

# Procedure Manuals

## Details

Title	1.1 History
Manual	Exemption Procedures
Subsection	General Overview of Exemption from State Universities Civil Service System
Status	New 10/1/2018

Pursuant to the State Universities Civil Service Act (Act) (110 ILCS 70/36e) and Title 80; Part 250 of the Illinois Administrative Code (Code), the University Civil Service Merit Board (Merit Board) may delegate its authority to the Executive Director of the State Universities Civil Service System (University System) in whole or in part. Section 36d(1) of the Act (110 ILCS 70/36d(1)) authorizes the Merit Board to approve a classification plan and delegate to the Executive Director of the University System the responsibility of assigning civil service positions to the appropriate classification. The Executive Director of the University System is also charged with the responsibility to conduct audits of employers covered under the Act to ensure compliance with all provisions of the Act and Code and to contend with issues revealed through audit reports as directed by the Merit Board (see 80 Ill. Adm. Code §250.140(c)). Section 250.140(a) of the Code further provides that the Executive Director has all the authority required to implement the Act and Code and that the Merit Board may delegate any of its authority to the Executive Director by specific authorization of the Merit Board (see 80 Ill. Adm. Code §250.140(a)).

- a. General Overview of Exemption from State Universities Civil Service System – Section 36e of the Act (110 ILCS 70/36e) states that all employees shall be covered by the University System, except the following persons:
1. The members and officers of the Merit Board and the board of trustees, and the commissioners of the institutions and agencies covered hereunder;
  2. The presidents and vice-presidents of each educational institution;
  3. Other principal administrative employees of each institution and agency as determined by the Merit Board;
  4. The teaching, research, and extension faculties of each institution and agency; and
  5. Students employed under rules prescribed by the Merit Board, without examination or certification.

As part of its statutory responsibility, the Merit Board has approved criteria that should be used as a guideline for determining appropriate civil service exemptions. This criteria was originally drafted in 1972 by members of the Human Resource Directors Advisory Committee and the State Universities Civil Service Advisory Committee and was circulated to all of the Designated Employer Representatives (DERs) and members of the State Universities Civil Service Advisory Committee for comment and input. At that time, the Merit Board also approved a resolution of the Administrative Advisory Committee recommending that the

Merit Board's authority to approve exemptions based on the criteria be delegated to the Executive Director of the University System. The employer would then be allowed to appeal the Executive Director's decisions to the Merit Board. This criteria was expanded in 1975 and again in 1990.

In 1997 and in 1998, the Merit Board approved position standards that would allow the employer to exempt positions from civil service without prior approval from the Executive Director of the University System if the position description fit within the defined position standard. This exemption process was subject to audit by the University System.

- b. Effective October 1, 2018 – Section 2.1 of the Exemption Procedures Manual contains the guidelines and criteria to be used in properly validating and designating those positions, and employees in those positions, as exempt from State Universities Civil Service System coverage, as categorically defined section (a) above. It is important to note that a significant amount of attention and careful consideration has been taken to insure that these standards most accurately reflect and preserve the historical intentions of related statutory provisions and Merit Board actions.

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

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

*(Reference section 36e of the Act (110 ILCS 70/36e))*

# Procedure Manuals

## Details

Title	1.2 Overview
Manual	Exemption Procedures
Subsection	General Overview of Exemption from State Universities Civil Service System
Status	New 10/1/2018

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

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

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

*(Reference section 36e of the Act (110 ILCS 70/36e))*

# Procedure Manuals

## Details

Title	2.5 Extra Help Appointments
Manual	Employment and Separation Procedures
Subsection	Nonstatus Appointments
Status	Renumbered and Revised 11/25/2009

The DER shall maintain a written record of examination, which shall show an evaluation of the applicant's qualifications, as based on a review of an application form and on the results of an interview between the applicant and an appropriate member of the DER's staff.

