



MINUTES OF THE TWO-HUNDRED-AND-TWENTY
MEETING OF THE UNIVERSITY CIVIL SERVICE MERIT BOARD –
NOVEMBER 10, 2022

State Universities Civil Service System (University System)
1717 Philo Road, Suite 24,
Urbana, IL 61802
& WebEx

Chicago State University
Cook Administration Building
9501 South King Drive
ADM Room 201
Chicago, IL

Governors State University
Room D34011
1 University Parkway
University Park, IL

Eastern Illinois University
MLK Jr. University Union, Room 1895
1720 7th Street
Charleston, IL

Northern Illinois University
Altgeld Hall, Room 131
116 Altgeld Hall
Dekalb, IL

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

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

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

Chair Jones called the meeting to order at 1:00 pm and read the following statement regarding the Executive Orders allowing the meeting to be held via WebEx.

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 at the University System and via WebEx were: Julie Annette Jones, Chair, from the Illinois State University Board of Trustees; John R. Butler, from the Northern Illinois University Board of Trustees (joined the meeting at 1:08 pm); Pedro Cevallos-Candau, from the Governors State University Board of Trustees; Joseph Dively, from the Eastern Illinois University Board of Trustees (present on video, with audio issues until 1:38 pm); Sherry Eagle, from the Northeastern

Illinois University Board of Trustees; Naomi Jakobsson, from the University of Illinois Board of Trustees; Stuart King, from the University of Illinois Board of Trustees; and John Simmons, from the Southern Illinois University Board of Trustees.

Member present by WebEx location not listed on page 1: Polly Radosh, from the Western Illinois University Board of Trustees.

Member absent was: Andrea Zopp, from the Chicago State University Board of Trustees.

Also present were: Gail Schiesser, Executive Director, and Jenn Miles, Acting Secretary for the Merit Board in the absence of Teresa Rademacher. 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

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 Polly Radosh, from the Western Illinois University Board of Trustees, to participate via a nonpublic WebEx location. 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. Eagle	Aye
Ms. Jakobsson	Aye
Chair Jones	Aye
Dr. King.....	Aye
Mr. Simmons.....	Aye
Ms. Zopp	Absent
Dr. Butler	Absent
Dr. Cevallos-Candau.....	Aye
Mr. Dively.....	Absent due to video issues

Approval of the Agenda for the 220th Meeting of the Merit Board – Julie Annette Jones, Chair

Chair Jones asked for a motion to approve the Agenda for the 220th Meeting of the University Civil Service Merit Board (Merit Board).

Ms. Jakobsson moved to approve the Agenda for the 220th Meeting of the Merit Board. Mr. Simmons 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.....	Aye
Dr. Radosh.....	Aye
Mr. Simmons.....	Aye
Ms. Zopp	Absent
Dr. Butler	Aye
Dr. Cevallos-Candau.....	Aye
Mr. Dively.....	Absent due to video issues
Dr. Eagle	Aye

Consideration of the Minutes of the 219th Meeting of the Merit Board, August 11, 2022

The minutes of the 219th Meeting of the Merit Board, August 11, 2022, was transmitted to members of the Merit Board with the agenda materials.

Mr. Simmons moved to approve the minutes of the 219th Meeting of the Merit Board. Dr. King 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. Simmons.....	Aye
Ms. Zopp	Absent
Dr. Butler	Aye
Dr. Cevallos-Candau.....	Aye
Mr. Dively.....	Absent due to video issues
Dr. Eagle.....	Aye
Ms. Jakobsson	Aye
Chair Jones	Aye
Dr. King.....	Aye
Dr. Radosh.....	Abstain

Public Comments

Chair Jones stated that two requests had been submitted to present public comments, Matthew Jones, Assistant University Counsel for the University of Illinois at Chicago, regarding Agenda Item 8, Anthony Williams v. the University of Illinois at Chicago, discharge case, and Agenda Item 10, Jesenia Zayaz v. the University of Illinois at Chicago, discharge case; and Dave Beck, regarding the issues raised by Jami Painter at the August 11, 2022, Merit Board Meeting.

Chair Jones requested that a motion be made to allow Mr. Jones to present public comments during the appropriate agenda items. Dr. Eagle motioned to move Mr. Jones's public comments to the agenda item where the matter would be presented. Dr. King 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.....	Aye
Dr. Radosh.....	Aye
Mr. Simmons	Aye
Ms. Zopp	Absent
Dr. Butler	Aye
Dr. Cevallos-Candau	Aye
Mr. Dively.....	Aye

Mr. Beck, Regional Director of Council 31 of the American Federation of State, County, and Municipal Employees (AFSCME), presented comments. Mr. Beck stated that the union he represents has the honor of representing service employees at almost every university in the state of Illinois. He further said that he was speaking in response to comments made at the August 11, 2022, meeting by Jami Painter, Senior Associate Vice President and Chief Human Resource Officer at the University of Illinois. Mr. Beck stated that Ms. Painter advocated for what the union believes to be the near dissolution of the State Universities Civil Service System (University System) and the workplace protections provided for employees. Ms. Painter urged the following changes to the State Universities Civil Service Act (Act): removing the residency requirement for applicants; eliminating the testing requirements for applicants; eliminating the 900-hour limit for extra help positions; eliminating seniority accrual and workplace protections for grant-based employees; and eliminating direct patient care workers from the University System.

Mr. Beck stated that this was not the first time a representative from the University of Illinois has advocated reducing worker rights. Earlier this year, the university approached several state legislators in hopes of placing these changes into House Bill 1172, days before legislators planned to adjourn during the spring session. He further stated that he wanted to impress upon the Merit Board the disastrous such changes to the Act would have on the University System and, more importantly, on the many civil service employees at the public state universities. These changes, individually and collectively, would reduce the University System to the shell of a body, no longer able to ensure the best employees are hired and, once hired, have the proper protections to thrive.

