



**MINUTES OF THE TWO-HUNDRED-AND-NINETEENTH
MEETING OF THE UNIVERSITY CIVIL SERVICE MERIT BOARD –
AUGUST 11, 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
7TH Street Underground/Rathskeller Loft
1720 7th Street
Charleston, IL***

***Governors State University
Room D2444
1 University Parkway
University Park, IL***

***Northeastern Illinois University
5500 North St. Louis Avenue
Student Union Building
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.
Alton, IL***

&
(WebEx)

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

Chair Jones called the meeting to order at 1:04 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, joined the meeting at 1:15 pm; 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 John Simmons, representing Southern Illinois University.

Members absent were: Kisha Lang, representing Western Illinois University; Stuart King, representing the University of Illinois; and Andrea Zopp, representing Chicago State University.

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 the meeting site

All members were physically present at a designated meeting site.

Approval of the Agenda for the 219th Meeting of the Merit Board – Julie Annette Jones, Chair

Chair Jones asked for a motion to approve the Agenda for the 219th Meeting of the University Civil Service Merit Board.

Mr. Simmons moved to approve the Agenda for the 219th Meeting of the Merit Board. Mr. Cevallos-Candau seconded Mr. Simmons’ motion. In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion was approved with the following vote:

Mr. SimmonsAye
Ms. ZoppAbsent
Mr. ButlerAbsent
Dr. Cevallos-CandauAye
Mr. DivelyAye
Dr. EagleAye
Ms. JakobssonAye
Chair JonesAye

Dr. King.....Absent
Ms. Lang.....Absent

Consideration of the Minutes of the 218th Meeting of the Merit Board, April 7, 2022

The minutes of the 218th Meeting of the Merit Board, April 7, 2022, have been transmitted to members of the Merit Board with the agenda materials.

Dr. Eagle moved to approve the minutes of the 218th Meeting of the University Civil Service Merit Board with a correction on page 18, paragraph two, changing NIU to NEIU. Mr. Simmons 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. EagleAye
Ms. JakobssonAye
Chair JonesAye
Dr. King.....Absent
Ms. Lang.....Absent
Mr. Simmons.....Aye
Ms. ZoppAbsent
Mr. ButlerAbsent
Dr. Cevallos-CandauAye
Mr. Dively.....Aye

Public Comments

Chair Jones stated that two requests had been submitted to present public comments. Jami Painter, Senior Associate Vice President and Chief Human Resource Officer at the University of Illinois, asked to speak on behalf of the DERs regarding budget challenges, extra help limitations, college work program, and residency requirements; and Matthew Jones, Assistant University Counsel for the University of Illinois at Chicago, regarding Agenda Item 8, Carol Johnson-Brown v. the University of Illinois at Chicago discharge case.

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

Mr. Simmons.....Aye
Ms. ZoppAbsent
Mr. ButlerAye

Dr. Cevallos-CandauAye
Mr. DivelyAye
Dr. EagleAye
Ms. JakobssonAye
Chair JonesAye
Dr. King.....Absent
Ms. LangAbsent

Jami Painter stated that the University of Illinois (UI) System had unique challenges that she wanted to address independently of their collective efforts. Ms. Painter noted that the UI System is not just a leader in Illinois but a global leader in public higher education. The UI System operates on a \$6.7 billion-dollar budget, with an estimated \$18 billion-dollar economic impact in the state. The UI system educates almost 100,000 students and produces more than 23,000 graduates each year, with half of the graduating students staying in the state of Illinois after graduation, joining the state workforce and taxpayer base. The UI System employs roughly 27,000 full-time employees, and 1 in 46 jobs in the state of Illinois is connected to the UI System. No entity in the state is as impactful in ensuring that Illinois thrives.

Ms. Painter further stated that while many of the same challenges are facing other Illinois universities, the UI System has unique challenges in recruiting staff to work with world-renowned faculty in a research 1 AAU university. The UI system has an academic health enterprise that educates more than 5,000 healthcare professionals in the state; this includes doctors, dentists, pharmacists, and nurses. Recent and rapid workforce changes have significantly impacted the UI Systems' ability to adequately staff colleges and units serving 100,000 students. Many companies have gone fully remote, allowing them to recruit nationally, and allow employees to work from anywhere. She stated that UI Health in Chicago could not recruit competitively, which can be crippling. Healthcare is a rapidly evolving and highly competitive industry. In the Chicago area alone, the UI System is competing against several of the state's top hospitals that can more nimbly recruit and do not have a 900-hour limitation on their PRN or as-needed staff. The UI System has been attempting to improve these issues for over a decade but stated that it is taking too long.

Ms. Painter gave one example of a pilot program recently the UI System proposed to the University System, which the UI System calls the College to Work Program. This program would allow the UI System the ability to hire and recruit recent or soon-to-be college graduates to fill civil service positions, so they remain in the state of Illinois. Students graduating in December 2022 are already looking for their first post-graduation professional job; because the UI System could not resolve all of the University System's issues with the proposed provisions of this program in time to submit to the Merit Board for this meeting, the UI System will now miss the window to recruit the students graduating in December. This should be a relatively simple program to pilot, but we continually experience a lack of understanding of our challenges, culture, and the reason we are all here, the students. She further stated that they identified and communicated several provisions of the civil service rules and Act that hinder the ability to attract

and hire the talent needed to efficiently and effectively run the UI System's \$6.7 billion enterprise.