No records of the results of such examination, and hence no register information is to be filed with the University System office. Selection records for Extra Help candidates MUST NOT be incorporated into the official registers of any place of employment and are not transferable from one place of employment to another.

Employees on Extra Help Appointments may be terminated with a Termination Notice. An employee on an Extra Help Appointment may wish to resign, in which case the Resignation form shall be used.

A review of Extra Help Appointments for compliance with the 900 hour limitation, any corresponding extension, and/or any other applicable criteria for such appointment shall be made at least every three months by the DER.

An Extra Help appointee, upon reaching 900 hours of accumulated employment, must be terminated and cannot resume employment in any Extra Help Appointment until 30 calendar days have elapsed unless an extension is approved by the Executive Director of the University System. Consideration of an Extra Help extension request and any approved Extra Help extension shall follow the guidelines and application process outlined below.

### **General Guidelines for Extra Help Extensions**

- a. In all instances, formal University System office approval is required before any extension can be implemented. Extensions of the 900 hour limitation must be approved by the Executive Director of the University System and will be granted, under very limited circumstances, in instances demonstrating a critical need or unusual/rare circumstances.
- b. An extension will not alter the nonstatus nature of the Extra Help Appointment.
- c. Extensions will only be granted for a specified time in increments of one year or less beyond the original 900 hour limitation. Reapplication and approval by the Executive Director of the University System is required at the expiration of the extension period. If the critical need continues to exist, each extension request will be carefully reviewed on a case by case basis and consecutive extension requests will generally require extraordinary or compelling justification. *Long term extensions or consecutive term extensions may reflect a permanent staffing need and a recommendation to staff accordingly.*

- d. An extension request will be considered for an individual employee/position or group of employees/positions.
- e. Justification for an Extra Help extension may include:
  - 1. Continuing disability, pregnancy leave, military leave, or other approved leave of absence where the employer expects the return of the employee holding the original appointment. The extension may not exceed the period of the approved leave.
  - 2. Intermittent need of highly skilled technical or professional positions/employees that have been trained by the employer. Consideration will be given to recruitment difficulty based on verifiable job market demand components. Examples of positions that may fall within this guideline are medical personnel, information technology staff, and law enforcement personnel.
  - 3. A project that requires completion within a short timeframe, such as one year or less, and there is no additional funding available.
  - 4. Other situations resulting in a critical need or unusual and rare circumstances.
- f. Extensions due to workload peaks will generally not be granted unless it has a direct effect on the health and safety of students, patients, faculty/staff or the general public who are invited to sponsored events.
- g. In all instances, consideration will be given to factors such as a defined financial restriction, business necessity, operational needs, reorganizational needs, length of requested exemption, health/safety issues, and the evaluation of other available employment options in lieu of the extension request.
- h. If extensions are not approved, the Extra Help employee/position must be terminated in accordance with the 900 hour limitation described above.
- i. For audit purposes, the employer will need to maintain the names and exact number of hours worked/paid for each employee/position subject to an Extra Help extension.

#### **Application Guidelines for Submitting an Extra Help Extension Request**

- a. All required information, as listed below, must be submitted in order for the request to be considered. Form 2.5a, Request for Extra Help Extension may be utilized to submit these extension requests. All of the required exemption request elements are contained in this form.
- b. Request for an extension must be submitted in a timely manner for uninterrupted continuation of coverage for the current employee(s) and workload. In most instances, extension requests should usually be submitted 30 days before the original 900 hour limitation has been reached. In some instances, consideration will be given to a request submitted in advance for a specified group of employees or positions, if based on a clearly defined anticipated need for a definite period of time of one year or less.
- c. The following information is required when submitting an extension request:
  - 1. Certification signed by the DER that the work to be performed is the same work performed as of the time of the initial Extra Help Appointment and no other reasonable means exists to meet the employment and operational needs.
  - 2. Employee(s)'s name, if request is for an individual or a small group of individuals. If requesting an extension for a large group, please submit the estimated number of employees and positions to which the exemption will apply.
  - 3. A description of duties that the Extra Help employee(s) will be expected to perform, the classification(s) designation of the work to be performed, and the assigned department(s) or work area(s).
  - 4. Planned start and end dates of extension, or number of extended hours (above 900) needed.

