



**MINUTES OF THE ONE-HUNDRED-AND-EIGHTY-SECOND
MEETING OF THE MERIT BOARD – November 16, 2011**

***State Universities Civil Service System Office
1717 Philo Road, Suite 24
Urbana, Illinois 61802
&
(Video Conference)
University of Illinois at Chicago
College of Pharmacy
Room 270
833 South Wood Street
Chicago, Illinois
&
(Video Conference)
Southern Illinois University Carbondale
Morris Library
Conference Room, 1st Floor
605 Agricultural Drive
Carbondale, IL
&
(Video Conference)
Western Illinois University
Horrabin Hall 60
1 University Circle
Macomb, IL***

Chair Maitland called the meeting to order at 10:05 a.m.

Members present at the primary meeting location were: Joanne E. Maitland, Chair, representing Illinois State University; Karen Hasara, representing the University of Illinois; and Robert T. Marshall, Jr., representing Northern Illinois University.

Members present at the Chicago videoconference location were: Lyneir Cole, representing Western Illinois University; Bruce Friefeld, representing Governors State University; Marvin Garcia, representing Northeastern Illinois University; and James D. Montgomery, representing the University of Illinois.

Members absent were: Judge Patricia Brown Holmes, representing the University of Illinois; Donna Manering, representing Southern Illinois University; and Robert D. Webb, representing Eastern Illinois University,

Also present were: Lewis T. (Tom) Morelock, Executive Director; Abby K. Daniels, Legal Counsel and Legal Services Manager; Teresa Rademacher, Secretary for the Merit Board; and Barney Bryson, Chair of the State Universities Civil Service Advisory Committee. Various other university employees and University System Office staff were also in attendance.

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

No members requested participation by teleconference.

Introduction of new Legal Counsel

Mr. Morelock welcomed Abby K. Daniels, new Legal Counsel for the Merit Board and the University System Office. Ms. Daniels joined the staff of the University System Office on September 16, 2011. She came to the University System Office from Eastern Illinois University where she had served for a short period of time as the Interim Director, Employee and Labor Relations. Prior to that she served in the United State Air Force, Judge Advocate General's Corps.

Public Comments

The University System Office received no requests to present public comments.

Consideration of the Minutes of the 181st Meeting of the Merit Board, August 17, 2011

The minutes of the 181st meeting of the Merit Board, August 17, 2011 had been transmitted to members of the Merit Board with the agenda materials.

Mr. Friefeld moved to approve the minutes of the 181st meeting of the University Civil Service Merit Board. Mr. Montgomery seconded Mr. Friefeld's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Consideration of the Closed Minutes of the 180th Meeting of the Merit Board, May 18, 2011

The closed minutes of the 180th meeting of the Merit Board, May 18, 2011 had been transmitted to members of the Merit Board under separate cover.

Mr. Montgomery moved to approve the closed minutes of the 180th meeting of the University Civil Service Merit Board. Mr. Friefeld seconded Mr. Montgomery's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Consideration to destroy the recording of the Executive Session of the 175th Meeting of the Merit Board, January 20, 2010

Mr. Morelock explained that in accordance with the Open Meetings Act, recordings of closed sessions must be kept for 18 months from the date of the recording. The Closed Session minutes of the 175th meeting of the Merit Board, January 20, 2010, had been approved and released by the Merit Board on May 19, 2011. Based on these facts, the recording could be destroyed.

Mr. Montgomery moved to destroy the Closed Session recording of the 175th meeting of the Merit Board, January 20, 2010. Mr. Friefeld seconded Mr. Montgomery's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Update on proposed rule changes to sections 250.60, 250.70, 250.90, and 250.110 of the Illinois Administrative Code (Code) (80 Ill. Adm. Code §250.60, §250.70, §250.90, and §250.110)

Mr. Morelock updated the Merit Board on the status of the proposed rule revisions to sections 250.60, 250.70, 250.90, and 250.110 of the Code. The proposed rule changes were published in the Illinois Register on October 28, 2011 for the First Notice Period, Volume 25, Issue 44, Pages 17415-17457. The First Notice Period will end on December 12, 2011.

