



**MINUTES OF THE TWO-HUNDRED-AND-EIGHTEENTH  
MEETING OF THE UNIVERSITY CIVIL SERVICE MERIT BOARD –**

**April 7, 2022**

***State Universities Civil Service System (University System) Office  
1717 Philo Road, Suite 24  
Urbana, Illinois 61802***

***Chicago State University  
Cook Administration Building  
9501 South King Drive  
ADM Room 202  
Chicago, IL***

***Eastern Illinois University  
MLK Jr. University Union,  
Martinsville Room  
1720 7th Street  
Charleston, IL***

***Governors State University  
Room D34170  
1 University Parkway  
Park, IL***

***Northeastern Illinois University  
5500 North St. Louis Avenue  
Student Union Building, University  
Rm 103 (Golden Eagles Room)  
Chicago, IL***

***Northern Illinois University  
1120 East Diehl Road, Room 119  
Naperville, IL***

***Southern Illinois University  
Edwardsville  
School of Dental Medicine  
Alumni Conference Room, B273  
2800 College Ave.  
Edwardsville, IL***

***&  
(WebEx)***

**Call to Order and Roll Call – Julie Annette Jones, Chair**

Chair Jones called the meeting to order at 1:05 pm and read the following statement regarding the Executive Orders allowing the meeting to be held via WebEx.

*For the record, I (Chair Jones) will note that we are holding this meeting by means of video-conference, in compliance with Executive Orders 2020-07, 2020-33, 2020-44, 2020-48, and 2020-71 which state:*

*“During the duration of the Gubernatorial Disaster Proclamation, the provisions of the Open Meetings Act, 5 ILCS 120, requiring or relating to in-person attendance by members of a public body are suspended. Specifically, (1) the requirement in 5 ILCS 120/2.01 that ‘members of a public body must be physically present is suspended; and (2) the conditions in 5 ILCS 120/7 limiting when remote participation is permitted is suspended.”*

*I note for the record that the Agenda for this meeting was posted in accordance with the Open Meetings Act. The posted Agenda included directions on how to access the meeting.*

Members present via WebEx were: Chair Julie Annette Jones, representing Illinois State University; John R. Butler, representing Northern Illinois University; Pedro Cevallos-Candau, representing Governors State University; Joseph Dively, representing Eastern Illinois University; Sherry Eagle, representing Northeastern Illinois University; Naomi Jakobsson, representing the University of Illinois; and Andrea Zopp, representing Chicago State University. Kisha Lang, representing Western Illinois University, joined the meeting at 1:12 pm.

Members absent were: John Simmons, representing Southern Illinois University; and Stuart King, representing the University of Illinois.

Also present were: Gail Schiesser, Executive Director; and Teresa Rademacher, Secretary for the Merit Board. Various other university employees and State Universities Civil Service System (University System) staff were also in attendance.

**Consideration of participation by other Merit Board Members not physically present at meeting site**

Chair Jones asked for approval for Merit Board members not physically present to actively participate by other means in accordance with the Open Meetings Act requirements.

Dr. Eagle moved to allow Merit Board member Pedro Cevallos-Candau, representing Governors State University, to participate via WebEx. Ms. Jakobsson seconded Dr. Eagle’s motion. In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion was approved with the following vote:

Dr. Eagle .....Aye  
Ms. Jakobsson .....Aye  
Chair Jones .....Aye  
Dr. King.....Absent  
Mr. Simmons.....Absent  
Ms. Zopp .....Aye  
Dr. Butler.....Aye

Dr. Cevallos-Candau .....Abstain  
Mr. Dively .....Aye

**Approval of the Agenda for the 218<sup>th</sup> Meeting of the Merit Board – Julie Jones, Chair**

Chair Jones asked for a motion to approve the Agenda for the 218<sup>th</sup> Meeting of the University Civil Service Merit Board.

Ms. Zopp moved to approve the Agenda for the 218<sup>th</sup> Meeting of the Merit Board. Ms. Jakobsson seconded Ms. Zopp’s motion. In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion was approved with the following vote:

Ms. Zopp .....Aye  
Dr. Butler .....Aye  
Dr. Cevallos-Candau .....Aye  
Mr. Dively .....Aye  
Dr. Eagle .....Aye  
Ms. Jakobsson .....Aye  
Chair Jones .....Aye  
Dr. King.....Absent  
Ms. Lang .....Aye  
Mr. Simmons.....Absent

**Consideration of the Minutes of the 217<sup>th</sup> Meeting of the Merit Board, December 9, 2021**

The minutes of the 217<sup>th</sup> Meeting of the Merit Board, December 9, 2021, had been transmitted to members of the Merit Board with the agenda materials.

