



**MINUTES OF THE 189th MEETING
OF THE MERIT BOARD – September 10, 2013**

**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**

Vice Chair Montgomery called the meeting to order at 10:02 a.m.

Members present at the primary meeting location were: Karen Hasara, representing the University of Illinois; Robert T. Marshall, Jr., representing Northern Illinois University; and Robert D. Webb, representing Eastern Illinois University.

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

Member present at the Carbondale videoconference location was: Donna Manering, representing Southern Illinois University.

Members absent were: Patricia Brown Holmes, representing the University of Illinois; Betty Kinser, representing Illinois State University; and Spencer Leak, Sr., representing Chicago State University.

Also present were: Lewis T. (Tom) Morelock, Executive Director; Mari Martinelli, Manager Legal Services and Legal Counsel; and Teresa Rademacher, Secretary for the Merit Board. Various other university employees and University System Office staff were also in attendance.

Mr. Morelock introduced Brian Mitchell as the new member representing Governors State University.

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

No members had requested to participate by teleconference.

Public Comments

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

Consideration of the Minutes of the 188th Meeting of the Merit Board, May 15, 2013

The minutes of the 188th meeting of the Merit Board, May 15, 2013 had been transmitted to members of the Merit Board with the agenda materials.

Mr. Cole moved to approve the minutes of the 188th meeting of the University Civil Service Merit Board. Mr. Garcia seconded Mr. Cole's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Consideration of the Special Meeting of the Merit Board, June 3, 2013

The minutes of the Special Meeting of the Merit Board, June 3, 2013 had been transmitted to members of the Merit Board with the agenda materials.

Mr. Cole moved to approve the minutes of the Special Meeting of the University Civil Service Merit Board. Mr. Marshall seconded Mr. Cole's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Consideration of Discharge Proceeding Number UIUC-13-2 filed against Jonathan Runck by the University of Illinois at Urbana-Champaign

On July 29, 2013, the Secretary for the Merit Board mailed the Hearing Record for the Jonathan Runck discharge case (UIUC-13-2) to each member of the Merit Board. The Merit Board was asked to review the case and be prepared to act on this matter at this meeting.

Vice Chair Montgomery asked Mr. Morelock to give a summary of the case. Mr. Morelock stated that Jonathan Runck was an Operating Engineer at the University of Illinois at Urbana-Champaign (UIUC). Mr. Runck began his employment with UIUC in 1994. Mr. Runck was charged with the following: 1) theft of university property, and 2) purposely harming an animal on university property. Mr. Morelock further stated that both parties of record had requested to present oral arguments before the Merit Board.

Mr. Garcia made a motion to allow both parties of record to present oral arguments before the Merit Board. Dr. Webb seconded Mr. Garcia’s motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Glenn Stanko, Attorney for Employee-Petitioner, presented oral arguments. Mr. Stanko discussed the fact that the theft charge in this matter stems from an incident that happened over eight (8) years ago. Mr. Stanko indicated that the statute of limitation in most instances is five years. Mr. Stanko asked that the Merit Board adopt the five year statute of limitation in this case and approve his motion to dismiss the theft charge. David Krchak, Attorney for Employee-Petitioner, presented oral arguments. Mr. Krchak stated that that the statute of limitation does not apply in this case, specifically stating that the civil court rules do not apply in this instance.

After a lengthy discussion and interaction, Mr. Cole made a motion to dismiss the charge of “Theft of University Property”, based on the fact that this incident occurred 8 ½ year ago. Dr. Manering seconded Mr. Cole’s motion.

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

Mr. ColeAye
Mr. Garcia.....Aye
Ms. Hasara.....No
Judge HolmesAbsent
Mrs. KinserAbsent
Mr. Leak.....Absent
Dr. ManeringAye
Mr. Marshall.....Aye
Mr. Mitchell.....Aye

Mr. Montgomery.....Aye
Dr. WebbNo

The Merit Board then took action regarding the only remaining charge of “purposely harming an animal on university property.” Dr. Webb made a motion to reinstate Mr. Runck. Mr. Cole seconded Dr. Webb’s motion.

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

Dr. WebbAye
Mr. ColeAye
Mr. Garcia.....Aye
Ms. Hasara.....Aye
Judge HolmesAbsent
Mrs. KinserAbsent
Mr. Leak.....Absent
Dr. ManeringAye
Mr. Marshall.....Aye
Mr. Mitchell.....Aye
Mr. Montgomery.....Aye

The following decision and order was therefore adopted.