He further stated that removing the residency requirement would move jobs out of state rather than hiring qualified Illinois residents. Eliminating the testing requirement for applicants will bring back an era of favoritism and patronage rather than hiring qualified candidates. He also stated that eliminating the 900-hour limit for extra help employees will result in more low-wage, temporary employees with no collective bargaining or civil service rights. Eliminating seniority accrual and workplace protections for grant-based employees will lead to a second class of

employees with little or no rights, even though they do the same work as other employees on campuses. Mr. Beck stated that eliminating direct patient care workers from the University System will lead employees in places like UI Hospital, SIU School of Medicine, and McKinley Health Clinic without workplace protections. The protections that his union and others work daily to ensure are defended against employers who want complete control over the daily work life of these dedicated individuals. Mr. Beck stated that the U of I administration will lead you to believe that these changes are needed to, "keep up the changes of the modern workplace or to have the necessary flexibility to hire and maintain a diverse and nimble workforce." Mr. Beck said employers really mean they want more control over who they hire and the employees once they are hired—hiring employees at the lowest wage possible and firing them at will whenever it suits the administration. Mr. Beck urged the Merit Board to stand up against the proposed changes and the dismantling of the University System.

Report of the Human Resource Directors Advisory Committee – Melissa Mlynski, DER for the University of Illinois at Springfield

Melissa Mlynski, Associate Vice Chancellor for Human Resources for the University of Illinois at Springfield, presented comments for the Human Resource Directors Advisory Committee (HRDAC). Ms. Mlynski thanked the Merit Board for the opportunity to work with the University System on ways to improve the hiring and human resource administration process. The University System recently shared the proposed rulemaking changes with the Designated Employer Representatives (DERs) regarding the definitions, the new DER form, and the transfer list for law enforcement. She stated that the University System was receptive to the questions and concerns raised by the DERs. She further noted that they appreciated the effort to convert most civil service testing to credential assessments. The Great Resignation and remote work have rapidly changed the workforce and hiring landscape. She stated that employers everywhere struggle to fill vacant positions, and extra administration safeguards, however well, intended in many cases, prevent the public universities in Illinois from filling vacancies.

The University System that was developed to prevent hiring improprieties is all too often preventing us from hiring anyone at all due to a prolonged hiring process, outdated testing criteria, and arbitrary limits on the number of qualified candidates that can be considered. There are ways we can work together to modernize the University System and still maintain the integrity and fairness of the hiring process. Many of the changes proposed have been proposed before. These represent changes desperately needed. The residency requirement must be updated to allow universities to recruit, hire, and retain civil service employees who live out of state. Remote work is here to stay, and limiting our hiring to current Illinois residents severely limits our candidate pool, specifically for jobs that can be remotely done. Also, the need to develop an appointment for grant-funded status for sponsored grant-funded programs that would include provision for hiring, seniority accrual, and changing positions within the grant program is needed. Extra Help hour limitations, the University System needs to revise the classification to be a non-status, temporary classification with no limit on the number of hours an employee can work, at least for critical positions. The top-three scores, this practice eliminates the ability to interview all qualified applicants, can rule out diverse candidates and

does not necessarily identify the best candidate for the job. The current internship program is inadequate to meet the needs of our institutions. The U of I system has continued to work with the University System on a proposed internship program called the College to Work Program (C2WP). This new program would allow universities to recruit and hire recent college graduates that meet the educational but not the experience requirement for certain civil service positions. The candidate could then obtain the requisite work experience during the internship. This program would enable us to offer career paths to newly graduated students who often lack the work experience to qualify for most professional or semi-professional civil service positions. The C2WP was based on the public administration intern program that has been utilized in state government for decades. The University System has told the DERs that they would not approve this program. This list is an excellent place to start to make changes needed to ensure our institutions remain healthy and viable. This is not about stripping workers' rights but about modernizing the University System. The DERs remain committed to working with all interested parties on these changes and ask the University System be provided the resources to make this a priority.

Report of the State Universities Civil Service Employees Advisory Committee – Jill Odom, Chair

Jill Odom stated that the EAC committee last met on October 13 and 14, 2022, and was hosted by Southern Illinois University Edwardsville. She noted that the committee is tasked with addressing matters related to civil service employees across the state. She stated having these interactions and discussions related to a university rather than our own keeps the focus on civil service employees rather than on our own individual campuses. Executive Director Schiesser can always be counted on to provide updates on the activities of the University System office and opportunities for this committee to collaborate and assist the University System. She asked that the University System consider changes to the statute, policies, and procedures to look at all sides of the request and to consider the impact not only on how it affects the university's human resource offices but how it impacts the universities as a whole.

On October 14, 2022, the committee hosted the Council of Councils. She stated that this is an annual event dating back to 1997. This one-day conference includes representatives from each university civil service council or senate and is an excellent opportunity for constituents to join the conversation firsthand. She further stated that the committee would share the details regarding the October 2023 meeting once they are available.

Consideration of Discharge Proceedings Number UIC-22-15 filed against Anthony Williams 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 Anthony Williams on May 27, 2022. Mr. Williams, a Building Service Worker (BSW) since February 24, 2020, made a timely request for a discharge hearing.

UIC filed six charges against Mr. Williams:

1. Creating a hostile work environment;
2. Intimidating and offensive behavior;
3. Conduct disruptive to the operation;
4. Gross unprofessionalism;
5. Inappropriate communication; and
6. Conduct that places the University at Risk for liability.

Two instances of discipline regarding unsatisfactory behavior by Mr. Williams related to his work as a BSW for UIC.