Dr. Eagle moved to approve the minutes of the 217<sup>th</sup> Meeting of the University Civil Service Merit Board. Ms. Lang seconded Dr. Eagle’s motion. In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion was approved with the following vote:

Dr. Eagle .....Aye  
Ms. Jakobsson .....Aye  
Chair Jones .....Aye  
Dr. King.....Absent  
Ms. Lang .....Aye  
Mr. Simmons.....Absent  
Ms. Zopp .....Aye  
Dr. Butler .....Aye  
Dr. Cevallos-Candau .....Aye  
Mr. Dively .....Aye

**Consideration of the Closed Minutes of the 217<sup>th</sup> Meeting of the Merit Board, December 9, 2021**

The Closed Minutes of the 217th Meeting of the Merit Board, December 9, 2021, had been transmitted to members of the Merit Board with the agenda materials.

Ms. Lang moved to approve the Closed Minutes of the 217th Meeting of the University Civil Service Merit Board. Dr. Eagle seconded Ms. Lang’s motion. In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion was approved with the following vote:

- Ms. Lang .....Aye
- Mr. Simmons.....Absent
- Ms. Zopp .....Aye
- Dr. Butler.....Aye
- Dr. Cevallos-Candau .....Aye
- Mr. Dively.....Aye
- Dr. Eagle .....Aye
- Ms. Jakobsson .....Aye
- Chair Jones .....Aye
- Dr. King.....Absent

**Merit Board Reorganization**

The Merit Board conducted reorganization activities, electing its officers for calendar year 2022. Chair Jones stated the following officers needed to be elected for 2022: Chair, Vice Chair, and Executive Committee and the appointment of a Secretary for the Merit Board. Chair Jones asked Ms. Schiesser to proceed.

Ms. Schiesser stated that Ms. Jones had agreed to continue to serve as Chair. Ms. Jakobsson made a motion to elect Chair Jones as Chair. Dr. Eagle seconded Ms. Jakobsson’s motion. In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion was approved with the following vote:

- Ms. Jakobsson .....Aye
- Chair Jones .....Aye
- Dr. King.....Absent
- Ms. Lang .....Aye
- Mr. Simmons.....Absent
- Ms. Zopp .....Aye
- Dr. Butler.....Aye
- Dr. Cevallos-Candau .....Aye
- Mr. Dively.....Aye
- Dr. Eagle .....Aye

Ms. Schiesser called for nominations for Vice-Chair. Ms. Jakobsson made a motion to elect Dr. Eagle as Vice-Chair. Ms. Lang seconded Ms. Jakobsson’s motion. In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion was approved with the following vote:

Ms. Jakobsson .....Aye  
Chair Jones .....Aye  
Dr. King.....Absent  
Ms. Lang .....Aye  
Mr. Simmons.....Absent  
Ms. Zopp .....Aye  
Dr. Butler .....Aye  
Dr. Cevallos-Candau .....Aye  
Mr. Dively .....Aye  
Dr. Eagle .....Aye

Ms. Schiesser called for nominations for the Executive Committee of the Merit Board. Ms. Lang made a motion to elect Mr. Butler and Ms. Jakobsson to the Executive Committee. Dr. Eagle seconded Ms. Lang’s motion. In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion was approved with the following vote:

Ms. Lang .....Aye  
Mr. Simmons.....Absent  
Ms. Zopp .....Aye  
Dr. Butler .....Aye  
Dr. Cevallos-Candau .....Aye  
Mr. Dively .....Aye  
Dr. Eagle .....Aye  
Ms. Jakobsson .....Aye  
Chair Jones .....Aye  
Dr. King.....Absent

The following officers for the calendar year 2022 were elected:

Chair: Julie Annette Jones  
Vice-Chair: Sherry Eagle  
Executive Committee: John Butler and Naomi Jakobsson

The following officers for the calendar year 2022 were elected:

Chair Jones stated that the Merit Board was also required to appoint a Secretary for the Merit Board. Ms. Zopp made a motion to re-appoint Teresa Rademacher as Secretary for the Merit Board. Ms. Lang seconded Ms. Zopp’s motion. In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion was approved with the following vote:

Ms. Zopp ..... Aye  
 Dr. Butler..... Aye  
 Dr. Cevallos-Candau..... Aye  
 Mr. Dively..... Aye  
 Dr. Eagle ..... Aye  
 Ms. Jakobsson ..... Aye  
 Chair Jones ..... Aye  
 Dr. King..... Absent  
 Ms. Lang ..... Aye  
 Mr. Simmons..... Absent

**Public Comments**

Chair Jones stated that one request had been submitted to present public comments. Timothy Wolfe, Assistant Counsel for the University of Illinois at Chicago, asked to speak regarding Agenda Item 10, James Kehoe v. the University of Illinois at Chicago discharge case.

