



**MINUTES OF THE TWO-HUNDRED-AND-TWENTY-THIRD
MEETING OF THE UNIVERSITY CIVIL SERVICE MERIT BOARD –
NOVEMBER 30, 2023**

**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

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

Illinois State University
718 W. College Avenue
Room NSB 101A
Normal, IL

Southern Illinois University of Edwardsville
East St. Louis Center
601 James R. Thompson Blvd.
Building B, Room 2074
East St. Louis, IL

Governor State University
1 University Parkway
Room D34093
University Park, IL

University of Illinois at Chicago
Discovery Partners Institute
200 S Wacker Drive
Conference Room 2006
Chicago, IL

Northern Illinois University
116 Altgeld Hall
Altgeld Hall, Room 125
DeKalb, IL

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

Chair Jones called the meeting to order at 1:14 p.m. Chair Jones stated that all votes would be held by roll call and noted that the meeting was being held via WebEx. She also said that the agenda was posted in accordance with the Open Meetings Act. The posted agenda included directions on how to access the meeting electronically.

Members present at the University System Office and via WebEx were: Julie Annette Jones, Chair, from the Illinois State University Board of Trustees; Barb Baurer from the Eastern Illinois University Board of Trustees; John Butler from the Northern Illinois University Board of Trustees;

Ramon Cepeda from the University of Illinois Board of Trustees; Tami Craig Schilling from the University of Illinois Board of Trustees; and Jim Kvedaras from the Governors State University.

Members absent were: Jason Quiara from the Chicago State University Board of Trustees; John Simmons from the Southern Illinois University Board of Trustees; and Derek Wise from the Western Illinois University Board of Trustees.

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.

Welcome new Merit Board Member from Governors State University

Chair Jones welcomed new Merit Board member Jim Kvedaras from Governors State University Board of Trustees.

Approval of the Agenda for the 223rd Meeting of the Merit Board – Julie Annette Jones, Chair

Ms. Baurer moved to approve the Agenda for the 223rd Meeting of the Merit Board with the modification. Mr. Cepeda seconded Ms. Baurers' motion. In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion was approved with the following vote:

Ms. Baurer.....Aye
Dr. Butler.....Aye
Mr. Cepeda.....Aye
Ms. Craig Schilling.....Aye
Chair Jones.....Aye
Mr. Kvedaras.....Aye
Mr. Quiara.....Absent
Mr. Simmons.....Absent
Mr. Wise.....Absent

Consideration of the Minutes of the 222nd Meeting of the Merit Board, August 24, 2023

The minutes of the 222nd Meeting of the Merit Board, August 24, 2023, were transmitted to members of the Merit Board with the agenda materials.

Ms. Baurer moved to approve the minutes of the 222nd Meeting of the Merit Board. Ms. Craig Schilling seconded Ms. Baurer’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. Baurer.....Aye
Dr. Butler.....Aye
Mr. Cepeda.....Aye
Ms. Craig Schilling.....Aye
Chair Jones.....Aye
Mr. Kvedaras.....Abstain
Mr. Quiara.....Absent
Mr. Simmons.....Absent
Mr. Wise.....Absent

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

The Closed Minutes of the 219th Meeting of the Merit Board, August 11, 2022, had been transmitted to members of the Merit Board with the agenda materials.

Ms. Bauer moved to approve the Closed Session Minutes of the 219th Meeting of the University Civil Service Merit Board. Dr. Butler seconded Ms. Baurer’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. Baurer.....Aye
Dr. Butler.....Aye
Mr. Cepeda.....Aye
Ms. Craig Schilling.....Aye
Chair Jones.....Aye
Mr. Kvedaras.....Abstain
Mr. Quiara.....Absent
Mr. Simmons.....Absent
Mr. Wise.....Absent

Consideration of Discharge Proceedings Number UIUC-23-4 filed against Jameson Fradkin by the University of Illinois at Urbana-Champaign

The University of Illinois at Urbana Champaign (UIUC) filed Written Charges for Discharge against Jameson Fradkin on June 16, 2023. On the date the Written Charges for Discharge were filed, Ms. Fradkin held a civil service status position as a Program Coordinator in the Department of Electrical and Computer Engineering at UIUC. Ms. Fradkin accepted an appointment as an Office Support Specialist in November 2012. In approximately 2019, Ms. Fradkin was promoted to her current classification of Program Coordinator.

Ms. Fradkin made a timely request for a discharge hearing.