- 5-Day Disciplinary Suspension, beginning January 5, 2022
 - ♦ Creating a hostile work environment;
 - ♦ Intimidating behavior;
 - ♦ Insubordinate behavior;
 - ♦ Insolence toward supervision;
 - ♦ Disruptive behavior;
 - ♦ Poor work performance; and
 - ♦ Unprofessionalism.
- 10-Day Disciplinary Suspension, beginning March 12, 2022
 - ♦ Continued insubordinate behavior;
 - ♦ Continued poor work performance; and
 - ♦ Continued unprofessionalism.

Executive Director Schiesser gave an overview of the Hearing Record:

Mr. Williams is one of approximately ten BSWs assigned to work in campus housing on UIC's South Campus. At 11:00 am on April 20, 2022, Mr. Williams's supervisor convened a meeting of the BSWs she supervised. Several minutes after the meeting was scheduled to begin, the supervisor texted Mr. Williams to ask if he was planning to attend the meeting. Mr. Williams arrived 10 to 15 minutes after the meeting started. When he arrived in the meeting room, Mr. Williams sat apart from the group of BSWs. It appeared to the supervisor that Mr. Williams was not paying attention to the meeting and looking out the window and at his telephone. After several minutes of sitting away from the group, Mr. Williams moved to the table where the rest of the BSWs sat. After relocating, Mr. Williams used inappropriate language to tell the BSWs sitting next to him that he intended to disrupt the meeting. As the supervisor continued the meeting, she believed Mr. Williams was "attempting to bully and intimidate" her. As she continued the agenda, the supervisor informed the BSWs that she could no longer correct errors on BSW electronic time clock entries. Mr. Williams interrupted the supervisor in what the supervisor described as a "forceful, attacking manner" and a loud and aggressive attempt to intimidate her.

After another outburst, the supervisor thought that Mr. Williams appeared agitated and, at that time, fearing for her safety, hurried through the remainder of her agenda, ended the meeting before she had intended to, and walked out of the room. As she walked to her office, Mr. Williams walked up behind her. When they reached her office, the supervisor and Mr. Williams had a brief exchange, and Mr. Williams left to go to University Health Service. The supervisor stated that she experienced anxiety because Mr. Williams shouted at her. She thought that Mr. Williams was trying to intimidate her.

Later that day, the supervisor sent the Assistant Director of Facilities an email memorializing the meeting with the BSWs. The supervisor described Mr. Williams's behavior during the meeting as hostile and disrespectful toward her in the presence of his coworkers.

On April 22, 2022, seven BSWs who had attended the April 20, 2022, meeting sent a written statement to the Assistant Director of Facilities regarding Mr. Williams's behavior. The BSWs described Mr. Williams's behavior toward their supervisor as extremely unprofessional, stating that it was evident that Mr. Williams was purposely trying to bully, antagonize, intimidate, and scare their supervisor.

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

Mr. Jones did not present public comments in regard to this case.

Mr. Simmons made a motion to discharge Mr. Williams. Dr. Dively 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. Zopp	Absent
Dr. Butler	Aye
Dr. Cevallos-Candau	Aye
Mr. Dively	Aye
Dr. Eagle	Aye
Ms. Jakobsson	Aye
Chair Jones	Aye
Dr. King	Aye
Dr. Radosh	Aye

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

STATE OF ILLINOIS
STATE UNIVERSITIES CIVIL SERVICE SYSTEM

ANTHONY WILLIAMS,	)	BEFORE THE UNIVERSITY CIVIL
	)	SERVICE MERIT BOARD
Employee,)	
	)	DISCHARGE PROCEEDING
v.)	
	)	No. UIC-22-15
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 **ANTHONY WILLIAMS**, employee, by service of Written Charges for Discharge by UPS overnight mail on May 27, 2022, and the Employee, **ANTHONY WILLIAMS**, has filed a timely written request for Hearing. A Hearing was duly convened and held on July 7, 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 May 27, 2022
2. Suspension Notice Pending Discharge, dated May 27, 2022
3. Employee's Request for Hearing, received on June 6, 2022
4. Acknowledgment of Hearing Request, dated June 8, 2022
5. Notice of Convening of Hearing to Hearing Officer, dated June 14, 2022

6. Notice of Convening of Hearing to the parties of record, dated June 14, 2022
7. Order Regarding Procedures for Remote Hearing, dated June 28, 2022
8. Employer Request for Subpoenas, dated June 30, 2022
9. Subpoena, Hersea Brown, dated June 30, 2022
10. Subpoena, Paul Loreda, dated June 30, 2022
11. Subpoena, Maria E. Martinez, dated June 30, 2022
12. Subpoena, Natividad Miranda, dated June 30, 2022
13. Subpoena, Laura Williams, dated June 30, 2022
14. Subpoena, John Wilson, dated June 30, 2022
15. Employer Request for Subpoenas, dated July 1, 2022
16. Subpoena, Kenoris Ross, dated July 1, 2022
17. Employer's Witness List and Exhibits received July 2, 2022
18. Employer Motion for Leave to File to Amend Written Charges for Discharge, dated July 5, 2022
19. Order Denying Employer's Motion for Leave to File Amended Written Charges for Discharge, dated July 5, 2022
20. Transcript of Hearing, July 7, 2022
21. Exhibits admitted into Record at Hearing, July 7, 2022
22. Request for Findings of Fact from Hearing Officer, dated August 5, 2022
23. Findings of Fact rendered by Hearing Officer, dated August 16, 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, **ANTHONY WILLIAMS**, and establishes just cause for discharge, as follows:

- Creating a hostile work environment
- Intimidating and offensive behavior
- Conduct disruptive to the operation
- Gross unprofessionalism
- Inappropriate communication
- Conduct that places the University at Risk for liability

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, **ANTHONY WILLIAMS** 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 November 10, 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. Alan J. Cook
Attorney at Law

Parties of Record

Mr. Matthew G Jones
Attorney at Law

Mr. Anthony Williams

DATED AND ENTERED this 10th day of November 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 EIU-22-15 filed against Andrew Hubbard by Eastern Illinois University

Executive Director Schiesser stated that Eastern Illinois University (EIU) filed Written Charges for Discharge against Andrew Hubbard on June 23, 2022. Mr. Hubbard, a Food Service Supervisor since August 31, 2020, made a timely request for a discharge hearing.