Ms. Painter stated that the UI System had discussed the proposed solutions with the University System and the legislatures to make sure they were aware of the concerns and priorities:

1. Residency requirement, the Act needs to be updated to remove the requirement that an applicant must be a current resident of Illinois and allow the universities to recruit, hire and retain civil service employees that reside outside of the state for all classifications.
2. Testing/examinations need to be eliminated as part of the recruitment and referral process, allowing universities to establish and manage assessment processes consistent with best practices in HR and talent acquisitions. While the University System has recently announced the change in assessment for some classifications from a computerized test to a credential assessment, this does not always help broaden our applicant pool nor promote diverse hiring.
3. Extra-Help, the rule needs to be revised to be a non-status temporary classification with no limit on the number of hours an employee can work. Ms. Painter provided an example of Shield Illinois organization that needed to hire hundreds of temporary staff for the testing sites and labs across the state, making the UI System a leader in managing the spread of COVID. These were extenuating and unprecedented circumstances, yet these individuals could not work before taking a 30-day break and could not be hired back into the same position. This puts the health and safety of our citizens at risk.
4. Grant-funded appointments, a new appointment status needs to be developed for sponsor and grant-funded appointments, including hiring, seniority accrual, and changing positions within the program, so one billion-dollar grants are not jeopardized.
5. UI Health challenges, these classifications need to be excluded from the Civil Service System that are hired into UI Health that provides direct patient care. Ms. Painter stated that the UI System cannot operate efficiently with an employment system that does not understand the culture and needs of the university, especially when patient care is at risk. The UI System is committed to working with the University System on these changes and asks that they are provided resources to make this a priority to effect impactful changes in the next twelve months, and if the UI System cannot see tangible changes soon, the viability of our institutions and economic impact on our state is at risk.

Ms. Painter thanked the Merit Board for their time.

Report of the Human Resource Directors Advisory Committee – Greg Brady, DER for Northern Illinois University

Greg Brady, DER for Northern Illinois University, presented comments for the Human Resource Directors Advisory Committee (HRDAC). Mr. Brady stated that the HRDAC met with the University System on May 26, 2022, where Executive Director Schiesser announced the University System would be converting nearly all classifications to credential assessments except for certain law enforcement classifications for the purpose of testing or examination. This announcement was a welcome development for the institutions. The University System indicated this would not be done immediately but in waves. Since then, the institutions have received notifications of conversions to credential assessments beginning June 30 and July 14, which covers revisions to approximately 502 class titles. Institutions must find new and creative ways to attract and maintain employees in this ever-shifting job market, Mr. Brady stated. He further stated that we need to be nimble in our employment practices. This move is a very positive first step in developing the flexibility needed to provide the human capital needed to keep our institutions as leaders in Higher Education. He stated that the universities are optimistic that they will see positive results from the change in the near future. He stated that further work needs to be done to modernize the rules, procedures, and practices for today and in the future. Action taken in response to the COVID pandemic continues to evolve over time and with new information. Institutions are still striving for flexibility and efficiency in how to conduct their business and operations moving forward. Institutions are experiencing serious challenges with recruiting and retaining talented staff in the new normal of remote and hybrid work. It is in all of our best interests to do everything we can to ensure the public higher education institutions in Illinois are employers of choice and recruit and retain the best and brightest talent possible.

Report of the State Universities Employee Advisory Committee – Jacqueline Pointer, Vice Chair

Jacqueline Pointer presented comments in the absence of Ms. Odom to the Merit Board. Ms. Pointer stated that at the committee's July 2022 meeting, the committee continued to discuss HB 1172, which was introduced in the spring session of the Illinois legislature. The committee is still opposed to various components of the bill and are concerned that it might be reintroduced in the 2023 spring legislative session. The committee takes any change to the statute and procedures very seriously because they have the potential to impact civil service employees. The committee remains concerned that our committee was not included in the discussion surrounding the move of testing requirements to credential assessments for all classifications. She further stated that the committee understood the need for various classifications to move in this direction, but their concern stems from the Employee Advisory Committee to the Merit Board not being included in the discussions. She further stated that the committee could provide valuable feedback and input on these discussions. We would again ask the Merit Board to convene a meeting with the University System and EAC to discuss proposed changes affecting all civil service constituents. The committee's next meeting is on October 12 and 13, 2022.

Consideration of Discharge Proceedings Number UIC-22-7 filed against Carol Johnson-Brown by the University of Illinois at Chicago

Executive Director Schiesser stated that the University of Illinois at Chicago (UIC) filed Written Charges for Discharge against Carol Johnson-Brown on March 17, 2022. Ms. Johnson-Brown, a Phlebotomist II since June 6, 2004, made a timely request for a discharge hearing.