5. Confirm the number of employees on the re-employment register in the classification to be utilized in the extension.
6. Verification that appropriate employee groups have been notified, along with some indication of their reaction to such a request.
7. Detailed explanation of need and justification for extension.
8. If applicable, any previous history and implications regarding similar extensions.
9. List of alternative employment or operational actions considered.
10. An explanation of the consequences if the extension request is denied.

Agenda Item 2 and 3

Qualified Research Program – Civil Service Staffing

PLEASE UNDERSTAND THIS IS IS FIRST DRAFT, INFORMATION IS LIKELY TO CHANGE

The University System Office has been engaged in discussions with constituency groups regarding Grant-Funded employees. During these discussions, there were ideas presented that could potentially allow for some limited modifications to standard civil service obligations and rights.

Qualified Research Project Civil Service Staff: (we will need a title)

The tension between the needs of the human resource functions required to support the research projects throughout our universities and the statutory requirements of the State Universities Civil Service System Act (Act) has been communicated on numerous occasions.

Most recently, the University System Office has reviewed specific information regarding the recruitment, hiring, and general work rules associated with non-faculty employees who are deemed to be critical/essential for the success of the research mission of our employers. Employers have stressed to the University System that there are a series of positions that should be designated as Qualified Research Program Staff.

**It cannot be overemphasized that the information contained below is to foster discussion on specific concepts. The University System Office is still in the information and data gathering stage.**

Revision to the Statute and/or Develop a New Civil Service Status Position:

There will need to be updated to the Statute and Rules regarding this initiative - Create a Qualified Research Program – Civil Service Appointment/Employee.

Position/Employee Elements:

Qualified Research Programs” (QRP) are defined as programs for which primary funding is obtained from federal, trust, foundation, corporate, or state granting agencies, which can come in the form of gift grants and state funds and can include committed and uncommitted funding from the university in support of those qualified research programs.

Each Qualified Research Program – Civil Service Appointment/Employee be paid through qualified research programs be clearly articulated in the hiring justification and properly reviewed and vetted per newly developed rules/procedures.

Examples:

*IQUIST example, HCESC (gift agreement requires a match of \$750K/year – part of the research group – endowed gift match indefinitely so they will always be paid on state funds)*

*This GlaxoSmithKline (GSK) Center for Optical Molecular Imaging (COMI) at the Beckman Institute for Advanced Science and Technology is sponsored by Glaxo Smith Kline. The majority of funding for the positions will be GSK QRP or supplemental QRP funding in*

*support of the Biophotonics Imaging Lab (BIL) group in the Beckman Institute for Advanced Science and Technology.*

Example: TCBG example

*This Center for Macromolecular Modeling and Bioinformatics at the Beckman Institute for Advanced Science and Technology is sponsored by the National Institutes of Health as well as committed and uncommitted institutional funding. These positions will be funded by the previously stated Center for Macromolecular Modeling and Bioinformatics QRP or supplemental QRP funding in support of the Theoretical and Computational Biophysics Group in the Beckman Institute for Advanced Science and Technology.*

Example: ACES, Soybean Innovation Lab (SIL) funding by the US Agency for International Development.

*These positions are deemed appropriate for the QRP designation as defined. The initial award was for a five-year commitment with an additional five-year continuation. This 31 million dollar award required the hiring of an administrative team to manage communications, reporting, financial processing, and subcontract monitoring.*

**Note:**

It is common for the University to be required under the provisions of a research funding award (as a provision of accepting the award), to commit certain staffing or other resources beyond what is covered by the award. It is recognized that many units use multiple funding sources to pay employees during the course of a research program. To further elaborate on qualified funding, often such funding is accompanied by committed or uncommitted cost-sharing which allows the associated college or department to provide matching funds that may be on state, institutional, or gift monies.