UIUC filed one charge against Ms. Fradkin: the unauthorized possession and consumption of alcohol on institutional time and property.

The Hearing Record showed that Written Charges for Discharge before the Merit Board related to two incidents: the first on January 28, 2023, and the second on April 7, 2023. At the times of those two incidents, UIUC had a policy stating that “Employees are subject to disciplinary action, including dismissal, for unauthorized consumption of intoxicating liquors on institutional time or property . . . or an inability to perform satisfactorily assigned duties as a result of drinking alcoholic beverages.”

Ms. Schiesser gave an overview of the case stating that on January 18, 2023, Ms. Fradkin appeared to exhibit signs of impairment at work. A co-worker of Ms. Fradkin reported signs of impairment to their supervisor. On January 23, 2023, in conjunction with the Human Resources department, Ms. Fradkin’s immediate supervisor completed a Suspected Impairment Checklist related to the January 18, 2023, incident. On March 15, 2023, UIUC conducted a pre-disciplinary meeting related to the January 18, 2023, incident. On April 6, 2023, UIUC prepared and delivered to Ms. Fradkin a Work Performance reminder related to the January 18, 2023, incident. On April 7th, 2023, Ms. Fradkin appeared to exhibit signs of impairment at work. A co-worker of Ms. Fradkin reported to their supervisor that he saw Ms. Fradkin in the office drinking from a bottle of alcohol. On April 7, 2023, Ms. Fradkin’s supervisor completed a Suspected Impairment Checklist related to the April 7, 2023, incident. On April 8, 2023, UIUC placed Ms. Fradkin on Administrative Leave. Ms. Fradkin informed UIUC that she had fallen and suffered a concussion on March 23, 2023. Ms. Fradkin reported suffering from neck pain as a result of the fall. UIUC was aware that the signs of impairment exhibited by Ms. Fradkin could be attributable to a concussion. UIUC was aware that Ms. Fradkin was in treatment for an alcohol use disorder. Ms. Fradkin’s supervisor and the assistant department head were encouraged by the campus HR office to “first rule out any medical . . . explanation for any behavior” that was observed. Regarding the charge filed by the employer, UIUC, the Hearing Officer, Michael Dudek, determined that the employer SUSTAINED its burden of proof.

Dr. Butler made a motion that the Merit Board go into closed session to discuss the above discharge case. Ms. Craig Schilling seconded Dr. 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:

Dr. Butler.....Aye
Mr. Cepeda.....Aye
Ms. Craig Schilling.....Aye
Chair Jones.....Aye
Mr. Kvedaras.....Aye
Mr. Quiara.....Absent
Mr. Simmons.....Absent

Mr. Wise.....Absent
Ms. Baurer.....Aye

The Merit Board went into closed session at 1:29 p.m.

The Merit Board returned to open session at 2:18 p.m. Chair Jones stated that the Merit Board needed to adopt a Decision and Order regarding this case.

Dr. Butler made a motion to reinstate the employee, Jameson Fradkin, with a 120-day suspension. Ms. Craig Schilling seconded Dr. 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:

Dr. ButlerAye
Mr. Cepeda.....No
Ms. Craig SchillingAye
Chair JonesAye
Mr. Kvedaras Aye
Mr. QuiaraAbsent
Mr. Simmons.....Absent
Mr. Wise.....Absent
Ms. Baurer.....Aye

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

STATE OF ILLINOIS



STATE UNIVERSITIES CIVIL SERVICE SYSTEM

JAMESON FRADKIN,)	BEFORE THE UNIVERSITY CIVIL
)	SERVICE MERIT BOARD
Employee,)	
)	DISCHARGE PROCEEDING
v.)	
)	No. UIUC-23-4
UNIVERSITY OF ILLINOIS at Urbana-Champaign,)	
)	
Employer.)	