UIC filed 11 charges against Ms. Johnson-Brown:

1. Violation of Code of Conduct – Unacceptable Behavior
2. Unprofessional and Unethical Behavior- Forging/ Falsifying Co-worker's Initials
3. Falsely Documenting Co-worker's Initials on Specimen Label
4. Failure to Follow Patient Instruction (SOP-101949.245)- Two Patient Identifiers
5. Conduct Inconsistent with Hospital National Safety Goals
6. Failure to Follow Procedures Applicable to Phlebotomists at UI Health
7. Conduct Inconsistent with UI Health Standards of Behavior and Expected Performance
8. Mislabeling Blood Specimen
9. Failure to Have Two people perform identifiers
10. Placing University of Illinois Hospital & Health Sciences System at Risk of Liability
11. Conduct Inconsistent with UI Care Behavior Standards- Ability, Respect, and Excellence

There had been no discipline regarding any unsatisfactory behavior by Ms. Johnson-Brown related to her work as a Phlebotomist for UIC Hospital.

The Hearing Record showed that on December 2, 2021, Ms. Johnson-Brown worked as a Phlebotomist II in the Gynecology-Oncology Clinic at UI Hospital. On that day, a patient known in this proceeding as Patient G presented to the Oncology Clinic to see a physician before a surgical procedure. UI Hospital uses a computerized medical records system known as EPIC. Patient G's medical provider had placed a medical order into EPIC for the patient to have blood drawn by a phlebotomist and for a sample or specimen of the patient's blood to be sent to UI Hospital blood bank department for analysis. A staff nurse responsible for patient coordination in the Gynecology-Oncology Clinic at the UI Hospital became aware that Patient G had been waiting to have blood drawn. The nurse was surprised because she knew Patient G had been discharged from an examination earlier and was only waiting to have her blood drawn. Patient G contacted the staff nurse to ensure that the correct lab results would be part of her medical chart. The staff nurse confirmed with the lab that a mistake had been made regarding blood marked as Patient G's.

The staff nurse spoke to Ms. Johnson-Brown at the desk near where the phlebotomist draws blood. During that conversation, Ms. Johnson-Brown asked that a new order be placed in EPIC for Patient G to have her blood drawn.

When a phlebotomist at UI Health draws blood from a patient, the phlebotomist obtains and prints a label using the EPIC system. That label contains the patient's name, among other things, date of birth and a unique medical record number specific to the patient. If the blood sample is going to be sent to UI Health's blood bank, the label printed from EPIC includes a line for the phlebotomist to initial and another line for a "witness" to initial.

Both UIC and Ms. Johnson-Brown have agreed to the following facts:

- UI Health maintained standard operating procedures (SOPs) for phlebotomy services. Ms. Johnson-Brown and the other phlebotomists at UI Health should have used those standard operating procedures on December 2, 2021.
- On December 2, 2021, Ms. Johnson-Brown placed a label bearing Patient G's name, date of birth, and medical record number on a tube containing blood drawn from another patient, calling that tube of blood the subject tube.
- Ms. Johnson-Brown wrote her initials and the initials of another UI Health phlebotomist, Arlyne Padilla, on the subject tube.
- When Ms. Johnson-Brown placed a label with Patient G's name on the subject tube, she did not adhere to the collection procedures for blood bank specimens outlined in Article II of Chapter 1 of the SOPs.
- Ms. Johnson Brown did not have two people confirm the identity of the patient whose blood was in the subject tube as required by standard procedure.
- Ms. Johnson-Brown falsely documented Arlyne Padilla's initials on the label affixed to the subject tube.
- Ms. Johnson-Brown mislabeled the blood specimen in the subject tube by placing a label on the tube with Patient G's name and date of birth.

During the discharge hearing, Ms. Johnson-Brown asserted several mitigating factors, including the employee, Ms. Johnson-Brown, who had no other similar allegations in her employment history. She had never put any other patient at risk in her employment history. She had never acted belligerently during her employment and admitted to her mistake.

The Hearing Officer found that the employer, UIC, met its burden of proof on all 11 charges.

Chair Jones recognized that Matthew Jones, who requested to speak in Public Comments, to present public comments.

Mr. Jones stated that there were assertions from the employee in this case regarding alleged mitigating factors. To confirm, the employee did not testify, so those are allegations of mitigating factors. We concede that Ms. Johnson-Brown does not have any prior formal disciplinary history on file. Our position is that one time is enough in this case, especially if you are forging someone's initials to confirm you followed protocol when the protocol was not followed. We cannot have a precedent that an instance like this does not lead to discharge.

Ms. Johnson-Brown, who worked for UI Health as a phlebotomist, was responsible for drawing the blood samples of patients. Before drawing the blood, the phlebotomist asks the patient to confirm multiple identifiers, including the patient's name and date of birth. The phlebotomist then ensures the patient's information matches the label on the tube and is properly affixed to the tube of blood. This process exists to ensure the label information matches the information provided by the patient. On December 2, 2021, the UI Health Patient "G" presented at UI Health Oncology to have blood drawn in anticipation of undergoing a procedure. The plan was to send Patient "G's" blood sample to UI Health's blood bank department to be analyzed for donor matches in case a blood transfusion was needed during surgery. If the patient is given the wrong blood type during surgery, they could die. Because of these concerns, UI Health has a policy in place to ensure blood specimens intended for the blood bank are labeled with the correct patient name. Under the policy, the phlebotomist draws blood intended for the blood bank. The phlebotomist must have a second person witness the phlebotomist orally confirming with the patient that the label matches the patient's name and date of birth. Both the phlebotomist and the witness must initial the label confirming the information on the label matches the information provided by the patient. In this case, after Patient "G" waited an extensive amount of time and inquired about her blood draw, it turned out that the clinic was under the impression that Patient "G's" blood had already been drawn because a label with patient "G's" name and date of birth was already affixed to a tube of blood. This tube of blood included another patient's blood. Ms. Johnson-Brown admittedly was aware of the policy; she not only placed the incorrect label on the blood tube but also certified through her initials on the label that she orally confirmed the information with the patient. Most alarmingly, Ms. Johnson-Brown neglected to have a second person confirm and initial the label's accuracy and instead forged a coworker's initials without their knowledge or consent. UI Health pathology and the blood bank spent countless hours investigating this issue and firmly believe this type of conduct cannot be tolerated. The employer respectfully requests that the Merit Board affirm the UI Health position to discharge Ms. Johnson-Brown.