In other words, the position (and any incumbents) may be paid from either a qualifying fund source or specifically designated for a program that has matching funds. The University and/or the State Universities Civil Service System Office may conduct an audit to ensure that proper procedures are being followed.

- A Qualified Research Program – Civil Service Appointment/Employee must be filled by
  - hiring candidates from the designated Employment Register following standard Rule of Three processes
  - designating a current civil service employee as an Essential Grant Funded employee
  - reassigning/transferring a current CS employee to a designated Essential Grant Appointment/position.
  
- Qualified Research Program – Civil Service Appointment/Employee are exempt from standard civil service seniority rights ‘bumping’ criteria, i.e., another university employee may not exercise seniority rights ‘bump’ into a position or displace an employee that is designated as a Qualified Research Program – Civil Service Appointment/Employee.



- A Qualified Research Program – Civil Service Appointment/Employee maintains his/her status and designation until the position becomes vacant or there is a significant change in the scope of the position.
- Review, approval, and tracking process. (Develop process to assure proper designation and tracking.)

Initial Concerns and Definitions:

- Specific definitions of these types of employees
- Determining the approval and monitoring of these appointments
- Criteria for hiring, promoting, and other standard job actions

Discussion Items

The Employee Advisory Committee and union representatives have significant concerns about the concept of Essential Grant Appointments/employees or other positions that may result in the diminishment of standard civil service rights and obligations. As we continue in our discussions, and as we get more clarity around the ideas developed, we will continue to provide feedback to all constituencies. As stated throughout this document, there need to be significant definitions developed to ensure that these positions are utilized in the limited fashion for which they are intended.

Short Term Grant-Funded Employees (similar to previous discussions):  
Grant-Funded Appointments (Previously Temporary Appointments)

- 1) A grant-funded appointment may be made by an employer to any position which the employer certifies to be funded by qualified grant funds, defined as federal and state grants, trust, foundation, or corporate sources of funds, for at least fifty-one (51%) percent of the source of funds allocated toward the employee's wages., The certification shall identify the grant or grants supporting the position and the total value of the employee's wages.
  - 2) A grant-funded appointment shall not continue for more than 24 months. During this time, the employee shall be in a probationary status, unless the employer chooses to convert the position/employee to a traditional status appointment before the end of the 24-month time frame.
  - 3) An employee in a Grant Funded position shall be eligible for standard benefits such as retirement system participation, health insurance, and accumulation vacation, sick leave, and similar benefits.
  - 4) The grant-funded position may be converted to a standard status civil service position at the end of the 24-month probationary period, or at any time during that period. If the position is converted to a traditional status civil service position, the employee shall be granted seniority from the date of hire. If the position is converted before the completion of the otherwise determined probationary period, as defined by the classification specification, the employee must complete the remaining probationary period time.
    - a. A grant-funded position may only be converted to a traditional status appointment if there is no available employee on the Reemployment register. If there is an employee(s) listed on the reemployment register, and he/she has chosen not to accept an offered position, a signed statement must be provided to the Employer indicating so.
  - 5) At the end of the 24 months, the grant-funded position must be discontinued. Another grant-funded position using funds from the same or similar grant or grants or source of funds, performing the same or substantially the same duties, may not be created.
  - 6) An employer shall fill a grant-funded position by calling candidates in the same manner as for status appointments, and in accordance with Section 250.60(d). Refusal to accept, or acceptance of, a grant-funded appointment by a candidate shall in no way affect the candidate's position on the register, regardless of the number of refusals or acceptances.<sup>1</sup>
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- 7) On a form provided by the Executive Director, an employee in a grant-funded position shall be provided, in writing, a summary of the civil service rights he or she will waive by accepting the grant-funded position.
  
- 8) An employee in a grant-funded position does not possess seniority rights and may not bump another employee, or be bumped by another employee from outside of the funding source during the 24-month probationary period.