of Absence Act (5 ILCS 325/1) and section 36g of the State Universities Civil Service Act (110 ILCS 70/36g) to an eligible employee who is a member of any reserve component of the United States Armed Forces, including the Illinois National Guard or Illinois State Militia who is mobilized to active duty. During leaves for active duty, the employee shall be eligible for compensation and benefit programs in accordance with applicable state and federal regulations. (Approved by the Merit Board at its One-Hundred and Fifty-Ninth meeting, November 16, 2005.)

H. Excused Absence

Rules providing for excused absence with pay shall be issued by the governing board of each institution or agency or by an official to whom delegation has been made as the institution or agency determines to be in its best interest. Reasonable limitations on such excused absences shall be included.

V. **EDUCATIONAL BENEFITS**

- A. Tuition and fee waiver shall be granted by each institution to an eligible employee of that institution or of any other institution or agency ~~named in Section 36e of the civil service statutes~~ subject to the authority of the Merit Board who enrolls in courses up to the following maxima in any semester, ~~or~~ quarter, session, intersession, or other period of time used by the institution or agency.

Full-time employee..... ~~6 hours or 2 courses~~ one-half of the credits or hours necessary to qualify as a full-time student at the institution or agency
~~3/4-time employee..... 4 hours~~
 1/2-time employee..... one-quarter of the credits or hours necessary to qualify as a full-time student at the institution or agency ~~3 hours~~

- B. These maxima are employee benefit limitations and do not apply to enrollment in approved work-related training programs, the purpose of which is to improve University services.
- C. The fees which will be waived include registration fees and admission fees, and, in the case of an institution's own employees, no charge will be made for service type fees such as those imposed to secure revenue for bond retirement, etc. These latter (i.e., service type) fees will not be waived for an employee of another institution.
- D. Employees may enroll for class work during regular working hours for only one course and only as approved by their supervisors and then if the course is only offered during working hours. When such permission is granted the employee will make up time (1) working outside of the employee's regularly scheduled hours as approved by the

employee's supervisor or (2) deducting the time spent in class from the employee's accumulated Vacation and Personal Leave.

B-E. A student as defined in [Section Rule 250.70\(f\)\(3\) of the Illinois Administrative Code \(80 Ill. Adm. Code §270.70\(f\)\(3\)\)](#) is not eligible for a status appointment and may not be granted tuition or fee waivers as an employee benefit.

VI. TRANSFER OF BENEFIT CREDITS

A current status employee within the System who is selected for employment by another institution within the System and enters on such employment without break in service will be (1) credited by the hiring institution with that amount of accumulated Sick Leave which the employee had credit on the last day of service with their previous System employer and (2) granted eligibility by the hiring institution to earn future Vacation and Personal Leave benefits based upon the employee's total continuous service to a previous System employer as computed by that employer.

The effective date of this Policy shall be July 1, 1970.



Specialty Factor System

All requests for specialty factors must be submitted in advance and approved by the Executive Director, or designee, of the University System Office before any personnel or employment action is taken. Requests for a specialty factor may be submitted for positions that are either currently filled or vacant.



Last 10 Transactions

State Universities Civil Service System

| <u>Classification</u> | <u>C.S. Position Number</u> | <u>Status</u> | <u>Submitted</u> | <u>Department</u> | <u>Options</u> |
|---------------------------------|-----------------------------|---------------------------------|------------------|---------------------|------------------------------------------------|
| Financial Aid Adviser | FA7653 | Deleted | 07/20/2016 | Financial Aid | |
| Program Coordinator | CCC00A | Approved | 07/20/2016 | Child Care Center | Edit :: Delete |
| Customer Service Representative | CS750 | Approved - Pending Verification | 07/20/2016 | Financial Aid | Edit :: Delete |
| Medical Insurance Specialist | CS0943B | Denied | 07/20/2016 | Hospital | View |
| Program Coordinator | ?? | Further Information Requested | 07/20/2016 | Dept of Engineering | Edit :: Delete |

System Updates

No Updates



Employer Information

Submitted by: Bob Curry

Date: 7/20/2016

Employer: State Universities Civil Service System

College/Department: Dept of Engineering

Specialty Factor Information

Classification Title: Program Coordinator

C.S. Position Number: ??

Position Status: Vacant Filled

Specialty Factors: 1 selected

Other Specialty Factor: Bachelor Degree in business, economics or similar field

Justification: Position will provide technical assistance to pre-start and existing business owners in all aspects of small business management. Therefore, this position requires working knowledge of the basic principles of small business management.

Comments:

Attachment: **Job Description.txt**
(i.e. Job Description)

To prevent delays in processing, please ensure the attached position description contains the elements of each specialty factor being submitted.

System Office Status

Executive Director, or designee: Bob Curry

Date: 7/20/2016

Status: Further Information Requested

Justification: Missing the Civil Service Position Number.



SFS: Detail

Details

SFSID: 51

University/Agency: State Universities Civil Service System

Department: Hospital

Classification: Medical Insurance Specialist

Status: Vacant

Justification: We are denying the Specialty Factor Request for the Medical Insurance Specialist positions. At this point we believe that the knowledge and skills described in your request can and have previously been obtained through standard on-the-job training or through the initial hiring process. You can continue to advertise for these specific experience traits when conducting a search process though being mindful that these preferred qualifications cannot be used to eliminate otherwise qualified applicants.

Attachment: [Job Description.txt](#)

Comments:

Submitted by: Bob Curry

Submitted Date: 7/20/2016

Specialty Factors

1 - 2 years of experience in Medicare billing experience

SUCSS Office Use

Executive
Director, or
designee: Cindy Neitzel

Date: 7/20/2016

Status: Denied

Justification: We are denying the Specialty Factor Request for the Medical Insurance Specialist positions. At this point we believe that the knowledge and skills described in your request can and have previously been obtained through standard on-the-job training or through the initial hiring process. You can continue to advertise for these specific experience traits when conducting a search process though being mindful that these preferred qualifications cannot be used to eliminate otherwise qualified applicants.