DECISION AND ORDER OF THE UNIVERSITY CIVIL SERVICE MERIT BOARD

PROCEDURAL HISTORY

Discharge proceedings have been commenced by the **UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN**, employer, against **JAMESON FRADKIN**, employee, by service of Written Charges for Discharge by USPS overnight mail on June 16, 2023, and the Employee, **JAMESON FRADKIN**, has filed a timely written request for Hearing. A Hearing was duly convened, held on, and concluded on August 30, 2023, 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 16, 2023
2. Suspension Notice Pending Discharge, dated June 16, 2023
3. Employee's Request for Hearing, received on June 30, 2023
4. Acknowledgement of Hearing Request, dated July 3, 2023
5. Notice of Convening of Hearing to the parties of record, dated July 6, 2023
6. Notice of Convening of Hearing to the Hearing Officer, dated July 6, 2023
7. Order Regarding Procedures for Remote Hearing, dated July 12, 2023
8. Employer's request for Continuance, dated July 14, 2023
9. Employer's Supplement of Request for Continuance, dated July 18, 2023
10. Employee's Refusal to Waive Right to Hearing Within 45 Days, dated July 20, 2023
11. Employer's Argument in Support of Request for Continuance, dated July 20, 2023
12. Employee's Exhibits received July 21, 2023
13. Employer's Witness List, Exhibit List, and Exhibits received July 21, 2023
14. Employee's Waiver of Right to Hearing Within 45 Days, dated July 24, 2023

15. Amended Notice of Convening of Hearing to the Parties of Record, dated July 26, 2023
16. Amended Notice of Convening of Hearing to the Hearing Officer, dated July 26, 2023
17. Transcript of Hearing, August 30, 2023
18. Exhibits Admitted into Record at Hearing, August 30, 2023
19. Request for Findings of Fact from Hearing Officer, dated September 14, 2023
20. Findings of Fact by Hearing Officer, dated October 10, 2023

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 URBANA-CHAMPAIGN**, against the employee, **JAMESON FRADKIN** 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 URBANA-CHAMPAIGN**, to the extent not inconsistent with the findings made herein.
2. The employee, **JAMESON FRADKIN**, shall be reassigned to perform the duties in a position in her classification following the completion of a 120 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. Michael Dudek
Attorney at Law

Parties of Record

Mr. Seth Baker
Attorney at Law

Ms. Jameson Fradkin

DATED AND ENTERED this 30th day of November 2023.

UNIVERSITY CIVIL SERVICE MERIT BOARD

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

ATTEST:

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

Public Comments

Chair Jones stated that there were four requests for Public Comments. In accordance with policy, the Merit Board will allow up to thirty minutes in total for public comments and questions. An

individual is permitted to speak for five minutes at his/her presentation. If more than one person would like to speak on a topic, it is recommended that they choose one person to speak on the topic. Speakers will be called based on the order in which they submitted their request to make public comments.

Seth Baker commented regarding a discharge matter. He stated that Ms. Fradkin does not dispute and did admit that she consumed alcohol on university time and property on January 18 and April 7, 2023. Ms. Fradkin did not claim that her symptoms on April 7, 2023, were a result of a concussion. With Ms. Fradkin not disputing the facts and her claim of being sober since April, the reason for the hearing was her sole request for forgiveness rather than disputing the facts. Civil Service rules provide that consumption of intoxicating substances on university premises and during working hours in a single incident is adequate cause for dismissal. On April 6, 2023, Ms. Fradkin was given a written performance reminder. The incident leading to her dismissal occurred the following day on April 7, and she brought a bottle of liquor and consumed it on university premises. The university feels the January incident was sufficient enough for termination and Ms. Fradkin had already been given a second chance.

Dave Beck, AFSCME Regional Director of Council 31, stated that he represents approximately 75,000 employees. Among them are over 4,000 state university civil service employees across ten campuses. He represents over 1,400 employees at the University of Illinois; approximately 60 of these employees work for the UI-System Office. It is those 60 employees that he presented comments about. He stated that the Merit Board voted to designate the University of Illinois-System Office as a separate place of employment. He was shocked at the decision of the Merit Board without questioning the effect it would have on the employees and that it was being viewed as merely an administrative change with minimal impact on employees.

The two main impacts he focused on were bumping rights and promotional rights. Bumping rights are determined by an employee's seniority, and it supports the employees who have the most seniority. This decision has radically affected the rights of the employees. Mr. Beck gave an example: accounting specialist. A particular employee has 10 people in front of her before a layoff and if this change goes through, there would be only one employee before her. Another example: Accounting Officer, this particular employee currently has 39 people in front of her and if this change goes through, there will only be six employees before her. Shelly, who is in the class of Office Support Specialist, 268 employees would have to be laid off before she would, and now with this change, Shelly would only have 4 employees before her. The likelihood that there would be open positions available to her would be much, much less with this new separate place of employment. He further stated that it is important to know that layoffs do happen at the University of Illinois, not big, but definitely in the range of five positions. He said that Shelly and others did not have any knowledge that this was going to happen.