Chair Jones requested that a motion be made to allow Mr. Wolfe to present public comments during the appropriate agenda item. Dr. Eagle made a motion to move Mr. Wolfe’s public comments to the agenda item where the matter would be presented. Ms. Lang seconded Dr. Eagle’s motion. In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion was approved with the following vote:

Dr. Eagle .....Aye  
 Ms. Jakobsson .....Aye  
 Chair Jones .....Aye  
 Dr. King.....Absent  
 Ms. Lang .....Aye  
 Mr. Simmons.....Absent  
 Ms. Zopp .....Aye  
 Dr. Butler.....Aye  
 Dr. Cevallos-Candau .....Aye  
 Mr. Dively .....Aye

**Report of the Human Resource Directors Advisory Committee – Janice Bonneville, DER for Illinois State University**

Janice Bonneville, DER for Illinois State University, presented comments for the Human Resource Directors Advisory Committee. Ms. Bonneville stated that the universities continue to push forward through the Covid pandemic. Testing on campus continues in efforts to prevent outbreaks. She stated that with the passing of Public Act 102-0697, the universities have additional Covid-19 responsibilities as everyone works to provide students, staff, and faculty the administrative leave and, in some cases, missed compensation under this law.

She further stated that HB 5408 remains pending and is hopeful that the General Assembly will move this bill through the process. She further stated that HB 5408 addressed several issues but

still not enough. The Merit Board approved the changes in HB 5408 in December 2021 but also approved a change that would impact the ability of universities to recruit employees to our campus, namely the removal of the out-of-state applicant restrictions in the statute. Unfortunately, that change did not make it into HB 5408, and this committee hopes this topic will continue to be discussed.

Lastly, she stated that during the appropriation hearings this year, universities were specifically asked about their interactions with the University System Office. The amendments of HB 1172 were directly the results of those conversations. The amendments were filed; however, they were held by the sponsor pending discussions between the universities and other interested parties. The HR directors hope to continue the discussion on a number of topics so they can better align recruiting and retention efforts with the changing employment landscape. The advocated changes under HB 1172 would significantly modify the testing processes under the University System, remove the hour limitations on extra help appointments, and permit the hiring of out-of-state employees.

Ms. Bonneville stated that she would only comment on one of the proposed changes in HB 1172, the removal of the 900 hour limit requirement for extra help appointments. She stated that the hour limitation unfairly prevents the employee from becoming a civil service status employee is not true. The universities are posting and hiring permanent jobs. She further stated that many of the universities are having difficulties finding employees to take these jobs on a full-time basis. Conversely, all the universities have employees that enjoy filling these extra-help positions, individuals with other jobs, retirees, and a variety of other individuals that fill these roles. Their are employees that are connected to and supportive of the university, and the universities are required to release them from employment for no other reason than an hour limitation where employees are not looking for employment that is not 9-5 work. Universities are missing many opportunities by placing this 900 hour limitation on employees.

The board had no comments or questions for Ms. Bonneville.

### **Report of the State Universities Employee Advisory Committee – Jill Odom, Chair**

Jill Odom presented comments to the Merit Board. For the first time since March of 2020, she stated that the committee was able to meet in person at Illinois State University. Three new members were welcomed at the January meeting. One challenge was how to manage the committee meetings, communications, and work product in relation to the Open Meetings Act. The committee worked diligently to revise its policies and procedures to ensure they were compliant. Ms. Schiesser also joined our meetings and provided us with several updates pertaining to legal matters before the Merit Board, the agency budget, class plan updates, audits, and proposed modifications to sections of the Act.

Ms. Odom further stated that at the December meeting, she had reported that the EAC committee, the University System, and the HR Directors have not always seen eye-to-eye but have worked through policy revisions, like the PAAs. Also, in December, she said the committee

informed the Merit Board of their support of Section 36f eliminating the Illinois residency to take an exam; she stated this to show the committee is committed to working together to move forward. In the last two weeks of the session, the committee learned of HB 1172, which will significantly impact civil service employees, institutions the committee serves, and supports, along with the University System, without any discussions or notice of the proposed amendments of HB 1172 prior to them be filed. The committee would like to note our opposition to the proposed amendments in the record. The purpose of this body, your employee advisory committee, is to advise the Merit Board on all matters pertaining to civil service employment. As such, the committee requests that the Merit Board convene a meeting to include yourselves, the University System Office, and EAC to discuss these changes. In the spirit of true transparency and collaboration, we welcome the HRDAC group to join as well. She thanked the Merit Board for their attention to these matters as they impact all civil service employees.

The committee's next meeting is on July 21 & 22, 2022.