Dr. Eagle asked for confirmation regarding the number of workers on shift and who could have initialed as the second person. Executive Director Schiesser stated that there is information in the record stating several other employees working could have acted as the second person to initial the label to confirm the information.

Mr. Dively stated there were better options; even waiting for someone to become available would have been a better alternative to policy than forging a coworker's name. The forgery is a key issue for Mr. Dively.

Mr. Butler commented that the closing arguments in the record indicated that this particular error undercuts the safety protocols designed to prevent errors. He further stated that he found this very convincing as to why this is a hazardous error.

Mr. Simmons made a motion to discharge Ms. Carol Johnson-Brown. Mr. Dively seconded Mr. Simmons' motion.

In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion was approved with the following vote:

Mr. SimmonsAye
Ms. Zopp.....Absent
Mr. ButlerAye
Dr. Cevallos-CandauAye
Mr. DivelyAye
Dr. EagleAye
Ms. JakobssonAye
Chair JonesAye
Dr. King.....Absent
Ms. LangAbsent

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

STATE OF ILLINOIS



STATE UNIVERSITIES CIVIL SERVICE SYSTEM

CAROL JOHNSON-BROWN,)	BEFORE THE UNIVERSITY CIVIL
)	SERVICE MERIT BOARD
Employee,)	
)	DISCHARGE PROCEEDING
v.)	
)	No. UIC-22-7
UNIVERSITY OF ILLINOIS AT CHICAGO,)	
)	
Employer.)	

**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 **CAROL JOHNSON-BROWN**, employee, by service of Written Charges for Discharge by UPS overnight mail on March 17, 2022, and the Employee, **CAROL JOHNSON-BROWN**, has filed a timely written request for Hearing. A Hearing was duly convened and held on April 25, 2022, and reconvened on April 27, 2022, and concluded on April 29, 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 March 17, 2022
2. Suspension Notice Pending Discharge, dated March 17, 2022
3. Employee's Request for Hearing, and Notice of Appearance, received on March 29, 2022
4. Acknowledgment of Hearing Request, dated March 31, 2022
5. Notice of Convening of Hearing to Hearing Officer, dated April 6, 2022
6. Notice of Convening of Hearing to the parties of record, dated April 6, 2022
7. Order Regarding Procedures for Remote Hearing, dated April 13, 2022
8. Employer Request for Subpoena, dated April 13, 2022
9. Subpoena to Marianne Hartunian, dated April 14, 2022
10. Employer Request for Subpoena, dated April 20, 2022
11. Subpoena to Angela McCluster, dated April 20, 2022
12. Subpoena to Arlynne Padilla, dated April 20, 2022
13. Employer's Witness List, received April 20, 2022
14. Proposed Employer's Exhibits, received April 21, 2022
15. Employer's Notice of Filing and Motion for Leave to File Amended Written Charges for Discharge, dated April 22, 2022
16. System Office email Response to Employer's Motion to File Amended Written Charges for Discharged, date April 23, 2022
17. Notice of Reconvening of Hearing to Hearing Officer, dated April 26, 2022

18. Notice of Reconvening of Hearing to the parties of record, dated April 26, 2022
19. Stipulations between Employer and Employee, dated April 27, 2022
20. Notice of Reconvening of Hearing to Hearing Officer, dated April 28, 2022
21. Notice of Reconvening of Hearing to the parties of record, dated April 28, 2022
22. Transcript of Hearing and Exhibits, April 25, 2022, April 27, 2022, and April 29, 2022
23. Request for Findings of Fact from Hearing Officer, dated May 19, 2022
24. Findings of Fact rendered by Hearing Officer, dated May 24, 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, **CAROL JOHNSON-BROWN**, and establishes just cause for discharge, as follows:
 - Violation of Code of conduct – Unacceptable Behavior
 - Unprofessional and Unethical Behavior – forging/Falsifying Co-worker’s initials
 - Falsely Documenting Official Blood Tube in Patient’s Epic chart
 - Failure to Follow Patient Identification (SOP – 101949.245) – Two Patient Identifiers
 - Violation of Hospital National Safety Goals
 - Risk of Illinois Department of Public Health (IPDH) Accreditation,
 - Poor Work Performance
 - Failure to Perform Job Responsibilities
 - Failure to Manage Daily Routine Assignment
 - Failure to Complete Work Timely and Accurately