Mr. Beck also spoke about the impact regarding promotions. He stated that by carving out a tiny piece of that workforce, UIUC is greatly limiting the promotional opportunities for these employees. He gave another example using Shelly, that the next step for her in the classification

series would be an Office Manager. There are 223 positions on the Urbana campus currently; within the new separate place of employment, there would be only ten positions. Again, Shelly and her colleagues had no idea this was going to happen. This also creates a unique situation geographically. Historically, places of employment have been geographically based; for an employee at the Urbana-Champaign campus, bumping and promotional rights are only extended to this physical location, and employees cannot bump to the Chicago or Springfield locations. With this new separate place of employment, it is not a single geographical location. It exists in both Urbana and Chicago and theoretically could exist in Springfield. A person on the Urbana campus would have rights to positions in Chicago, and these positions would be in two different bargaining units, represented by two different unions and collective bargaining units. Wages, benefits, and terms of conditions of employment will be completely different. The University of Illinois-System Office has explained its issues in a letter, the university makes its own policies, and it decides how each unit and campus operates. The university does not need this change to the place of employment to make changes; however, the employees don't have that option. Mr. Beck urged the Merit board to reconsider their decision regarding the new place of employment. He asked the Merit Board to consider changing the rules to allow impacted employees to bump and promote within their respective campuses as they do now or at the very least allow for there to be a suitable transition period so that impacted employees could have the right to move positions on their respective campuses.

Jami Painter, Senior Associate Vice President and Chief Human Resource Officer at the University Illinois-System Office stated that at the August 2023 Merit Board meeting, the Merit Board approved the University of Illinois-System Office (UI-SO) as a separate place of employment. The UI-SO serves as an umbrella over the three university campuses and serves administration and operation functions on behalf of the University of Illinois. She stated that they have their own leadership, budget, policies, programs, and procedures. She shared many challenges of the UI-SO not being its own place of employment. Managers and Directors must follow different policies and procedures for employees reporting to the same person simply because they are located at different campuses. Also, there is confusion about which policies and procedures to follow, the UI-SO or the campus where they are located. Many UI-SO units do not exist on campuses, for example, legal counsel, payroll and benefits, auditing, and ethics office, to name a few. Positions in these units are most effectively handled by the UI-SO. She stated that UI-SO civil service employees will retain their protections, and employees represented by a union will remain in the same bargaining units. It is true that these employees will have bumping rights and will be placed by their place of employment; however, UI-SO does not believe employees will be adversely affected by moving forward with this change the Merit Board has already approved this separate place of employment. The UI-SO employees will now expand their opportunities to bump UI-SO employees who are located at any of our universities or satellite locations. UI-SO is primarily an administration organization; our remote work policy allows flexibility to work a remote or hybrid schedule at the discretion of the unit for most of our positions. If there was a need for a position to be eliminated, the employee's seniority would be based on the entire UI-SO population, not solely at the campus, widening the opportunity for our employees. The chance of elimination of a position with the UI-SO is very slim. In the last 20 years, only two positions in unique situations

have been eliminated. She stated that the rights of employees must be protected. The UI-SO operates as a place of employment and is doing that along with improving employee opportunities for more timely hires, reclassifications, reallocations, and promotions. On behalf of the UI-SO leadership, they respectfully requested the Merit Board to uphold their decision from August to designate the UI-SO as a separate place of employment.

Shea Marshall, SEIU Local 73, stated that he echoed Mr. Beck's concerns and added a few extra points. Employees will not be able to transfer to the UI-SO, as it will be a separate place of employment. Employees will not be able to be promoted into UI-SO positions. He invited Ms. Painter to tell the unions who these employees will report to. Under the Illinois Educational Labor Relations Act (IELRA), the bargaining units are specifically set up by which campus they report to, and he believed that this move would strip these employees of their bargaining units. He asked the Merit Board to reverse the August decision.

Shelly Estrada Walters, Office Support Specialist, an employee at the University of Illinois Foundation in Urbana-Champaign for 15 years spoke. She stated that she was here to speak about the recent vote to separate her from the Urbana-Champaign campus and she stated that she still had not received any information on how this would impact her and the other employees. She stated that she started working at the Urbana-Champaign campus because of the large employer; this change means that her opportunities are vastly limited and urged the Merit Board to reconsider the decision from August.