### **Consideration of Discharge Proceedings Number UIC-21-18 filed against James Kehoe by the University of Illinois at Chicago**

Chair Jones asked Ms. Schiesser, Executive Director, to provide a summary of the Kehoe discharge case. Ms. Schiesser stated that the University of Illinois at Chicago (UIC) filed Written Charges for Discharge against James Kehoe on October 5, 2021. Mr. Kehoe, a Police Officer since September 13, 1999, made a timely request for a discharge hearing. UIC charged Mr. Kehoe with the following charges:

1. Violation of Department General Order 570.100, Code of Conduct Rule #21 – Tardiness for Duty Assignment, Court Appearance, and including Roll Call;
2. Violation of Department General Order 570.100, Code of Conduct Rule #5 – Failure to perform any duty; and
3. Violation of Department General Order 570.100, Code of Conduct Rule #6 – Disobedience of any lawful written, electronic or oral order or directive of a superior or another employee who is relaying the order of a superior.

Executive Director Schiesser stated that the Hearing Record showed the following; five previous incidents of discipline related to Officer Kehoe involving absences or tardiness:

- August 15, 2016 -- a Letter of Warning for major rule infraction, Rule 6- disobeying an order, and minor rule infraction, Rule A – tardiness;
- February 10, 2018 -- a Letter of Warning for major rule infraction, Rule 21- tardiness;
- December 18, 2018 -- a Letter of Warning for major rule infraction, Rule 20- absence from duty without authorization;
- September 18, 2019 -- a 1-day suspension (in lieu of a 5-day suspension) for two major rule infractions, Rule 21 – tardiness; and



- August 9, 2020 -- Demotion from Sergeant to Patrolman for major rule infractions, Rule 6- disobeying an order, Rule 11- failure to adequately care for and secure Department property, and Rule 12- making a false report, whether in writing, electronically, or orally.

Officer Kehoe had previously suffered various work-related injuries:

- an ankle fracture in March 2009;
- a nasal fracture requiring surgery in November 2010; and
- additional injuries in October 2012 and September 2015.

The Written Charges for Discharge before the Merit Board today relate to two separate incidents: the first on June 2, 2021, and the second on July 7, 2021. On June 2, 2021, Officer Kehoe was scheduled to staff the security post at the UIC Hospital employee entrance beginning at 6:00 a.m. At 6:11 am, Officer Kehoe called his sergeant, Sgt. Thomas Hochbaum, to advise the sergeant that Officer Kehoe would be tardy. Officer Kehoe arrived at his work location, but out of uniform, at 8:12 am. He arrived in uniform at 8:26 am.

As a result of his previous work-related injuries, Officer Kehoe had been prescribed Trazodone to help him sleep. Officer Kehoe and his wife stated that Officer Kehoe did not take Trazodone every night but was told by his doctor that he could take it if he had difficulty sleeping. Trazodone would relax and relieve his pain, allowing him to sleep through the day or night. In April 2021, Officer Kehoe had difficulty falling asleep and staying asleep. Officer Kehoe had changed from the midnight shift to the day shift in April 2021. Before that time, Officer Kehoe had worked midnights for the previous ten years. The evening before Officer Kehoe's June 2<sup>nd</sup> shift was the first time he had used Trazodone since being assigned to the day shift. Officer Kehoe stated that he was in pain and couldn't sleep. Officer Kehoe stated that he saw his doctor on June 3<sup>rd</sup> to have the medication changed or decreased so a similar incident would not occur in the future.

Captain James Huertas, who oversees internal affairs for the UIC Police Department, was in the process of setting up a disciplinary hearing related to the June 2<sup>nd</sup> events when the July 7, 2021 incident occurred. On July 7, 2021, Officer Kehoe was scheduled to begin his shift at 6:00 a.m. He did not arrive at work at all that day. Officer Kehoe failed to notify his employer of his inability to work until 5:45 am. On July 7, Officer Kehoe awoke at 4:30 am. He testified that when he awoke, he was in a great deal of nerve pain from his shoulder to his fingers, with no ability to move his arm. At that time, Officer Kehoe got up and called out for his wife, explaining he could not feel his arm.

Melissa Kehoe testified that she was awakened by her husband screaming for her. She ran to him because he was crying, saying he was in pain. Officer Kehoe stated that he asked his wife to help him to a chair so that she could help him get dressed and then go to the hospital. After getting dressed, the process of getting to the car took about 15 minutes because of pain and spasms.

UIC Police department has a standard operating procedure that requires employees to make a sick call notification to inform Telecommunications that the employee will be using sick or vacation time and their anticipated return date. An employee wishing to use sick time must contact Telecommunications via telephone at least one (1) hour prior to their scheduled start time unless it can be shown that such notification was “reasonably impossible.”