The proposed changes include the following:

- Section 250.60(h)(10) of the Code – proposed amendment includes adding a new section 10 to provide for the permissive removal of names from certain registers, when a vacant position has been posted and the posting includes a timeline for removal or discontinuation of the register for that specific vacancy. Additional procedural language will be incorporated to more specifically outline the guidelines and limitations in this respect. This provision will primarily apply to the Professional, Semi-Professional, and Managerial occupational areas. This proposed change was an important step in permanently capturing some of the more flexible employment protocols contained under the University System Pilot Program guidelines.
- Section 250.70(d) of the Code – proposed amendment is to change the name of the Trainee Program to Intern Program. This was recently suggested at the State-wide Diversity Affinity Committee which met on September 28, 2011. This is simply a name change only.
- Section 250.90(b)(2) of the Code – proposed change is to extend the probationary period for a comparable amount of time for any required off-site training period, as approved by the Executive Director of the University System Office. Various campus policing units had suggested this change due to the significant amount of time required for off-site mandatory police training for entry level officers. This will allow for additional on-site evaluation time for these important security positions.
- Section 250.110(b)(1) of the Code – amended to reflect the name change from the Trainee Program to Intern Program, as indicated in section 250.70(d) of the Code.
- Section 250.110(f)(16) and (17) of the Code – amended to eliminate language regarding a rehearing and reconsideration of the final Merit Board order or decision in discharge/demotion cases. This will formally provide for appeal of the final Merit Board decision in discharge/demotion cases only through the provisions in the Administrative Review Act. At the May 2011 Merit Board meeting, the Board indicated a desire not to ever reconsider any past final Merit Board discharge/demotion decisions and to defer any such appeal in accordance with the Administrative Review Act.

The University System Office has not received any comments on the proposed amendments to the Code at the time of the board meeting. The Merit Board will have the final decision as to whether to submit these rules for final adoption.

Update on audit issues at the University of Illinois at Chicago

Mr. Morelock updated the Merit board on the audit issues at the University of Illinois at Chicago. Included in the agenda materials were updated monthly Job Analysis Reports for

vacant Academic Professional positions and the UIC Monthly Conversion of Academic Professional to Civil Service. Also, an updated Civil Service Job Analysis Update was distributed to the Merit Board members which gave a further breakdown of departmental areas in which the job analyses process has been completed for all of their exempt positions.

Historical review of exemptions and update on proposed rule changes to section 250.30 of the Illinois Administrative Code (80 Ill. Adm. Code §250.30)

Mr. Morelock stated that a historical review of section 36e of the Act (110 ILCS 70/36e) regarding exempted positions had been prepared for the Board since there were several new Board members. Also included in the agenda materials was a chart outlining, by title, the number of exemptions from June 2000 through June 2011. Also included was a recap of compliance audit findings over a time period of FY09, FY10, and FY11. Mr. Morelock further stated that the changes to section 250.30 of the Code have not been submitted to the Illinois Register for publication and the Merit Board will have the final say on the proposed changes, prior to their submission for the 2nd Notice Period and formal JCAR review.

Biennial Audit Program – Review of Recent Activities

Mr. Morelock updated the Merit Board on the Final Audit Reports that had been completed since the last Merit Board meeting in August. A copy of the following audit report was included in the agenda materials. All final audit reports can be found at the agency's website.

- *Chicago State University*

Report of the Executive Director

Executive Director Morelock provided an agency report which included the following items:

- Compliance Audit by the Office of the Auditor General for FY10 and FY11 was initiated on June 27, 2011; Final Audit Report was released by the Auditor General's Office on November 3, 2011; there were no findings
- Annual Report for FY11 was mailed to the Governor Office on October 26, 2011 in accordance with section 70/36d(13) of the State Universities Civil Service Act (110 ILCS 70/36d(13))
- Agency's budget:

- FY11 – yearly expenditures were included in the agenda materials; lapse period will end on December 31, 2011 for the processing of prompt payment interest charges; approximately \$1,100 in interest charges
 - FY12 – yearly expenditures were included in the agenda materials; will be required to transfer funds across various line items to cover expenses; agency is closely monitoring expenses
 - FY13 – met with IBHE on October 27, 2011 to discuss proposed budget recommendations which the Merit Board had approved at the August 2011 meeting; FY13 request is a \$96,000 or a 8.4% increase over the FY12 appropriation; currently submitting information to the Governor’s Office regarding “Budgeting for Results”
- updated the Merit Board on the recent classification/examination changes; and
 - informed the Merit Board of interagency activities with a list of University/Agency visits included in agenda materials.