- Failure to Follow Phlebotomy Procedures
- Failure to Follow UI Health Standards of Behavior and Expected Performance Pathology Laboratory General Policy rules on required documentation
- Failure to follow Standards for Blood Banks and Transfusion Services, 32nd Edition, effective July 1, 2020 (BB/TS Standards)
- Negatively Impacting
 - Patient Experience-Patient Blood Drawn Three (3) Times
 - Increasing Risk of Harm to Patient by Falling to Follow Hospital National Patient Safety Goals
 - Delay in Patient Care
 - Patient G.T. Required to Return to Have Blood drawn three (3) times
 - Physician's Workflow
 - Co-Workers/Nurse/Supervisor/Manager-Added Reviews/Audits/Workload
 - Incorrectly Labeling of Blood Tub
 - Wrong Blood in Tube – Assigned a Blood Type Not Belonging Patient G.T.
 - Patient Loss of Confidence in Patient Safety
- Interruption of Blood Bank's Transfusion Service Area causing a delay in transfusion services workflow to locate forged tube and corresponding patient G.T.'s tube identified by Carol Johnson-Brown
- Placing University of Illinois Hospital & Health Sciences System at Risk of Liability-Irrevocably Harmed or Result in Death of Patient G.T.
- Violation of UI Care Behavior Standards – Accountability, Respect & Excellence

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, **CAROL JOHNSON-BROWN** is hereby separated from the service of her employer, **UNIVERSITY OF ILLINOIS AT CHICAGO**, and that the effective date of her discharge shall be as of August 11, 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. Denis Guest
Attorney at Law

Parties of Record

Mr. Matthew G Jones
Attorney at Law

Mr. Anthony R. Burch
Attorney at Law

DATED AND ENTERED this 11th day of August, 2022.

UNIVERSITY CIVIL SERVICE MERIT BOARD

By: */s/ Julie Jones*

Julie Jones, Chair
University Civil Service Merit Board

ATTEST:

/s/ Teresa Rademacher

Teresa Rademacher
Secretary for the Merit Board

Consideration of Discharge Proceedings Number SIUC-22-1 filed against Lorrie Lefler by Southern Illinois University Carbondale

Executive Director Schiesser stated that Southern Illinois University Carbondale (SIUC) filed Written Charges for Discharge against Lori Lefler on April 11, 2022. Ms. Lefler, a Business/Administrative Associate since 2014, made a timely request for a discharge hearing.

SIUC filed five charges against Ms. Lefler:

1. Any criminal act that would qualify as a felony – namely -- disorderly conduct regarding the threat of violence, death, or bodily harm directed against persons at a school, school function, or school event (720 ILCS 5/26-1(a)(3.5)).
2. Any criminal act that would qualify as a misdemeanor – namely – misdemeanor disorderly conduct (720 ILCS 5/26-1(a)(1)).
3. Immoral or indecent conduct which violates common decency or morality.
4. Conduct that is a clear departure from ordinary standards of honesty, good morals, justice, or ethics so as to cause shock to the moral sense of the community.
5. Violation of University's Workplace Violence Policy.

There has been no discipline regarding any unsatisfactory behavior by Ms. Lefler related to her work at SIUC.

The Hearing Record shows the following:

Ms. Lefler began working at SIUC as an Account Technician I (Accounting Assistant) in 2002. In 2009, Ms. Lefler began working in the Student Affairs Office as an Administrative Assistant to the Vice Chancellor for Student Affairs. In 2014 she was promoted to the classification of Business/Administrative Associate.

Ms. Lefler has a permit for the concealed carry of a handgun. Ms. Lefler kept a pistol locked in her car. SIU Police Chief Ben Newman knew about the concealed carry permit and the pistol locked in Ms. Lefler's car. Chief Newman assured Ms. Leveler that her practice was well within campus regulations. In June and July 2021, a graduate student spent "quite a bit of time" in the Student Affairs Office and with Ms. Jones-Hall", the Dean of Students. Ms. Lefler described this graduate student's confrontational, rude, and aggressive behavior toward her. Ms. Lefler testified she informed her supervisor, the Interim Vice Chancellor for Student Affairs, and the Dean of Students what was happening with the graduate student but could not get any assistance from the Dean. In an attempt to limit the frequency of his visits to the Student Affairs Office, on July 20, 2021, Ms. Lefler sent the graduate student an email requiring the student to make an appointment to see the Dean rather than just coming to the office. In the email, she called the student "a liar." Ms. Lefler sent the Dean of Students a copy of the email sent to the graduate student. Ms. Lefler had not been reprimanded or disciplined in any way because of the email sent to Mr. Allen on July 20, 2021. Ms. Lefler expected to receive her employee evaluation in early March. Although the recently appointed Vice Chancellor for Student Affairs had been her supervisor for approximately six months, he instructed the Dean of Students to complete Ms. Lefler's evaluation. Ms. Lefler had not received her evaluation by March 22, 2022.

At approximately 4:00 pm on March 22, 2022, the Dean of Students was walking past Ms. Lefler's work area on her way to the restroom. As the Dean was passing, Ms. Lefler asked her when she would complete Ms. Lefler's evaluation. The Dean of Students testified that she "hemmed and hawed" and told Ms. Lefler that she was still working on it. Ms. Lefler stated that the Dean of Students told her that the Vice Chancellor had instructed the Dean to take another look at Ms. Lefler's evaluation in order to address professionalism in the workplace and that the Dean was instructed to mark Ms. Lefler down in her evaluation because of the email to the graduate student. The Dean of Students stated that they both got emotional during this conversation. Ms. Lefler testified that she was extremely frustrated and crying. She was overwhelmed by the situation and stated, "I am glad I don't have my gun."