Report of the Human Resource Directors Advisory Committee – Shari Mickey-Boggs, DER for the University of Illinois at Urbana-Champaign

Shari Mickey-Boggs, Chief Human Resource Officer, University of Illinois at Urbana-Champaign (UIUC), presented comments for the Human Resource Directors Advisory Committee (HRDAC). Ms. Mickey-Boggs stated that one constant concern in her conversations with campus leadership and managers has been that civil service rules and regulations hamper their ability to be as nimble as possible to adapt to a talent market and that has not been experienced. Changing expectations demand that we find new and innovative approaches. Employers, the Merit Board, and the University System staff must collectively seek and secure changes to the administrative rules, statutes, and procedures changes. Many provisions are not relevant to today's employers. HRDAC has shared this with the University System and a list of five primary and critical changes they need. She further stated that they appreciate the changes the University System has made to convert knowledge tests to credential assessments. The hiring experience and requirements set forth by civil service do not align with our values of innovation and inclusivity.

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

Jill Odom introduced herself to the Merit Board and then stated there are several items EAC has worked on this year. Conversations centered around five specific items: Rule of Three, Extra

Help Extensions, testing concerns for non-custom classifications, Grant Funded appointments, and the Residency Requirement.

Rule of Three

At this time EAC is not in favor of expanding the rule for two main reasons. First, the University System requires a specific period of time to warrant a change. Secondly, there are significant issues related to the quality of qualified applicants, such as competitive salaries.

Extra Help Extensions

At this time EAC does not recommend an extension of the 900-hour rule. There is significant concern that all of our state universities for our constituents regarding the use and misuse of Extra Help employees.

Testing concerns for non-custom classifications

HRDAC provided a list of classifications for the University System to review where Minimum Acceptable Qualifications or rubric are not very reflective of what the job is. HRDAC requested that the evaluation of the experience component be removed. EAC feels that removing the experience component could open up the process to outside influence, such as preference for a particular candidate, rather than a fair and equitable assessment of the candidate pool. EAC's main request regarding testing is that the universities reinstate open and continuous testing.

Grant Funded Appointments

EAC has a great deal of concern that those employees hired as Grant Funded Appointments are denied certain rights and protections that civil service employees have.

Residency Requirement

House Bill 1767 was introduced to remove the residency requirement for admission to the test for civil service positions in the State of Illinois. Senate floor Amendment No. 1 replaced this with a provision that in examinations for law enforcement personnel, the Illinois residency requirement shall be waived. Ms. Odom read the following position statement from EAC:

Position Statement for the Purpose of Revisions to the Illinois Residency Requirement for Illinois' University Civil Service Positions:

Due to the continuing difficulty in fulfilling University Civil Service positions, the State Universities Civil Service Advisory Committee (SUCSAC), commonly called the Employee Advisory Committee (EAC), recommends, and would support action by the State Universities Civil Service Merit Board to seek changes to the State Universities Civil Service Act 110 ILCS 70/36f. The associated procedures and rules to modify the residency requirement to allow an individual admission to the exam if they have met the minimum qualifications, regardless of residency, with the following provisions:

We recommend and would support the adoption of rules that would require,

1. a qualified applicant to establish residency within 180 calendar days of any employment offer or final appointment and maintain residency throughout their appointment.
2. That the residency requirement be waived if the applicant lives within a specified distance of miles, to be determined, from the agency in which the applicant is applying.
3. The residency requirement may be waived for a small percentage of 1% or less, for a non-resident fully remote employee and require approval by the State Universities Civil Service System.
4. The Illinois preference points, similar to veterans' preference points, be granted for qualified applicants who are current Illinois residents. The administration of these points should be outlined by the coverage agencies of the State Universities Civil Service System.

Consideration and action on proposed rulemaking to Sections 250.5 and 250.30 of the Code (80 Ill. Adm. Code §250.5 and §250.30) regarding definitions and work areas

Executive Director Schiesser stated Section 250.5 was being amended to add a definition for law enforcement personnel and Section 250.30 was being amended to delete work areas from the classification plan. The work areas are no longer used by employers.