Report of the State Universities Civil Service Advisory Committee – Barney Bryson, Chair

The Merit Board heard a report from Barney Bryson, Chair of the State Universities Civil Service Advisory Committee. The Committee last met on October 19 and 20, 2011 in Chicago. Also, the Council of Council met on October 21, 2011. Mr. Bryson further stated his concern for and discrimination of civil service employees and the treatment of these employees. Mr. Bryson further stated that the exemption problem is coming from the various departments at the universities, this is not the fault of the Merit Board, Mr. Morelock, or the Human Resource Offices, this problem is at the department level.

Report of the Human Resource Directors Advisory Committee

The Merit Board heard a report from Maureen Parks, representative of the Human Resource Directors Advisory Committee. The Committee last met in late October 2011 and discussed a number of issues, including the rule changes that Mr. Morelock discussed earlier. She stated that the HR directors will continue to work with Mr. Morelock and will continue to make suggestions to make the civil service process more efficient and aggressive. Mr. Morelock has agreed to look at further changes and prioritize these changes. The HR Directors continue to remain very concerned about the possible changes to the exemption process/authority and the HR Directors hope that the Merit Board will seriously consider the negative issues of approving the removal of the exemption approval process from the universities.

Report of Legal Counsel – Abby K. Daniels, Manager, Legal Services and Legal Counsel

Ms. Daniels updated the Merit Board on some outstanding legal matters. During FY 2012 there have been 14 Written Charges for Discharge served on employees at the various universities and agencies. Three employees have requested a hearing. Following is a summary of the outcome of the cases:

- 1 Resigned before Hearing** -- (Sperry/UICMR)
- 2 Settlement Agreement during hearing** – (Roper/SIUC, Overstreet-Udeen/CSU)

Ms. Daniels also updated the Merit Board on the change to the Open Meetings Act regarding training for elected board members. All sitting Merit Board members will have one year, from January 1, 2012, to complete online Open Meetings Act training. All Merit Board Members elected after January 1, 2012, will have 90 days to complete the online training. Ms. Daniels is going to inform the Merit Board members, who are already members of other boards, if they have to take the training for each board or if one certificate will be sufficient for all boards.

Ms. Daniels updated the Merit Board on the two pending Administrative Review Cases, Michael Rettig and Anthony Kafka.

- **Rettig Administrative Review Case** – the Rettig case in an appeal stage and at this time no hearing date has been set and no other information is available.
- **Kafka Administrative Review Case** – this case will be heard on November 21, 2011 in DeKalb County before Judge Klein.

Mr. Montgomery asked if Officer Rettig was back to work for NIU and Mr. Morelock informed the Merit Board that at the last court hearing, Judge Klein had delayed the reinstatement until after the Appellate Court hearing.

Consideration of the 2012 Schedule of Meetings of the Merit Board

The Merit Board was presented with a meeting schedule for calendar year 2012. Mr. Friefeld moved to approve the meeting schedule for calendar year 2011 with a change to the February meeting date. Mr. Garcia seconded Mr. Friefeld's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

The 2012 meeting dates are:

- Wednesday, February 8, 2012
- Wednesday, May 16, 2012
- Wednesday, August 22, 2012
- Wednesday, November 14, 2012

Other Items as Presented

The next meeting of the Merit Board will be on Wednesday, February 8, 2012 at the University System Office, with videoconference locations in the Chicago and Carbondale area. Ms. Hasara made a motion to adjourn the meeting. Mr. Montgomery seconded Ms. Hasara's motion. A voice vote was taken and approved. The meeting adjourned at 10:46 a.m.

Respectfully submitted,

/s/ Teresa M. Rademacher

Teresa M. Rademacher
Secretary for the Merit Board

APPROVED:

/s/ James Montgomery

University Civil Service Merit Board

February 8, 2012

Date