EIU filed two charges against Mr. Hubbard:

1. Ongoing and unresolved attendance and tardiness issues and
2. Improvement Plan for July 7, 2021, to January 1, 2022.

EIU took the following disciplinary actions regarding unsatisfactory behavior by Mr. Hubbard related to his work as a Food Service Supervisor.

- March 30, 2021 -- Verbal reprimand: Inappropriate Snapchat between Mr. Hubbard and a student employee.
- April 28, 2021 – Written Reprimand: Mr. Hubbard was 15 minutes late for his shift. He also left at approximately 4:00 pm and did not return until approximately 5:30 pm. He did not inform the unit director of his absence from his work area.
- July 7, 2021 – 8 Day Suspension
- September 14, 2021 – Verbal Reprimand: Missed SHIELD test.
- September 24, 2021 – Written reprimand: 2nd missed SHIELD test.
- January 4, 2022 – 3 Day Suspension: Additional missed Shield test.
- January 21, 2022 – EIU began discharge proceedings because of another missed SHIELD test. The discharge proceedings were dropped when the COVID test results were received off campus.

Executive Director Schiesser gave an overview of the Hearing Record:

Andrew Hubbard accepted an appointment as a Food Service Area Supervisor for EIU on August 31, 2020. The probationary period for this position is six months. Mr. Hubbard passed probation

on February 28, 2021. As a Food Area Supervisor, Mr. Hubbard was expected to run the food court's day-to-day operations, including ensuring that the 25 to 30 student positions were filled and doing the food safety checks. Mr. Hubbard was one of three Food Service Area Supervisors who worked together to run the food court. The food court is open seven days a week, from 7:30 am to 10:00 pm.

During his employment, Mr. Hubbard was primarily scheduled to work the second shift, from 2:30 pm to 10:00 pm. In his mid-point probationary review, Mr. Hubbard's supervisor noted that between August 31, 2020, and December 1, 2020, Mr. Hubbard was late for his shift "many different times."

- At least three times [Mr. Hubbard was] late by a few minutes. Once, he was an hour late.
- Once, Mr. Hubbard was scheduled to begin his shift at 7:30, and he arrived at 11:00.

Mr. Hubbard was counseled by his supervisor after each episode of tardiness.

On January 1, 2021, EIU prepared a Performance Improvement Plan or PIP for Mr. Hubbard. The PIP cited "Attendance & Punctuality" as an area of concern or deficiency and included as an Improvement Goal that Mr. Hubbard was to arrive at work "on time for every scheduled shift." Mr. Hubbard signed the PIP.

On March 31, 2021, Mr. Hubbard's supervisor wrote a memo to Mr. Hubbard detailing inappropriate comments on Snapchat by Mr. Hubbard regarding a female employee he supervised.

Mr. Hubbard's tardiness and absences continued over the next several months.

- on April 25, 2021, Mr. Hubbard was 15 minutes late for his shift;
- on April 28, without notifying anyone that he would be gone, Mr. Hubbard left the building in the middle of his shift and didn't return for an hour and a half;
- after the April events, Mr. Hubbard was counseled that if this behavior continued he would be subject to suspension;
- on June 4th, Mr. Hubbard failed to appear for the start of his shift. Mr. Hubbard sent his supervisor a text stating that he would not be at work for a few days because he was incarcerated; and
- EIU issued a retroactive 8-day suspension that allowed Mr. Hubbard to cover part of the incarceration.

Following this suspension, EIU prepared another PIP, effective until January 1, 2022. This PIP indicated that continued tardiness or absences could result in discharge. Between March 26, 2022, and April 4, 2022, Mr. Hubbard was tardy for his shift four separate times:

- 3/26/22
- 3/28/22
- 3/29/22
- 4/4/22

On May 15, EIU suspended Mr. Hubbard for 15 days for six additional instances of tardiness or absence between April 23 and May 2.

In addition to the progressive discipline regarding tardiness and absences, EIU issued a one-day suspension to Mr. Hubbard for four separate instances where Mr. Hubbard failed to complete mandatory weekly COVID SHIELD testing.

- Week of 9/6/21 -- missed a mandatory SHIELD test
- Week of 9/20/21 -- missed a second mandatory SHIELD test
- 1/4/22 – 1/6/22 -- failed to SHIELD test
- Week of 1/20/22 -- missed a SHIELD test

The Hearing Officer noted in his Findings of Fact that the evidentiary Hearing in this matter was scheduled to begin at noon on August 8, 2022. All parties were present at noon except for Mr. Hubbard. The proceedings started at 12:03 pm. Mr. Hubbard arrived a few minutes later.

The Hearing Officer described Mr. Hubbard's internet connection to the Hearing as "spotty, at best." At the point in the Hearing when Mr. Hubbard would have begun his cross-examination of EIU's witness, Mr. Coffey, Mr. Hubbard's internet connection was lost. "He contacted the University System Office (SUCSS) via email indicating he was attempting to relocate to a new location, one presumably with better connectivity so he could try to reconnect to the Hearing to finish his cross-examination."

"After waiting over an hour and attempting to contact Hubbard via phone to no avail, the testimony and evidentiary portion of the Hearing was concluded with the University resting its case as Hubbard never rejoined the Hearing. He also did not make another contact with the SUCSS after his initial email to them in which he indicated he was relocating."