Ms. Lefler testified that the Dean of Students was not acting in a fearful manner. The Dean of Students was trying to alleviate some of Ms. Lefler's upset and frustration. The Dean of Students "definitely was not acting in a fearful manner. She was trying to console me. And she kept telling me, 'I don't want to mark you down, but I am fearful for my job'." Only the Dean of Students and

Ms. Lefler were present when Ms. Lefler made her statement. At approximately 6 pm on March 22, 2022, the Dean of Students spoke to the Police Chief about her conversation with Ms. Lefler.

Ms. Lefler was permitted to return to work as usual on March 23, and no one from the university initiated a conversation with Ms. Lefler about her conversation with the Dean of Students. At approximately noon on March 23, Ms. Lefler went into the Dean of Students' office. Ms. Lefler told the Dean that she couldn't be marked down on her evaluation because she had not been counseled or given a corrective action plan. The Dean of Students had Ms. Lefler sit in her office and close the door. Ms. Lefler testified that "had she thought that I was a threat at that time, I don't believe that would have occurred."

Chief Newman testified that no one received a direct threat from Ms. Lefler.

The Vice Chancellor for Student Affairs, Ms. Lefler's direct supervisor, took no action in response to Ms. Lefler's statement.

Ms. Lefler was not charged with any misdemeanor or felony. SIUC's Workplace Violence Policy defines "Threat" as "Words or actions that create a reasonable perception of intent to physically harm persons or property."

In the findings of Fact, the Hearing Officer made the following comment:

"The record is barren of any actual conduct and is essentially limited to words uttered to the effect, 'I'm glad I didn't have my gun.' Again, these uttered words did not even generate any immediate fear or clarifying inquiry. At the hearing, the admission, genuine regret for use of the words, and explanation it demonstrated by her frustration for a lack of supervisory support were offered. Though providing little sense to the words uttered, the words themselves leave too many possible interpretations to accurately determine."

The Hearing Officer found that the employer, SIUC, failed to meet its burden of proof on all five charges.

Chair Jones stated that we are in an environment where we need to err on the side of caution with these types of comments. The employee didn't make the comment in a room full of people or the student, but in a situation where she testified that she was in the presence of a friend. In addition, nobody seemed very concerned about a threat. When there is a concern of a threat, private meetings are not held with the doors closed.

Mr. Butler made a motion to reinstate Ms. Lefler with a 30-day suspension. Dr. Eagle seconded Mr. Butler's motion.

In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion was approved with the following vote:

Mr. ButlerAye
 Dr. Cevallos-CandauAye
 Mr. DivelyAye
 Dr. EagleAye
 Ms. JakobssonAye
 Chair JonesAye
 Dr. KingAbsent
 Ms. LangAbsent
 Mr. SimmonsAye
 Ms. Zopp.....Absent

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

STATE OF ILLINOIS



STATE UNIVERSITIES CIVIL SERVICE SYSTEM

LORRIE LEFLER,)	BEFORE THE UNIVERSITY CIVIL
)	SERVICE MERIT BOARD
Employee,)	
)	DISCHARGE PROCEEDING
v.)	
)	No. SIUC-22-1
SOUTHERN ILLINOIS UNIVERSITY)	
CARBONDALE,)	
)	
Employer.)	

DECISION AND ORDER OF THE
UNIVERSITY CIVIL SERVICE MERIT BOARD

PROCEDURAL HISTORY

Discharge proceedings have been commenced by **SOUTHERN ILLINOIS UNIVERSITY CARBONDALE**, employer, against **LORRIE LEFLER**, employee, by service of Written Charges for Discharge by USPS overnight mail on April 11, 2022, and the Employee, **LORRIE LEFLER**, has filed a timely written request for Hearing. A Hearing was duly convened and held on May 18, 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 April 11, 2022
2. Suspension Notice Pending Discharge, dated April 11, 2022
3. Employee's Request for Hearing, and Notice of Appearance, received on April 20, 2022
4. Acknowledgment of Hearing Request, dated April 26, 2022
5. Notice of Convening of Hearing to Hearing Officer, dated May 3, 2022
6. Notice of Convening of Hearing to the parties of record, dated May 3, 2022
7. Affidavit to Disqualify of Hearing Officer Kirn, dated May 4, 2022
8. Hearing Officer Kirn Disqualifies Herself, dated May 4, 2022
9. Notice of Convening of Hearing to Hearing Officer, dated May 9, 2022
10. Amended Notice of Convening of Hearing to the parties of record, dated May 9, 2022
11. Order Regarding Procedures for Remote Hearing, dated May 9, 2022
12. Employer's Witness List, Exhibit Lists, and Exhibits received May 13, 2022
13. Employee's Witness List, Exhibits List, and Exhibits received May 13, 2022
14. Transcript of Hearing and Exhibits, May 18, 2022
15. Request for Findings of Fact from Hearing Officer, dated June 2, 2022
16. Findings of Fact rendered by Hearing Officer, dated June 23, 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, does not support and sustain one or more of the charges of the employer, **SOUTHERN ILLINOIS UNIVERSITY CARBONDALE**, against the employee, **LORRIE LEFLER** and/or the charges as proven by said employer fail to establish just cause for discharge; however, the record provides a sufficient basis for discipline other than discharge.