Officer Kehoe stated that the thought of calling in an hour before shift did not occur to him during this time. Officer Kehoe stated that he did not want to wait for an ambulance because the hospital was less than seven minutes’ driving time from his house. Melissa Kehoe said she felt she could get Officer Kehoe to the hospital faster than if they waited for an ambulance. She testified that her husband did not appear to be able to make a phone call during the drive to the hospital.

Regarding the charges filed by UIC, the Hearing Officer, Michael Dudek, made the following findings of fact:

- that the employer met its burden of proof on Charge #1: Violation of Department General Order 570.100, Code of Conduct Rule #21 – Tardiness for Duty Assignment, Court Appearance, and including Roll Call;
- that the employer met its burden of proof on Charge #2: Violation of Department General Order 570.100, Code of Conduct Rule #5 – Failure to perform any duty; and
- that the employer failed to meet its burden of proof on Charge #3: Violation of Department General Order 570.100, Code of Conduct Rule #6 – Disobedience of any lawful written, electronic or oral order or directive of a superior or another employee who is relaying the order of a superior.

Chair Jones asked Timothy Wolfe, representing the University of Illinois at Chicago (UIC), to present his public comments regarding this case. Mr. Wolfe stated that UIC had demonstrated just cause to terminate the employment of Mr. Kehoe. Mr. Kehoe repeatedly failed to adhere to UIC Codes of Conduct, potentially affecting the safety of employees, staff, patients, and visitors at UIC Hospital where he was assigned to work. The UIC Police Department worked on a progressive approach to corrective action, but this did not result in a behavior change. He further stated that the August 2016 warning was for being 45 minutes late; in February 2018, he was late again by 3 hours and 4 minutes; in January 2019, he was warned for failing to even show up for mandatory training; and in July 2019 he was 2 hours and 45 minutes late for range training, claiming he overslept. In August 2019, he was again tardy to work by 16 minutes as a result, the progressive disciplinary was stepped up, and he was given a one-day suspension. In August 2020, Mr. Kehoe engaged in serious misconduct resulting in a 30-day suspension and a demotion from Sergeant to Police Officer. He further stated that Internal Affairs determined that Officer Kehoe failed to report damage to a UIC Police vehicle in his possession and then committed an act of dishonesty when submitting a false police report about the incident. Mr. Kehoe was warned that future violations could subject him to termination of his employment. This led to the violations subject to the discharge hearing.

On June 2, 2021, Mr. Kehoe was again late by 2 hours and 26 minutes for oversleeping. Hearing Officer Dudek properly found a violation of Rule 21. Mr. Kehoe made excuses regarding medications but admitted during the hearing it was his responsibility to be at work on time. On July 7, 2021, Mr. Kehoe failed to call off an hour before his shift that started at 6 am. He had his wife call his superiors at 5:45 am. He had been awake and conscious since 4:30 am but did not contact the department, nor did he have his wife do so. There are two sources for this obligation resulting in two different violations. The first duty under the collective bargaining agreement with the Police Officer union, Hearing Officer Dudek, sustained that finding. The second reason was in a written directive, a standard operation procedure, Hearing Office Dudek did not sustain this finding. Adherence to Rules and Regulations is particularly important in a police department. The university has demonstrated repeated violations of rules and orders warranting the separation of Mr. Kehoe for just cause.

Chair Jones stated the Merit Board has three options, discharge, reinstatement, or reinstatement with a suspension.

Dr. Butler asked if the Merit Board would vote on each charge or as a whole? Dr. Butler made a motion to reinstate Officer Kehoe with a 30-day suspension. Chair Jones called for a second. The motion failed for lack of a second.

Mr. Dively made a motion to discharge. Ms. Zopp seconded Mr. Dively's motion.

Chair Jones asked for discussion. Dr. Butler stated that he could not support discharge based on only two incidents. Dr. Eagle noted that she agrees with Dr. Butler in the third incident; however, she believes UIC implemented the progressive discipline to improve his behavior. Ms. Zopp and Chair Jones agreed with Dr. Eagle. Ms. Jakobsson reiterated what the last few people had said and Officer Kehoe had been suspended and she couldn't understand why he would not have called in because of his previous suspensions. Ms. Lang also asked for clarification on when his work shift was changed? Ms. Schiesser didn't know why his shift was changed; it is not part of the hearing record. Dr. Eagle understood his pain, but there was a shift in his ability to show up for work, which was not always the case. Dr. Butler stated his severe pain came from him working for the university.

A roll call vote was taken and the motion was approved with the following vote:

Mr. Dively .....	Aye
Dr. Eagle .....	Aye
Ms. Jakobsson .....	Aye
Chair Jones .....	Aye
Dr. King .....	Absent
Ms. Lang .....	Aye
Mr. Simmons .....	Absent
Ms. Zopp.....	Aye
Dr. Butler .....	No

Dr. Cevallos-Candau .....Aye

Therefore, the following Decision and Order of the University Civil Service Merit Board was adopted.