Ms. Schiesser stated the University System needed authority to submit these rule proposals for the Second Notice period and final review from JCAR. Dr. Butler moved to approve the proposed rule revisions for the Second Notice Period and publication in the Illinois Register. Mr. Kvedaras seconded Dr. 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:

Dr. ButlerAye
 Mr. Cepeda.....Aye
 Ms. Craig SchillingAye
 Chair JonesAye
 Mr. Kvedaras Aye
 Mr. Quiara.....Absent
 Mr. Simmons.....Absent
 Mr. Wise.....Absent
 Ms. Baurer.....Aye

Consideration of proposed change to the Bylaws of the University Civil Service System Merit Board

Executive Director Schiesser stated that this change is in direct response to the Kehoe discharge decision. Although the appellate court upheld the decision of the Merit Board, however they

also found that permitting Public Comments without notice violated the Merit Board's own administrative rules. She stated that the agency was proposing to eliminate the possibility of anyone addressing the Merit Board on any open and pending discharge matter.

There was a discussion clarifying that Public Comments would only be limited to discharge and demotion cases currently before the Merit Board. Mr. Cepeda stated he would like to table the issue until Legal Counsel can review, and ideally, would like outside counsel to review this also. Chair Jones stated that there is no necessity for us to take action at this meeting, and members would like to table the topic before making a decision. Ms. Bauer stated she is comfortable waiting to make a decision on the topic. Ms. Craig Schilling stated she was comfortable waiting and would like Legal Counsel review. If the agency does not have official counsel, she suggests going to external counsel with labor experience before this comes back to the Merit Board.

Reconsideration of a Separate Place of Employment for the University of Illinois System Office

Chair Jones commented that a lot of information was given to the Merit Board in Public Comments and would like to withdraw the August decision to evaluate the information received and bring this back at the next meeting.

Executive Director Schiesser confirmed the action was approved at the last meeting with an effective date of the action on January 1, 2024. If the Merit Board wants to pause the effective date of the action, they need to pause the date, set a new date, or withdraw the action.

Mr. Cepeda asked who made the decision to revisit an approved action. Executive Director Schiesser stated that Mr. Beck contacted the University System immediately after the last Merit Board meeting and expressed his concerns regarding the decision made by the Merit Board. Recognizing the proposal had been presented to the Merit Board without sufficiently reaching out to labor and employees who have a material interest in the decision and did not have time to comment ahead of time. The lack of sufficient notice is a valid reason to revisit the action. There are important facts that were not brought in front of the Merit Board at the last meeting that have now been presented.

Mr. Cepeda stated he is surprised this is being revisited and stands by the previous decision.

Ms. Craig Schilling commented that she would not change her vote and is challenged with the transparency of the process to go back and revisit a vote.

Dr. Butler stated he applauded the Executive Director for bringing this back before the Merit Board. This is a sensitive issue that affects the status of employees, complexities that have yet to be introduced, and affects employees who did not appear to have this information before the Merit Board acted. He further stated that he was not convinced that a problem is being solved with this separate place of employment that is significant enough to warrant the disadvantages

of the affected employees. He stated the Merit Board needs to reset to the status quo and listen to the facts before making this decision.

Mr. Cepeda stated that material was posted ahead of time for public consumption and that this would be a dangerous precedent to go back and review an action already taken.

Chair Jones stated that revisiting an action is not taken lightly and noted that the agenda was posted for the public; however, it may not be clear as to what was being voted on. The details are not provided on the agenda. There is concern that the Merit Board did not have all the dialog and input before the decision was made.

Ms. Baurer commented that she is not in favor of revisiting a decision already made; however, in this case all the information was not provided before a decision was made. Ms. Bauer suggested postponing the implementation until a thorough review could be done, not to override the decision at this time.

Mr. Kvedaras stated that with the Public Comments provided today, he is in favor of gathering all the information for review. However, this decision should not be left hanging, this should be revisited in the near future.

Executive Director Schiesser apologized for not bringing the Merit Board enough information at the prior meeting.

Chair Jones stated that she is in favor of revisiting this topic at the next meeting.

Mr. Cepeda moved to uphold the previous decisions of the Merit Board, establishing the University of Illinois System Office as a separate place of employment. Ms. Craig Schilling seconded Mr. Cepeda's motion. In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion failed with the following vote:

Mr. Cepeda.....	Aye
Ms. Craig Schilling	Aye
Chair Jones	No
Mr. Kvedaras	No
Mr. Quiara.....	Absent
Mr. Simmons.....	Absent
Mr. Wise.....	Absent
Ms. Baurer.....	No
Dr. Butler.....	No

Ms. Baurer moved to postpone the implementation date of the previous decision of the Merit Board, establishing the University of Illinois System Office as a separate place of employment, with action being taken at the next Merit Board meeting. Ms. Craig Schilling seconded Ms.