The Hearing Officer found that EIU met its burden of proof on both Charges.

Mr. Simmons made a motion to discharge Mr. Hubbard. Ms. Jakobsson seconded Mr. Simmons' motion.

Dr. Eagle commented that Mr. Hubbard was hired with red flags, and despite being given this opportunity, Mr. Hubbard did not overcome these issues. This gives more reason to uphold this discharge.

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

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

**STATE OF ILLINOIS
STATE UNIVERSITIES CIVIL SERVICE SYSTEM**

ANDREW HUBBARD,	)	BEFORE THE UNIVERSITY CIVIL
	)	SERVICE MERIT BOARD
Employee,)	
	)	DISCHARGE PROCEEDING
v.)	
	)	No. EIU-22-3
EASTERN ILLINOIS UNIVERSITY,)	
)	
Employer.)	

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

PROCEDURAL HISTORY

Discharge proceedings have been commenced by **EASTERN ILLINOIS UNIVERSITY**, employer, against **ANDREW HUBBARD**, employee, by service of Written Charges for Discharge by UPS overnight mail on June 23, 2022, and the Employee, **ANDREW HUBBARD**, has filed a timely written request for Hearing. A Hearing was duly convened and held on July 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 June 23, 2022
2. Suspension Notice Pending Discharge, dated June 23, 2022
3. Employee's Request for Hearing, received on June 21, 2022
4. Acknowledgment of Hearing Request, dated July 12, 2022
5. Notice of Convening of Hearing to Hearing Officer, dated July 12, 2022
6. Notice of Convening of Hearing to the parties of record, dated July 12, 2022
7. Employer Request for Subpoenas, dated July 14, 2022
8. Order Regarding Procedures for Remote Hearing, dated July 14, 2022
9. Subpoena, Hubbard, Andrew, dated July 14, 2022
10. Employer's Witness List and Exhibits received July 22, 2022
11. Employee's Request for a Continuance, dated July 29, 2022
12. Order Regarding Procedures for Remote Hearing, dated July 29, 2022
13. Continuance Granted, dated July 29, 2022
14. Amended Notice of Convening of Hearing to Hearing Officer, dated August 1, 2022
15. Amended Notice of Convening of Hearing to the parties of record, dated August 1, 2022
16. Email thread with Andrew Hubbard, dated August 8, 2022, between 3:18 – 4:09 pm.
17. Transcript of Hearing, August 8, 2022
18. Exhibits admitted into Evidence at Hearing, August 8, 2022
19. Request for Findings of Fact from Hearing Officer, dated August 26, 2022
20. Findings of Fact rendered by Hearing Officer, dated September 6, 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, **EASTERN ILLINOIS UNIVERSITY**, against the employee, **ANDREW HUBBARD**, and establishes just cause for discharge, as follows:
 - Ongoing and unresolved attendance and tardiness issues
 - Improvement plan for July 7, 2021 – January 1, 2022

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, **EASTERN ILLINOIS UNIVERSITY**, to the extent not inconsistent with the findings made herein.
2. The employee, **ANDREW HUBBARD** is hereby separated from the service of his employer, **EASTERN ILLINOIS UNIVERSITY**, and that the effective date of his discharge shall be as of November 10, 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. Aaron P. Janik
Attorney at Law

Parties of Record

Ms. Laura L. McLaughlin
Attorney at Law

Mr. Andrew Hubbard

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 UIC-22-16 filed against Jesenia Zayaz 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 Jesenia Zayaz on May 24, 2022. Ms. Zayaz, a Customer Service Representative since August 1, 2004, made a timely request for a discharge hearing.

UIC filed eight charges against Ms. Zayaz:

1. Theft of University Time – Received Compensation for Non-Worked Hours;
2. Unethical Behavior;
3. Unauthorized and Unexcused Absence from Work Area;
4. Failure to Meet Expectations Regarding Presence at Worksite During Normally Scheduled Work Hours;
5. Leaving Work Area for an Unreasonable Amount of Time and/or Without Appropriate Notification;
6. Failure to Meet Clinic Expectations Regarding Customer Service;
7. Failure to Follow Hospital Mandatory Saliva Testing Requirements; and
8. Violation of the University of Illinois Policy and Rules - Conduct and Discipline; Policy 16 - Rule 16.04 - Present During Scheduled Work Shift.

There has been no non-verbal discipline regarding any unsatisfactory behavior by Ms. Zayaz related to her work as a Customer Service Representative for UIC.

Executive Director Schiesser gave an overview of the Hearing Record:

Jesenia Zayaz accepted an appointment as a Customer Service Representative for UIC on August 1, 2004. For approximately 12 years, she worked in the Kidney & Arthritis Clinic, which is a specialty outpatient clinic serving rheumatology and nephrology patients.

The Charges brought against Ms. Zayaz stem from allegations of several instances:

- On December 28, 2021: Ms. Zayaz left work one hour before the end of her shift without authorization.
- On January 21, 2022: Ms. Zayaz left work one hour and 36 minutes before the end of her shift without authorization.
- On January 24, 2022: Ms. Zayaz was on a personal phone while at her workstation.
- On January 24, 2022: Ms. Zayaz was away from her workstation without authorization for one hour and 58 minutes.
- On January 25, 2022: Ms. Zayaz was away from her workstation without authorization for two hours and 26 minutes.
- On March 17, 2022: Ms. Zayaz failed to unlock the clinic door and check in patients (although she had clocked in for work) for one hour and nine minutes after she arrived for work.
- In addition, in the nine weeks between February 7, 2022, and April 10, 2022, Ms. Zayaz missed eight weekly COVID-19 saliva tests.