STATE OF ILLINOIS



STATE UNIVERSITIES CIVIL SERVICE SYSTEM

JONATHON S. RUNCK,	)	BEFORE THE UNIVERSITY CIVIL
	)	SERVICE MERIT BOARD
Employee-Petitioner,)	
	)	DISCHARGE PROCEEDING
v.)	
	)	No. UIUC-13-2
UNIVERSITY OF ILLINOIS at)	
Urbana-Champaign,)	
)	
Employer-Respondent.)	

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 **JONATHON S. RUNCK**, employee, by service of Written Charges for Discharge by certified mail on February 21, 2013 and the Employee-Petitioner, **JONATHON S. RUNCK**, has filed a timely written request for Hearing. A Hearing has been duly convened, held, and concluded on April 2 and 3, 2013 in conformity with the procedures set forth in section 250.110(f) of the Illinois Administrative 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 February 21, 2013
2. Suspension Notice Pending Discharge, dated February 21, 2013
3. Employee-Petitioner's request for hearing, filed on February 27, 2013
4. Acknowledgement of Hearing Request, dated February 28, 2013
5. Employee-Petitioner requesting two-day hearing, dated March 4, 2013
6. Notice of Hearing to Hearing Officer Kirn, dated March 15, 2013
7. Notice of Convening of Hearing to the parties of record, dated March 15, 2013
8. Request for Subpoenas by Employee-Petitioner, dated March 14, 2013
9. Subpoena for Carl Wegel, dated March 19, 2013
10. Subpoena for Bruce Rolando, dated March 19, 2013
11. Email and confirmation regarding corrected information for Notice of Hearing regarding address, March 21, 2013
12. Employee-Petitioner's List of Witnesses and Exhibits, received April 1, 2013

13. First Supplement to Employee-Petitioner's List of Witnesses and Exhibits, received April 1, 2013
14. Employer-Respondent's List of Witnesses and Exhibits, received April 1, 2013
15. Transcript of Evidence and Exhibits, April 2 and 3, 2013
16. Employee-Petitioner's Written Closing Argument, filed April 15, 2013
17. Employer-Respondent's Summation, filed April 15, 2013
18. Request for Findings of Fact from Hearing Officer Kirn, dated April 15, 2013
19. Findings of Fact, rendered by Hearing Officer Kirn, dated May 1, 2013
20. Certification of Hearing Record, dated May 7, 2013
21. Notification of "Certification of Hearing Record" to the parties of record, dated May 7, 2013
22. Motion Regarding Oral Argument before the Merit Board, filed by Employer-Respondent on May 20, 2013
23. Objection, filed by Employer-Respondent on May 20, 2013
24. Receipt and Notice of Filing of "Objection" and "Motion Regarding Oral Argument before the Merit Board, dated May 21, 2013
25. Employee-Petitioner's Motion for Oral Argument, filed by the Employee-Petitioner on May 21, 2014
26. Employee-Petitioner's Objections to Findings of Fact on Theft Charge, Objections to Evidentiary Rulings, and Recommendations for Disposition, filed by Employee-Petitioner on May 21, 2013
27. Motion to Dismiss Charge of "Theft of University Property", filed by Employee-Petitioner on May 21, 2013
28. Receipt and Notice of Filing of "Motion to Dismiss Charge of 'Theft of University Property'", "Employee-Petitioner's Objections to Findings of Fact on Theft Charge, Objections to Evidentiary Rulings, and Recommendations for Disposition" and "Employee-Petitioner's Motion for Oral Argument", dated May 22, 2013
29. Motion for Leave to File Reply Brief to Employee's Motion to Dismiss, filed by Employer-Respondent on May 24, 2013
30. Response to "Motion for Leave to File Reply Brief to Employee's Motion to Dismiss", dated May 29, 2013
31. Respondent's Reply to Petitioner's Motion to Dismiss Charge of Theft, filed by Employer-Respondent on June 6, 2013
32. Employee-Petitioner's Motion for Leave to File a Reply Brief in Support of his Motion to Dismiss Charge of "Theft of University Property", filed by Employee-Petitioner on June 7, 2013
33. Response to "Employee-Petitioner's Motion for Leave to File a Reply Brief in Support of his Motion to Dismiss Charge of "Theft of University Property"", dated June 11, 2013
34. Employee-Petitioner's Reply Brief in Support of Motion to Dismiss Charge of "theft of University Property", filed by Employee-Petitioner on June 18, 2013