**STATE OF ILLINOIS**



**STATE UNIVERSITIES CIVIL SERVICE SYSTEM**

<b>JAMES KEHOE,</b>	)	<b>BEFORE THE UNIVERSITY CIVIL</b>
	)	<b>SERVICE MERIT BOARD</b>
<b>Employee,</b>	)	
	)	<b>DISCHARGE PROCEEDING</b>
<b>v.</b>	)	
	)	<b>No. UIC-21-18</b>
<b>UNIVERSITY OF ILLINOIS AT CHICAGO,</b>	)	
	)	
	)	
<b>Employer.</b>	)	

***DECISION AND ORDER OF THE  
UNIVERSITY CIVIL SERVICE MERIT BOARD***

**PROCEDURAL HISTORY**

Discharge proceedings have been commenced by the **UNIVERSITY OF ILLINOIS AT CHICAGO**, employer, against **JAMES KEHOE**, employee, by service of Written Charges for Discharge by USPS overnight mail on October 5, 2021, and the Employee, **JAMES KEHOE**, has filed a timely written request for Hearing. A Hearing was duly convened and held on December 17, 2021, and reconvened and concluded on February 8, 2022, in conformity with the procedures set

forth in Section 250.110(f) of the Illinois Administrative Code (Code) (80 Ill. Adm. Code §250.110(f)). The complete Hearing Record has been certified and placed on file in this cause.

### **FINDINGS**

The University Civil Service Merit Board has examined and reviewed the Hearing Record, as supplemented, which includes the following:

1. Written Charges for Discharge, dated October 5, 2021
2. Suspension Notice Pending Discharge, dated October 5, 2021
3. Employee's Request for Hearing, received on October 16, 2021
4. Acknowledgment of Hearing Request, dated October 21, 2021
5. Notice of Convening of Hearing to Hearing Officer, dated October 28, 2021
6. Notice of Convening of Hearing to the parties of record, dated October 28, 2021
7. Order Regarding Procedures for Remote Hearing, dated November 4, 2021
8. Corrected Order Regarding Procedures for Remote Hearing, dated November 10, 2021
9. Employer's Request for Continuance, dated November 10, 2021
10. Employee Notice of Appearance, Waiving of 45-day Requirement, and Request for Continuance, dated November 10, 2021
11. Employer Notice of Representation, dated November 17, 2021
12. Amended Notice of Convening of Hearing to Hearing Officer, dated November 17, 2021
13. Amended Notice of Convening of Hearing to the parties of record, dated November 17, 2021
14. Employee Request for Subpoena, dated November 23, 2021
15. Subpoena for Complete personnel file of UIC Police Officer James Kehoe, including but not limited to all commendations, training, discipline and evaluations, dated November 23, 2021
16. Employee Request for Subpoenas, dated December 1, 2021
17. Subpoena to Captain Eric Hersay, dated December 3, 2021
18. Subpoena to Captain Jason Huertas, dated December 3, 2021
19. Subpoena to Captain Stan Grice, dated December 3, 2021
20. Subpoena to Detective Armando Juarez, dated December 3, 2021
21. Subpoena to Dr. Tina Blachut, dated December 3, 2021
22. Subpoena to Kevin L. Booker, Chief of Police, dated December 3, 2021
23. Subpoena to Kristin Thomas, dated December 3, 2021
24. Subpoena to Ronald Guichon, dated December 3, 2021
25. Subpoena to Sergeant Thomas Hochbaum, dated December 3, 2021
26. Corrected Order Regarding Procedures for Remote Hearing, dated December 3, 2021
27. Employee's Withdrawal of Subpoenas to Kristin Thomas, Detective Armando Juarez, Ronald Guichon, and Dr. Tina Blachut, dated December 8, 2021
28. Employee Exhibits, received December 1, 2021
29. Employer's Witness List, Exhibit List and Exhibits, received December 10, 2021

30. Notice of Reconvening of Hearing to Hearing Officer, dated December 22, 2021
31. Notice of Reconvening of Hearing to the parties of record, dated December 22, 2021
32. Transcript of Hearing and Exhibits, January 4, 2022, and February 2, 2022
33. Employee's Submission of additional Exhibits, received February 7, 2022
34. Employer's Objections to additional Exhibits, dated February 7, 2022
35. Employee's Response to Objections, dated February 7, 2022
36. Request for Findings of Fact from Hearing Officer, dated February 16, 2022
37. Findings of Fact rendered by Hearing Officer, dated March 11, 2022