Ms. Zayaz is one of two Customer Service Reps employed in the Clinic. She worked from 7:00 am to 3:00 pm, with one hour for lunch. Thirty minutes of the lunch period is unpaid, giving her a 7 ½ work shift. Ms. Zayaz is the only Customer Service Rep present from 7:00 am until 9:00 am when her coworker arrives for the 9:00 am to 5:00 pm shift.

As a Customer Service Rep, Ms. Zayaz's responsibilities include checking patients in and out promptly, scheduling return appointments, and verifying patient information. In addition to her other duties, as the early shift Customer Service Rep, Ms. Zayaz is responsible for unlocking the Clinic doors and opening the Clinic upon her arrival.

On **December 28, 2021**, a clinic staff member notified the Charge Nurse that Ms. Zayaz left for the day at 2 pm. The charge nurse informed the clinic director of the event. The Kronos timekeeping report for that day confirmed that Ms. Zayaz left early. Ms. Zayaz had not been given prior authorization by the clinic director or the charge nurse to leave work early.

Ms. Zayaz stated that there was no coverage for her that day during her usual lunch break and that coverage didn't arrive until 2 pm. When her coverage did arrive, she informed other staff nurses and left the worksite.

Ms. Zayaz also stated:

- she had no record of written discipline in her history with UIC before the current clinic director was appointed on January 11, 2021;
- the clinic director did not discuss Ms. Zayaz's alleged behaviors except on a handful of occasions;
- UIC did not comply with the 30-day filing guideline regarding discipline as outlined in the relevant collective bargaining agreement;
- UIC failed to apply progressive discipline; and,
- in the few months before these events, the Clinic was understaffed, causing hardships for staff.

On **January 21, 2021**, the clinic director received an email from the charge nurse informing the director that Ms. Zayaz left for the day at 1:15 pm without prior authorization. The Kronos timekeeping report for that day showed that Ms. Zayaz clocked out at 1:21 pm rather than at 3:00 when her shift ended.

Ms. Zayaz had been notified of an emergency involving her husband's car. Ms. Zayaz tried to locate the charge nurse but could not find her. Ms. Zayaz texted the clinic director at 1:18 pm, letting him know that her husband had an emergency and she had to leave. Receiving no reply, Ms. Zayaz texted him again two minutes later. She informed the director that the charge nurse was unavailable, but Ms. Zayaz told another nurse about the situation.

The clinic director was informed by Ms. Zayaz's coworker, another Customer Service Rep, that on January 24, just as she began her workday, Ms. Zayaz disappeared from her workstation for 35 to 40 minutes. The EPIC workflow report for January 24 showed that Ms. Zayaz had no check-in or check-out activity for patients between 9:47 am and 12:47 pm.

Ms. Zayaz's coworker also complained that she had just arrived for her shift on the morning of January 25 when Ms. Zayaz again left her workstation and was gone for one hour and 15 minutes. The clinic director observed Ms. Zayaz's absence and assisted with patient check-in at 9:05 am.

Ms. Zayaz informed the clinic director -- when he asked her about being away from her desk -- that she had gone to use the restroom. The EPIC workflow report showed another period with no activity by Ms. Zayaz between 10:32 am and 12:35 pm. One hour of that period would have been Ms. Zayaz's usual lunch period. Ms. Zayaz stated that many Customer Service Rep tasks might take a Customer service Rep away from the front desk. Ms. Zayaz also stated that many Customer Service Rep tasks don't involve a computer and wouldn't register in EPIC.

On **January 24, 2022**, the clinic director received a complaint from a patient that Ms. Zayaz had been on an extended personal telephone call at her workstation.

On **March 17, 2022**, Ms. Zayaz clocked in for her clinic shift at 6:57 am. When the clinic director arrived at 8:00, the clinic doors were still locked, and seven patients were waiting to be allowed into the Clinic.

The Kidney & Arthritis Clinic treats immunocompromised patients because of medications or organ transplants.

On August 20, 2021, UIC approved and implemented a Mandatory COVID-19 Vaccination Policy requiring employees to be fully vaccinated by October 1, 2021, unless they had an approved exemption. Ms. Zayaz was not vaccinated as of October 18, 2021, and had no approved exemption at that time. As a result, she was subject to twice weekly saliva testing beginning October 19, 2021. Ms. Zayaz complied with the testing policy until February 2022. In the nine weeks between February 7 and April 10, 2022, Ms. Zayaz missed eight weekly COVID-19 saliva tests. Ms. Zayaz stated that when the University changed from delivery of the test kits to the Clinic and required her to go to a location three blocks away, it presented a hardship. The Clinic was understaffed, and it was difficult for her to get coverage for testing. She had a long commute to work and had an ongoing commitment to care for her elderly mother after work hours.

Ms. Zayaz stated that she always took appropriate precautions to keep vulnerable patients safe:

- she tested at home,
- she performed regular temperature checks at home and work,
- she wore a mask at work and
- she resumed saliva testing.

The Hearing Officer found that the Employer, UIC, met its burden of proof on all eight Charges.

Mr. Jones presented public comments stating that Ms. Zayaz was found to have stolen time from UIC, repeatedly violated the university policy for saliva testing for unvaccinated healthcare workers, and failed to meet UIC's expectations regarding customer service. UIC further believed Ms. Zayaz's conduct did not reflect someone willing to take responsibility for her actions, and the Merit Board must consider the precedential impact of reinstating an employee who has stolen

time on multiple occasions, engaged in unethical behavior and repeatedly failed to comply with the UIC's saliva testing for unvaccinated employees.

Dr. Butler made a motion to reinstate Ms. Zayaz with a 10-day suspension. Mr. Simmons seconded Mr. Butlers' motion.