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, **SOUTHERN ILLINOIS UNIVERSITY CARBONDALE**, to the extent not inconsistent with the findings made herein.
2. The employee, **LORRIE LEFLER**, shall be reassigned to perform the duties in a position in her classification following the completion of a 30 day suspension without pay. Any time served while on a Suspension Notice Pending Discharge shall be applied towards the fulfillment of this suspension.

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. E. Ryan Hall
Attorney at Law

Ms. Shari Rhode
Attorney at Law

DATED AND ENTERED this 11th day of August, 2022.

UNIVERSITY CIVIL SERVICE MERIT BOARD

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

ATTEST:

/s/ Teresa Rademacher
Teresa Rademacher
Secretary for the Merit Board

Consideration of the FY 2024 Budget Recommendation for the State Universities Civil Service System Office

Executive Director Schiesser stated that the University System is asking for a 6.9% increase over the FY 2022 budget and again asking for a Lump Sum appropriation. The amount requested for FY 2024 is \$1,241,800, the FY 2023 appropriation is \$1,170,500

Dr. Eagle made a motion to approve the FY 2024 appropriation. 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. EagleAye
Ms. JakobssonAye
Chair JonesAye
Dr. King.....Absent
Ms. LangAbsent

Mr. SimmonsAye
Ms. Zopp.....Absent
Mr. ButlerAye
Dr. Cevallos-CandauAye
Mr. DivelyAye

Consideration to increase the fee for Hearing Officers for service on Discharge/Demotion Hearings

Executive Director Schiesser stated that Hearing Officers for discharge/demotion cases are currently paid by the hearing date. A Hearing Officer who has been hired in which cases are resolved prior to the hearing are also paid; this is payment for loss of opportunity. The University System stated that Hearing Officers are significantly underpaid from what they can earn elsewhere. Executive Director Schiesser proposed increasing the pay or fee for Hearing Officers to \$1,000 per day with a maximum of three days or \$3,000 when a hearing is convened. If a hearing is not convened or canceled within five working days of the scheduled hearing date, the Hearing Officer would then be paid \$650 for loss of opportunity.

Dr. Eagle made a motion to approve the new rate for Hearing Officers. Mr. Simmons 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. EagleAye
Ms. JakobssonAye
Chair JonesAye
Dr. King.....Absent
Ms. LangAbsent
Mr. SimmonsAye
Ms. Zopp.....Absent
Mr. ButlerAye
Dr. Cevallos-CandauAye
Mr. DivelyAye

Consideration of Dissolution of the Administrative Advisory Committee

In March 1968, the Merit Board approved the establishment of the Administrative Advisory Committee (AAC), composed of faculty members and senior administrators. In roughly 2012, the senior administrators stopped attending the meetings and started sending Human Resource (HR) Directors to the meetings. The HR Directors already participated in the HRDAC meetings, so the AAC meetings became duplicative. The last AAC meeting was held in August 2016; since then, there have not been any meetings. Based on the inactivity, the University System requests the Merit Board vote to dissolve the AAC.

Mr. Dively made a motion to approve the dissolution of the AAC. Mr. Simmons seconded Mr. Dively's motion. In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion was approved with the following vote:

Mr. DivelyAye
Dr. EagleAye
Ms. JakobssonAye
Chair JonesAye
Dr. King.....Absent
Ms. LangAbsent
Mr. SimmonsAye
Ms. Zopp.....Absent
Mr. ButlerAye
Dr. Cevallos-CandauAye

Consideration of proposed changes to the Bylaws of the University Civil Service Merit Board

Executive Director Schiesser stated that Mr. Butler had provided some objections to the previous proposal to change the Bylaws. After discussions with Mr. Butler, some structure had been added to the change, requiring three of the four members be present for a quorum, any Executive Committee member of the Merit Board can request a meeting, and any Merit Board member can object to an Executive Committee meeting of the Merit Board. If an objection arises, the matter would be discussed before the entire Merit Board, not at an Executive Committee meeting. There are also limitations to what matters an Executive Committee can hear, discharges and hiring or firing of the Executive Director or Legal Counsel cannot be decided in an Executive Committee meeting of the Merit Board.

Mr. Butler stated he supports the new proposed changes to the Bylaw of the University Civil Service Merit Board with the addition that affirmation is added to the wording, so it is stated that an affirmative vote of three members is needed for any action to be approved.

Mr. Butler made a motion to approve the proposed changes to the Bylaws of the University Civil Service Merit Board concerning the Executive Committee with the requested change. Dr. Eagle seconded Mr. Butler's motion. In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion was approved with the following vote:

Mr. ButlerAye
Dr. Cevallos-CandauAye
Mr. DivelyAye
Dr. EagleAye
Ms. JakobssonAye
Chair JonesAye
Dr. King.....Absent

Ms. LangAbsent
Mr. SimmonsAye
Ms. Zopp.....Absent

Update on Public Act 102-1075 (HB 5408) regarding the State Universities Civil Service Act

Late last year, through Representative Ammons and Senator Bennett, the University System proposed several technical amendments to the State Universities Civil Service Act, including the addition of Juneteenth as a state holiday and the Merit Board’s recommendations regarding benefits becoming minimum recommendations allowing the universities to provide additional benefits to employees. The bill was filed on January 28, 2022, passed the House on February 24, 2022, passed the Senate on April 8, 2022, was sent to the Governor on May 6, 2022, and signed into law on June 10, 2022.