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 Illinois Administrative Code (80 Ill. Adm. Code §250.110(f)) 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 charges of the employer, **UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN**, against the employee, **JONATHON S. RUNCK**, and/or the charges, as proven by said employer, fail to establish just cause for 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. Employee-Petitioner's "Motion to Dismiss Charge of Theft of University Property" is hereby approved. All other motions or requests are hereby denied.
3. The employee, **JONATHON S. RUNCK**, shall immediately be reassigned to perform the duties in a position in his classification without loss of compensation.

DATED AND ENTERED this 10th day of September, 2013.



UNIVERSITY CIVIL SERVICE MERIT BOARD

By: /s/ James D. Montgomery
James D. Montgomery, Vice Chair
University Civil Service Merit Board

ATTEST:

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

Consideration of Discharge Proceeding Number CSU-13-1 filed against John Batson by Chicago State University

On August 13, 2013, the Secretary for the Merit Board mailed the Hearing Record for the John Batson discharge case (CSU-13-1) to each member of the Merit Board. The Merit Board was asked to review the case and be prepared to act on this matter at this meeting.

Vice Chair Montgomery asked Mr. Morelock to give a summary of the case. Mr. Morelock stated that John Batson was a Police Officer at Chicago State University (CSU). Officer Batson began his employment with CSU in 2005. Officer Batson was charged with the following: 1) infusing himself into an active homicide investigation, 2) failure to comply with the Rule of Conduct established by Chicago State University Police Department, and 3) demonstrating a pattern of falsifying information whether written or oral. Mr. Morelock further stated that both parties of record had requested to present oral arguments before the Merit Board.

Ms. Hasara made a motion to allow both parties to represent oral arguments before the Merit Board. Mr. Cole seconded Ms. Hasara's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Patrick Cage, Attorney for the Employer-Respondent, gave his summary of the discharge case. He indicated that this case centers around an incident that occurred at a high school basketball game at CSU, and the fatal shooting of a 17 year old student at that game. Shortly after the shooting, two other students were arrested. Officer Batson believed that he knew the uncle of one of the students arrested and questioned the student. Officer Batson then contacted the uncle, even though he was not involved in the investigation. Mr. Cage indicated that the charges stemmed from this inappropriate contact.

Raymond Garza, Attorney for the Employee-Petitioner, stated that this was the first murder at CSU and that CSU was not trained on handling this matter. Mr. Garza gave a summary of what was happening after the arrest, specifically alleging that, at some point during this time, the suspect's driver's license was copied and passed around. Mr. Garza indicated that at the time that Officer Batson contacted the uncle, the uncle had already heard about the murder and the arrest.

After discussion, Ms. Hasara made a motion to discharge Officer Batson. Dr. Webb seconded Ms. Hasara's motion.

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

Ms. Hasara.....	Aye
Judge Holmes	Absent
Mrs. Kinser	Absent
Mr. Leak.....	Absent
Dr. Manering	No
Mr. Marshall.....	No
Mr. Mitchell.....	Abstained
Mr. Montgomery.....	No
Dr. Webb	Aye
Mr. Cole.....	No
Mr. Garcia.....	No

Dr. Manering then made a motion to reinstate Officer Batson with a 60-day suspension. Mr. Cole seconded Dr. Manering's motion.

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

Dr. Manering	Aye
Mr. Marshall.....	Aye
Mr. Mitchell.....	Abstained
Mr. Montgomery.....	Aye
Dr. Webb	Aye
Mr. Cole	Aye
Mr. Garcia.....	Aye
Ms. Hasara.....	Aye
Judge Holmes	Absent
Mrs. Kinser	Absent
Mr. Leak.....	Absent

The following decision and order was therefore adopted.

STATE OF ILLINOIS



STATE UNIVERSITIES CIVIL SERVICE SYSTEM

JOHN BATSON,	)	BEFORE THE UNIVERSITY CIVIL
	)	SERVICE MERIT BOARD
Employee-Petitioner,)	
	)	DISCHARGE PROCEEDING
v.)	
	)	No. CSU-13-1
CHICAGO STATE UNIVERSITY,)	
)	
Employer-Respondent.)	