Dr. Eagle agreed with Dr. Butler that suspension is more appropriate than discharge; however, a 10-day suspension might be too little. Ms. Jakobsson agreed that a 10-day suspension might be too short, and appears there is no prior discipline in the record, and discharge is inappropriate. Dr. King recommended a 30-day suspension. Dr. Radosh stated without a written record of prior discipline it was hard to vote for discharge and agreed with a 30-day suspension.

Dr. Butler amended his motion to reinstate Ms. Zayaz with a 30-day suspension. Mr. Simmons seconded Mr. Butlers' amended motion.

Chair Jones noted that the Merit Board expects to see progressive discipline if the universities want them to uphold the discharge of employees.

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

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

JESENIA ZAYAZ,	)	BEFORE THE UNIVERSITY CIVIL
	)	SERVICE MERIT BOARD
Employee,)	
	)	DISCHARGE PROCEEDING
v.)	
	)	No. UIC-22-16
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 **JESENIA ZAYAZ**, employee, by service of Written Charges for Discharge by UPS overnight mail on May 24, 2022, and the Employee, **JESENIA ZAYAZ**, has filed a timely written request for Hearing. A Hearing was duly convened and held on July 8, 2022, and concluded on August 25, 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 May 24, 2022
2. Suspension Notice Pending Discharge, dated May 24, 2022
3. Employee's Request for Hearing, received on June 7, 2022
4. Acknowledgment of Hearing Request, dated June 8, 2022
5. Notice of Convening of Hearing to Hearing Officer, dated June 14, 2022

6. Notice of Convening of Hearing to the parties of record, dated June 14, 2022
7. Amended Notice of Convening of Hearing to Hearing Officer, dated June 22, 2022
8. Amended Notice of Convening of Hearing to the parties of record, dated June 22, 2022
9. Employer Request for Continuance, dated June 22, 2022
10. Employer Request for Subpoenas, dated June 24, 2022
11. Subpoena, Berry, Donna, dated June 27, 2022
12. Email to Employee regarding Request for Continuance, dated June 28, 2022
13. Email to Employer regarding Continuance Not Granted, dated June 28, 2022
14. Order Regarding Procedures for Remote Hearing, dated June 28, 2022
15. Employer's Witness List and Exhibits received July 3, 2022
16. Employer Request for Subpoenas, dated July 3, 2022
17. Subpoena, Gonzalez, Laura, dated July 5, 2022
18. Subpoena, Lawrence, Crystal, dated July 5, 2022
19. Notice of Reconvening of Hearing to Hearing Officer, dated August 9, 2022
20. Notice of Reconvening of Hearing to the parties of record, dated August 9, 2022
21. Employer Request for Subpoenas, dated August 16, 2022
22. Subpoena, Berry, Donna, dated August 16, 2022
23. Subpoena, Gonzalez, Laura, dated August 16, 2022
24. Subpoena, Lawrence, Crystal, dated August 16, 2022
25. Transcript of Hearing, July 8, 2022, and August 25, 2022
26. Exhibits admitted into Record at Hearing, July 8, 2022, and August 25, 2022
27. Request for Findings of Fact from Hearing Officer, dated September 16, 2022
28. Findings of Fact rendered by Hearing Officer, dated September 30, 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, **UNIVERSITY OF ILLINOIS AT CHICAGO**, against the

employee, **JESENIA ZAYAZ** 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, **UNIVERSITY OF ILLINOIS AT CHICAGO**, to the extent not inconsistent with the findings made herein.
2. The employee, **JESENIA ZAYAZ**, 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
Ms. Gail Moran
Attorney at Law

Parties of Record
Mr. Matthew Jones
Attorney at Law

Ms. Jesenia Zayaz

DATED AND ENTERED this 10th day of November 2022.

UNIVERSITY CIVIL SERVICE MERIT BOARD

By: /s/ Julie Jones
Julie Jones, Chair

ATTEST:

/s/ Teresa Rademacher

Teresa Rademacher

Secretary for the Merit Board

Consideration and action on proposed rulemaking to Sections 250.5 and 250.20 of the Code (80 Ill. Adm. Code §250.5 and §250.20) regarding definitions and Designated Employer Representatives (DER) form

Executive Director Schiesser stated in Section 250.5 of the Illinois Administrative Code that two definitions were being added that refer to the Designated Employer Representative mentioned throughout the Administrative Rules. The other definition is Transfer List regarding applicants for transfer without reference to applicants for sworn police officers. Section 250.20(c) refers to the form employers complete to identify their DER; this reflects how the University System knows who the DER is for the employer. She further stated that she worked with the HR Directors and that there would be 3-business days to name a new DER when there is an unplanned or emergent departure of a DER. Without a DER in place, there cannot be any employment actions by the employer because the Merit Board delegates all actions to the DER at each employer. She further stated that the University System asks that each DER be permitted to have someone sign in their absence. This signatory authority needs to be updated when there is a DER change.

Dr. Eagle made a motion to approve the proposed rulemaking change and to submit to JCAR to begin the 1st Notice Period. 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.....	Aye
Dr. Radosh.....	Aye
Mr. Simmons.....	Aye
Ms. Zopp.....	Absent
Dr. Butler.....	Aye
Dr. Cevallos-Candau.....	Aye
Mr. Dively.....	Aye

Consideration and action on emergency rulemaking to Sections 250.100 of the Code (80 Ill. Adm. Code §250.100) regarding the creation of a Transfer List for employers to use in the appointment of law enforcement

Executive Director Schiesser stated that for several years it had been a provision in the Administrative Rules to allow a lateral transfer list without using a register for sworn police officers who are working in a municipal or county police workforce in the state of Illinois. That provision allowed any employer under the University System to have two lateral transfers over two years, regardless of the size of the police force. The Police Chiefs, like most employers, are finding it difficult to fill positions; the difference is when these positions are not filled, safety may be compromised. The University System is proposing multiple changes to Section 250.100. The first change is to expand the definition of who can transfer by changing this to sworn and certified police officers rather than stating where the transfer can originate. Secondly, rather than allowing two transfers over two years, the University System proposes two separate changes. First, a sliding scale related to the size of the police force, allowing for four transfers in smaller police forces and eleven transfers for the larger police forces (80-100 officers) over 24 months. The University System is asking the Merit Board to approve the Proposed Emergency Rulemaking, as the Police Chiefs have assured us that safety is an issue.