Mr. Butler commented that the amendment previously included another item discussed by Ms. Painter earlier in the meeting. Executive Director Schiesser stated that she agreed and that the agency had included an elimination of the residency requirement to test in the proposal; however, it was a non-starter. This will not go very far until we get a legislative agreement.

Ms. Jakobsson asked for clarification as to what a minimum refers to regarding benefits. Executive Director Schiesser stated that the Act had described these as recommendations and some universities took the wording literally, so we changed the language to make these minimum benefits.

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

Ms. Neitzel commented that the University System had implemented a three-year audit schedule versus the two-year audit schedule that was previously followed. In FY 2023, the audit team wrapped up all the on-site and remote visits from FY 2021 and FY 2022. The University System remains engaged with Chicago State University due to its audit conducted in FY 2020. Additionally, the University System has been involved in training and development and providing orientation training for new HR employees.

Report of the Executive Director – Gail Schiesser

Executive Director Schiesser provided a budget update stating that the agency finished with an unexpended amount of approximately \$9,900 out of an appropriation of \$1,114,700. For FY 2023, the agency received an increase in the state budget to allow for one additional staff member. The FY 2023 appropriation was passed into law at \$1,170,500.

Executive Director Schiesser stated that the University System had started the project of shifting the remaining knowledge and skills tests to credential assessments. At the time of the meeting, 40% of the existing classifications have credential assessments. The agency is also working on moving the remaining 60% in that direction. The HR Directors have been requesting this change

for many years. This shift allows the University System to maintain control over testing, a critical function in the civil service system. The first batch of classifications of approximately 150 has been converted to credential assessment examinations. The University System plans to have four batches completed by the end of the calendar year 2022.

In June, the Office of the Auditor General visited the agency; our office has not received any proposed findings at this time. Executive Director Schiesser commented that they are concerned that there has not been an annual evaluation of the Executive Director in previous years. She recommended that this be added to the agenda at an upcoming meeting. Mr. Butler asked if there was an existing protocol on how this evaluation needed to be performed. Executive Director Schiesser stated that the concern is that there is no process, and it should be included in the agency policies. Mr. Butler recommended beginning with creating a process and then performing the evaluation; perhaps the Chair and Executive Director could work on language for the policy. Executive Director Schiesser stated that this could be an agenda topic for a future meeting.

Report of the Legal Counsel – Gail Schiesser

Executive Director Schiesser stated that there are currently several 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. We asked the Madison County State's Attorney to prosecute that matter. It has remained in criminal misdemeanor court and continued every 60-90 days. The judge granted a final continuance to September 13, 2022. We are witnesses only in this matter.

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. UIC filed a Motion to Dismiss; the motion is scheduled to be heard on August 31, 2022.

Christopher Bean

In February 2021, Christopher Bean, a former University of Illinois at Chicago employee, filed a charge against the Labor Organization against the University System. The Executive Director of the IELRB recommended in December 2021 that the charges be dismissed, which was on February 4, 2022. Mr. Bean filed timely exceptions to the Order. April 22, 2022, the IELRB did not find anything in Mr. Bean's exceptions warranted overturning the Executive Director's recommendations and affirmed the dismissal. On May 27, 2022, Mr. Bean filed an appeal with the Appellate Court of the State of Illinois, asking to be made whole with numerous complaints against the System Office, UIC Hospital, IELRB, Service Employees International Union. We have asked the Attorney General's Office to represent us, and they have agreed. Mr. Bean's

Opening Brief is due on October 10, 2022. The respondent's brief will be due on November 15, 2022.

Executive Session

Executive Director Schiesser stated that the Merit Board had closed meeting matters that needed to be discussed regarding litigation matters.

Mr. Simmons made a motion to move to Closed Executive Session to discuss litigation matters. Dr. Eagle seconded Mr. Simmons’ motion.

In accordance with the Merit Board Bylaws, a vote was taken and the motion carried.

Mr. SimmonsAye
Ms. Zopp..... Absent
Mr. ButlerAye
Dr. Cevallos-CandauAye
Mr. DivelyAye
Dr. EagleAye
Ms. JakobssonAye
Chair JonesAye
Dr. KingAbsent
Ms. LangAbsent

The Merit Board went into Closed Executive Session at 2:49 pm.

The Merit Board returned from Closed Executive Session at 3:04 pm.

Other Items as presented

Mr. Simmons made a motion to adjourn the meeting. Dr. Eagle seconded Mr. Simmons’s motion. In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion was approved with the following vote:

Mr. SimmonsAye
Ms. Zopp.....Absent
Mr. ButlerAye
Dr. Cevallos-CandauAye
Mr. DivelyAye
Dr. EagleAye
Ms. JakobssonAye
Chair JonesAye
Dr. King.....Absent
Ms. LangAbsent

The meeting adjourned at 3:04 pm.

Respectfully submitted,

Teresa Rademacher
Secretary for the Merit Board

APPROVED:

Julie Annette Jones, Chair
University Civil Service Merit Board