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

PROCEDURAL HISTORY

Discharge proceedings have been commenced by the **CHICAGO STATE UNIVERSITY**, employer, against **JOHN BATSON**, employee, by service of Written Charges for Discharge by certified mail on April 9, 2013 and the Employee-Petitioner, **JOHN BATSON**, has filed a timely written request for Hearing. A Hearing has been duly convened, held, and concluded on July 1, 2013 in conformity with the procedures set forth in section 250.110(f) of the Illinois Administrative Code (80 Ill. Adm. Code §250.110(f)). The complete Hearing Record has been certified and placed on file in this cause.

FINDINGS

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

1. Written Charges for Discharge, dated April 9, 2013 and Amended Written Charges for Discharge, dated April 9, 2013
2. Suspension Notice Pending Discharge, dated April 9, 2013
3. Employee-Petitioner's Request for Hearing, filed on April 20, 2013
4. Acknowledgement of Hearing Request, dated April 22, 2013
5. First Request for Discovery, filed by Employee-Petitioner on May 2, 2013
6. Notice of Hearing to Hearing Officer Clauss, dated May 7, 2013
7. Notice of Convening of Hearing to the parties of record, dated May 7, 2013
8. Request for Subpoenas by Employee-Petitioner, dated May 14, 2013
9. Subpoena for Clifford W. Martin Sr., dated May 16, 2013
10. Subpoena for Officer Geoffrey Bassett, dated May 16, 2013
11. Subpoena for Officer Adam Batson, dated May 16, 2013
12. Subpoena for Melanie Jones, dated May 16, 2013
13. Subpoena for Keeper of the Records of the Chicago State University Police Department, dated May 16, 2013
14. Letter to Employee-Petitioner, dated May 16, 2013 regarding the Subpoenas
15. Motion to Suppress the Statements of Officer Batson to Chicago State University Investigators in violation of the Illinois peace Officer's Disciplinary Act, filed by the Employee-Petitioner on May 21, 2013
16. Employer-Respondent Exhibits, received May 21, 2013
17. Continuance of Hearing for July 1, 2013, dated May 23, 2013
18. Second Request for Discovery, filed by Employee-Petitioner on June 4, 2013
19. Notice of Hearing to Hearing Officer Clauss, dated June 5, 2013
20. Notice of Convening of Hearing to the parties of record, dated June 5, 2013
21. Transcript of Evidence and Exhibits, July 1, 2013
22. Response to Petitioner's Motion to Exclude, filed July 11, 2013
23. Petitioner's Written Closing Argument, filed July 11, 2013
24. Request for Findings of Fact from Hearing Officer Clauss, dated July 15, 2013
25. Findings of Fact, rendered by Hearing Officer Clauss, dated July 29, 2013
26. Motion to Personally Appear before Merit Board, filed by Employer-Respondent on August 8, 2013
27. Receipt and Notice of Filing of "Motion to Personally Appear before Merit Board", dated August 9, 2013
28. Petitioner's Motion to Strike and Dismiss Respondent's Motion to Personally Appear before Merit Board, filed by Employee-Petitioner on August 9, 2013
29. Receipt and Notice of Filing of "Petitioner's Motion to Strike and Dismiss Respondent's Motion to Personally Appear before Merit Board", dated August 12, 2013

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 Illinois Administrative Code (80 Ill. Adm. Code §250.110(f)) 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 charges of the employer, **CHICAGO STATE UNIVERSITY**, against the employee, **JOHN BATSON**, and/or the charges, as proven by said employer, fails to establish just cause for 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, **CHICAGO STATE UNIVERSITY**, to the extent not inconsistent with the findings made herein.
2. All other motions or requests are hereby denied.
3. The employee, **JOHN BATSON**, shall be reassigned to perform the duties in a position in his classification following the completion of a 60-day suspension without pay.

DATED AND ENTERED this 10th day of September, 2013.

UNIVERSITY CIVIL SERVICE MERIT BOARD

By: */s/ James D. Montgomery*
James D. Montgomery, Vice Chair
University Civil Service Merit Board

ATTEST:

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

Consideration of Discharge Proceeding Number NIU-13-1 filed against Kartik Ramakrishnan by Northern Illinois University

On August 13, 2013, the Secretary for the Merit Board mailed the Hearing Record for the Kartik Ramakrishnan discharge case (NIU-13-1) to each member of the Merit Board. The Merit Board was asked to review the case and be prepared to act on this matter at this meeting.