Mr. Simmons made a motion to approve the Proposed Emergency Rulemaking. Dr. Eagle 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. Simmons	Aye
Ms. Zopp.....	Absent
Dr. Butler	Aye
Dr. Cevallos-Candau	Aye
Mr. Dively.....	Aye
Dr. Eagle	Aye
Ms. Jakobsson	Aye
Chair Jones	Aye
Dr. King.....	Absent
Dr. Radosh.....	Aye

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

Executive Director Schiesser stated that at the last meeting, the Merit Board voted to dissolve the Administrative Advisory Committee; this change also needed to remove similar language to the University Civil Service Merit Board Bylaws.

Ms. Jakobsson made a motion to approve the proposed changes to the Bylaws. Mr. Simmons 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.....	Aye

Dr. Radosh.....Aye
Mr. Simmons.....Aye
Ms. Zopp.....Absent
Dr. Butler.....Absent
Dr. Cevallos-Candau.....Aye
Mr. Dively.....Aye
Dr. Eagle.....Aye

Consideration of the 2023 Schedule of Meetings of the Merit Board

Executive Director Schiesser commented there were three proposed dates listed for the calendar year 2023. The Merit Board Bylaws require three meetings within a year; a fourth date could be added to create more cushion in the calendar in case there is a conflict with another meeting.

Dr. King stated this would be his last meeting. Dr. Radosh said 2023 board meetings have not yet been set for WIU. Executive Director Schiesser offered November 2 or 9 if the Merit Board would like to add a fourth meeting date.

Dr. Eagle was concerned about discharge cases if there was a gap in the meeting dates. Quarterly dates would be more efficient. Chair Jones stated February 9, June 8, October 19, and November 2 would be the recommended dates. Dr. Eagle said there would not be a significant amount of time between the October and November dates. Executive Director Schiesser stated that a December meeting could be scheduled in place of the November date. Also, a meeting could be added on August 10, 17, or 24 if an earlier date would be needed.

Chair Jones stated that the Merit Board does not seem to have overwhelming feelings about adding meetings. If needed later, an August meeting could be added. Chair Jones said we would stay with the proposed dates of February 9, June 8, and October 19 for meeting dates.

Dr. Eagle made a motion to approve the Merit Board meeting dates. 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.....Aye
Dr. Radosh.....Aye
Mr. Simmons.....Aye
Ms. Zopp.....Absent
Dr. Butler.....Absent
Dr. Cevallos-Candau.....Aye
Mr. Dively.....Aye

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

Ms. Neitzel commented that the University System remains regularly engaged with Chicago State University due to the audit conducted in 2020. Since then, the employer has been required to receive approval for certain personnel transactions before initiating them, including the designation and classification of positions, posting positions, review of extra help transactions, approval of specialty factors, layoff, and register maintenance.

The following audit reports have been finalized: Northeastern Illinois University, Illinois Student Assistant Commission, and the University of Illinois College of Medicine at Rockford. The University System is still completing the State Universities Retirement System audit report from earlier in 2022 and working on finishing up activities on audits conducted in the spring and summer of 2022.

Dr. Cevallos-Candau asked for clarification on the audit dates for Governor State University (GSU). Ms. Neitzel commented that the audit visit was from June 20 – 24, 2022, and the University System is still in the middle of resolving follow-up activities with the GSU HR office.

Report of the Executive Director – Gail Schiesser

Executive Director Schiesser provided a budget update for FY 2023. She stated that the University System has a couple of open positions. When these positions are filled, the agency will have increased costs for personal services, which are included in the budget.

The FY 2022 Annual Report was finalized and sent to the Governor's Office as required.

She further stated that the University System had modified 495 classifications and deleted more than 50 with the project changing examinations to credential assessments examinations. The next batch of changes will be effective December 1, 2022, with one more batch of changes in early 2023, and the project would then be completed.

The University System has received a final report from the Auditor General's Office regarding the 2020-2021 audit. The agency received one material finding related to risk assessment. The Auditor General's office has provided several recommendations and the University System is working on implementing one of the changes and working to address the other three.

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. The University System

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 November 15, 2022, and the agency is a witness 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 a continuance state as Mr. Bradford is currently incarcerated. The Attorney General represents us.

James Kehoe

Mr. Kehoe was dismissed as a UIC Police Officer in April of 2022. The matter is up for motion in the middle of November if it does not get pushed back.

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 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, and Service Employees International Union. We have asked the Attorney General's Office to represent us, and they have agreed. This is on briefing and due for decision in mid-November, but the decision calendar in the Appellate Court is much longer than the decision calendar in the circuit court.

Mr. Simmons asked about the search for a new Legal Counsel. Executive Director Schiesser stated that there were several applicants for the Legal Counsel position and, hopefully, the position will be filled by the February meeting.

Other Items as presented

Mr. Simmons made a motion to adjourn the meeting. Dr. Cevallos-Candau seconded Mr. Simmons' motion. In accordance with the Merit Board Bylaws, a voice vote was taken, and the motion carried.

The meeting adjourned at 2:53 pm.

Respectfully submitted,

/s/ Teresa Rademacher

Teresa Rademacher
Secretary for the Merit Board

APPROVED:

/s/ Julie Jones

Julie Jones, Chair
University Civil Service Merit Board

March 16, 2023

Date