Baurer's motion with an amendment to include a date to be determined in the March Merit Board meeting. In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion was approved with the following vote:

Ms. Baurer.....Aye
Dr. Butler.....Aye
Mr. Cepeda.....No
Ms. Craig Schilling.....Aye
Chair Jones.....Aye
Mr. Kvedaras.....Aye
Mr. Quiara.....Absent
Mr. Simmons.....Absent
Mr. Wise.....Absent

Consideration of the 2024 Schedule of the Meetings of the Merit Board

Executive Director Schiesser stated there are three dates proposed in accordance with the Bylaws for March 14, 2024, August 1, 2024, and November 21, 2024.

Dr. Butler moved to approve these proposed dates. Ms. Baurer seconded Dr. Butler's motion with an amendment to include a date to be determined in the March board meeting. 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
Mr. Cepeda.....Aye
Ms. Craig Schilling.....Aye
Chair Jones.....Aye
Mr. Kvedaras.....Aye
Mr. Quiara.....Absent
Mr. Simmons.....Absent
Mr. Wise.....Absent
Ms. Baurer.....Aye

**Governance, Risk, and Compliance Audit Program review of recent activities –
Jonah Jett**

Mr. Jett stated that the audit division has three final audit reports pending, is in the midst of determining findings and issuing draft audit reports for two universities, and post follow-up activities for seven universities and agencies.

Report of the Executive Director – Gail Schiesser

Executive Director Schiesser stated that there are several pieces of rulemaking that went into effect on October 27, 2023. She stated the changes. An email address was added to Section 5350.20., language was tightened in 5350.30, and in Section 5350.100, the ability for the University System Office was added to create emergency rules within the rulemaking authority. Also, language stating that the agency's Executive Director could hire staff rather than the Merit Board hiring staff was updated in Section 5350.210, and a new organizational chart was added in Section 5350, Appendix A.

Executive Director Schiesser stated the office is currently under audit by the Office of the Auditor General for fiscal years 2022 and 2023. Currently, the agency is responding to requests for documents as they are received.

She further stated that we presently have \$845,169 unexpended dollars out of FY 24 agency's lump sum budget of \$1,241,800. For FY 25 the agency has also requested a lump sum appropriation of \$1,444,500. This request has been submitted to the Illinois Board of Higher Education and provided information to the Governor's Office, but at this time have not met with legislators.

With regards to Classification and Examination, we are addressing a request from the HR Directors to modify 59 classes. This is a large request, and the agency is working on this, but it will take a while to complete. The agency is also working on a Classification review cycle to have a plan in place to review all 876 classes in 254 promotional lines within a reliable period of time. She further stated that the agency is also reviewing testing criteria and scoring rating sheets.

Report of the Legal Counsel – Gail Schiesser

Executive Director Schiesser stated that there are currently several matters in various courts around the state:

James Kehoe

The Kehoe matter has been decided. The final appealable order was entered by the court in September, and all dates for appeal on that order have passed.

Vincent Bradford

Vincent Bradford, a former employee at the University of Illinois at Chicago (UIC), has filed a Complaint for Administrative Review in the Circuit Court of Cook County, Illinois, requesting a review of the Merit Board's December 10, 2021, decision to discharge him. The matter is fully briefed, and the agency is awaiting a decision.

Christopher Bean

Christopher Bean, a former University of Illinois at Chicago employee, filed a "Charge Against a Labor Organization" with the Illinois Educational Labor Relations Board (IELRB). Mr. Bean alleged a violation of the Illinois Educational Labor Relations Act

(IELRA), 115 ILCS 5, and identified the agency as a “Labor Organization.” The matter is fully briefed, and the agency is awaiting a decision.

Other Items as presented

The next board meeting is scheduled for March 14, 2024.

Ms. Bauer moved to adjourn the meeting. Mr. Kvedaras seconded Ms. Bauer's motion. In accordance with the Merit Board Bylaws, a voice vote was taken, and the motion carried.

Ms. Baurer.....Aye
Dr. Butler.....Aye
Mr. Cepeda.....Aye
Ms. Craig Schilling.....Aye
Chair Jones.....Aye
Mr. Kvedaras.....Aye
Mr. Quiara.....Absent
Mr. Simmons.....Absent
Mr. Wise.....Absent

The meeting adjourned at 4:09 p.m.

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 14, 2024

Date