Now being fully advised of the matters contained in the Hearing Record, as supplemented, and based solely on the matters contained in the Hearing Record, as supplemented, the University Civil Service Merit Board makes the following jurisdictional and factual findings and issues the following Decision and Order:

1. That this discharge proceeding has been commenced and conducted in compliance with Section 250.110(f) of the Code and all applicable State and Federal Laws and that the University Civil Service Merit Board has jurisdiction of the parties and subject matter thereof.
2. That the Hearing Record, as supplemented, supports and sustains one or more of the following charges of the employer, **UNIVERSITY OF ILLINOIS AT CHICAGO**, against the employee, **JAMES KEHOE**, and establishes just cause for discharge, as follows:
  - Violation of Department General Order 570.100, Code of Conduct, Rule #21 – Tardiness for duty assignment, court appearance, and including roll call.
  - Violation of Department General Order 570.100, Code of Conduct, Rule #5 – Failure to perform any duty.
  - Violation of Department General Order 570.100, Code of Conduct, Rule #6 – Disobedience of any lawful written, electronic, or oral order.
  - Directive of a supervisor or another employee who is relaying the order of a superior.

**DECISION AND ORDER**

**WHEREFORE, IT IS HEREBY ORDERED:**

1. The Findings of Fact of the Hearing Officer, attached hereto, are approved and certified to the employer, **UNIVERSITY OF ILLINOIS AT CHICAGO**, to the extent not inconsistent with the findings made herein.
2. The employee, **JAMES KEHOE** is hereby separated from the service of his employer, **UNIVERSITY OF ILLINOIS AT CHICAGO**, and that the effective date of his discharge shall be as of April 7, 2022.
3. This Order is FINAL and is subject to the Administrative Review Law. Section 250 of Title 80 of the Illinois Administrative Code does not authorize the Merit Board to hear any motion or request for reconsideration.
4. The names of the Hearing Officer and each of the parties is as follows:

**Hearing Officer**

Mr. Michael Dudek  
Attorney at Law

**Parties of Record**

Mr. Timothy A. Wolfe  
Attorney at Law

Mr. Joseph Mazzone  
Attorney at Law

**DATED AND ENTERED** this 7<sup>th</sup> day of April 2022.

**UNIVERSITY CIVIL SERVICE MERIT BOARD**

By: */s/ Julie Jones*  
Julie Jones, Chair  
University Civil Service Merit Board

**ATTEST:**

*/s/ Teresa M. Rademacher*  
Teresa Rademacher  
Secretary for the Merit Board

### **Update on proposed changes to the State Universities Civil Service Act, HB 5408**

Ms. Schiesser stated that HB 5408 was awaiting the third reading in the Senate and had passed the House.

Mr. Butler asked about HB 1172 and if the agency was consulted about the legislation. Ms. Schiesser stated that HB 1172 was a shell bill, and the floor amendments were provided in the week of March 23. She further clarified that our agency removed the residency component before filing HB 5408 because Representative Ammons said she would not support it. Ms. Schiesser further stated that our office was not consulted in any way before the amendments to HB 1172 were filed and was notified and asked for comments just prior to the hearing, which was provided. Ms. Schiesser stated that she disagreed with Ms. Bonneville on the 900-hour limitations to extra help; the University System wants status appointments, and the agency wants opportunities based on fitness and merit, Extra Help Appointments do not do that and, by design, are temporary appointments. Once an employee reaches 900 hours, employers should know whether a status appointment would be required, either full-time or part-time. Ms. Schiesser also stated that part of HB 1172 would also remove all testing from the agency for unclear reasons. Also, all tests must be available online by July 1, 2024, and any applicants that want to test before July 1, 2024, the agency would be required to pay for expenses for applicants.

### **Update on the proposed change to the Bylaws of the University Civil Service Merit Board**

Ms. Schiesser stated the revision to the Bylaws was not ready for the Merit Board at this time and will be on the agenda for the next meeting of the Merit Board.

### **Governance, Risk, and Compliance Audit Program review of recent activities**

Ms. Schiesser commented that two final audit reports had been issued since the last meeting, University of Illinois Springfield was issued on January 7, 2022, and the University of Illinois College of Medicine at Peoria was issued on March 17, 2022. The draft report for Southern Illinois University Carbondale was issued on March 9, 2022, and eight more reports are in progress. The audit schedule has been revised from a two-year to a three-year audit program. Ms. Schiesser informed the board that Jonah Jett had been assigned to the audit program.

### **Report of the Executive Director – Gail Schiesser**

Ms. Schiesser updated the Merit Board on the status of the FY 22 budget and looked at expenditures thus far. For FY 23, ISL forms were submitted to Illinois State Legislature for FY23, and she attended committee hearings on February 10 in the House and February 14 in the Senate. The Governor's budget recommended a \$55,800 increase over the FY22 budget. At this time, no state budget has been approved.



The Classification, Examination, and Compensation department has updated nine promotional lines or series and another seven stand-alone classifications. The division is currently working on 12 series and six stand-alone classifications and deleting about 20 classifications.

The Office of the Auditor-General will be auditing our agency this year, and they have requested documentation which has been provided. On-site visit has been scheduled for later in April.

### **Report of Legal Counsel – Gail Schiesser**

Ms. Schiesser stated that there are currently four matters in various courts around the state:

#### **In Madison County, the State of Illinois vs. Chad Bateman**

In June 2019, the Executive Director signed a criminal complaint alleging that an applicant at SIUE attempted to cheat on an Electrician exam. The defendant appeared in court, pleaded not guilty, and demanded a jury trial. In November 2019, the University System provided the Madison County States Attorney with details of damages suffered by both the University System and the university due to the defendant's actions. There have been a number of continuances. This case will appear on a status call in Madison County.

#### **Christopher Bean**

On January 4, 2021, Christopher Bean, a former University of Illinois at Chicago employee, filed a charge against the Labor Organization against the University System. The Attorney General's Office represented the agency in this matter and filed a motion to dismiss the charges with the investigator at the Illinois Educational Labor Relations Board. The Executive Director of the IELRB recommended in December 2021 that the charges be dismissed, which was on February 4, 2022.

#### **Vincent Bradford**

On December 10, 2020, the Merit Board dismissed Mr. Bradford from the University of Illinois at Chicago. Mr. Bradford filed a complaint for Administrative Review on January 19, 2021. The Attorney General's Office represents the agency in this matter and has requested a briefing schedule on Mr. Bradford's memorandum of law. This is pending in Cook County Court.

#### **Karl Seymour**

The Merit Board voted on May 13, 2021, to return Mr. Seymour to work following a 120-day unpaid suspension. On July 1, 2021, Northeastern Illinois University filed a complaint for Administrative Review. This matter was settled on November 18, 2021. Mr. Seymour and NIU reached an agreement regarding his resignation and severance payments, and was dismissed on January 12, 2022.

Dr. Butler asked if NIU reinstated Mr. Seymour regarding the Order of the University Civil Service Merit Board issued by the Merit Board? Ms. Schiesser responded that NIU did not reinstate Mr.

Seymour and informed the University System that they did not intend to do so. Dr. Butler asked about the process when a university ignores its Order. Ms. Schiesser informed the Merit Board that the University System was represented by the Attorney General’s (AG) Office in Administrative Review matters. The University System asked the AG to pursue a contempt claim against the university and asked them to return Mr. Seymour to pay status; the AG did not seem able to contemplate that idea. She further stated that it would be possible to separate representation from the AG; however, that is not recommended, especially when the University System Office did not have counsel. The AG is much better suited to represent the Merit Board, and the Merit Board members need to bring this concept up with their university boards.

Dr. Butler reiterated to the Merit Board members that an Order issued by the Merit Board was ignored by one of the universities. Simultaneously, people are drafting legislation that essentially busts the system. This might need to be a discussion point rather than working through action items. Dr. Eagle commented the item was discussed at the board level at NEIU as a legal matter with the administration.

**Other Items as presented**

Ms. Schiesser stated that due to this meeting being rescheduled from February 2022, it was suggested that the next meetings be moved to August and November.

Ms. Jakobsson made a motion to remove June 16, 2022 meeting from the calendar. Ms. Zopp seconded Ms. Jakobsson’s motion. In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion was approved with the following vote:

Ms. Jakobsson .....Aye  
Chair Jones .....Aye  
Dr. King.....Absent  
Ms. Lang .....Aye  
Mr. Simmons.....Absent  
Ms. Zopp.....Aye  
Dr. Butler .....Aye  
Dr. Cevallos-Candau .....Aye  
Mr. Dively .....Aye  
Dr. Eagle .....Aye

Ms. Lang made a motion to adjourn the meeting. Ms. Zopp seconded Ms. Lang’s motion. In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion was approved with the following vote:

Ms. Lang .....Aye  
Mr. Simmons.....Absent  
Ms. Zopp.....Aye  
Dr. Butler .....Aye

Dr. Cevallos-Candau .....Aye  
Mr. Dively .....Aye  
Dr. Eagle .....Aye  
Ms. Jakobsson .....Aye  
Chair Jones .....Aye  
Dr. King.....Absent

The meeting adjourned at 3:02 pm.

Respectfully submitted,

*/s/ Teresa Rademacher*

Teresa Rademacher  
Secretary for the Merit Board

APPROVED:

*/s/ Julie Annette Jones*

Julie Annette Jones, Chair  
University Civil Service Merit Board

August 11, 2022

Date