Vice Chair Montgomery asked Mr. Morelock to give a summary of the case. Mr. Morelock stated that Kartik Ramakrishnan was a Police Lieutenant at Northern Illinois University (NIU) and that Lieutenant Ramakrishnan began his employment with NIU in April 2002. Lieutenant Ramakrishnan was charged with the following:

1. Violation of Department General Order 42.3 (Preliminary/Follow-up Investigations), Section v. (Compliance with Constitutional Safeguards), Paragraph A.
2. Violation of Department General Order 42.0 (Investigations-Organizations and Administration), Section II (Investigative Case File Systems), Paragraphs A.3.d, A.3.1, A.3.m, and Paragraph B.1.
3. Violation of Department General Order 42.2 (Interviews and Interrogations), Section III. (Reports), Paragraph A.
4. Violation of the Illinois Perjury Statute, 730 ILCS 5/32-2.
5. Violation of the Department of Public Safety operations Manual (eff. March 22, 1998), "The Pledge of Public Officers" section and "Our Values" section.
6. Violation of the Department of Public Safety Rules and Regulations (eff. March 22, 1998), Section I. (Personal Conduct), Subsection A. (Police Authority and Expectations) and Subsection B (Punishable Offenses)
 - a. Section (2) Disobedience or a violation for any department rule, regulation, order, instruction or memorandum; and
 - b. Section (5) Neglect of Duty

- c. Section (18) Conduct unbecoming a member of the department; and
 - d. Section (20) Conduct tending to cause disrepute to the department
7. Violation of the Illinois Obstruction of Justice Statute, 720 ILCS 5/31-4(a)(1) and (2).

Mr. Morelock further stated that both parties of record had requested to present oral arguments before the Merit Board, but noted that these motions were both untimely filed with the Secretary for the Merit Board.

Dr. Webb made a motion to allow both parties to present oral arguments before the Merit Board. Mr. Cole seconded Dr. Webb’s motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Howard Levine, Attorney for Employee-Petitioner, provided a summary of the case discussing his assessment of the Brady violation and double jeopardy argument as applicable to this matter. He expressed his opinion that there was no Brady violation and that Lieutenant Ramakrishnan had already received disciplinary actions for the charges stated in this matter.

Jennifer Dunn, Attorney for Employer-Respondent, provided a statement summarizing this case and compelling the discharge action, indicating that the creditability of NIU and NIU police department can no longer be trusted because of this case. She expressed the opinion that there was a Brady violation in this instance, along with several other policy/procedure violations.

After a lengthy discussion, Ms. Hasara made a motion to approve the “Motion to Dismiss” all the charges that had been filed by the Employee-Petitioner, and to reinstate Lieutenant Ramakrishnan. Mr. Cole seconded Ms. Hasara’s motion.

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

Ms. Hasara.....	Aye
Judge Holmes	Absent
Ms. Kinser.....	Absent
Mr. Leak.....	Absent
Dr. Manering	No
Mr. Marshall.....	No
Mr. Mitchell.....	Aye
Mr. Montgomery.....	Aye
Dr. Webb	Aye
Mr. Cole.....	Aye
Mr. Garcia.....	Aye

The following decision and order was therefore adopted.

STATE OF ILLINOIS



STATE UNIVERSITIES CIVIL SERVICE SYSTEM

KARTIK RAMAKRISHNAN,	)	BEFORE THE UNIVERSITY CIVIL
	)	SERVICE MERIT BOARD
Employee-Petitioner,)	
	)	DISCHARGE PROCEEDING
v.)	
	)	No. NIU-13-1
NORTHERN ILLINOIS UNIVERSITY,)	
)	
Employer-Respondent.)	

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

PROCEDURAL HISTORY

Discharge proceedings have been commenced by the **NORTHERN ILLINOIS UNIVERSITY**, employer, against **KARTIK RAMAKRISHNAN**, employee, by service of Written Charges for Discharge by certified mail on April 12, 2013 and Amended Written Charges for Discharge dated April 24 and 25, 2013 and the Employee-Petitioner, **KARTIK RAMAKRISHNAN**, has filed a timely written request for Hearing. A Hearing has been duly convened, held, and concluded on June 24 and 25, 2013 in conformity with the procedures set forth in section 250.110(f) of the

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

FINDINGS

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

1. Written Charges for Discharge, dated April 12, 2013 and Amended Written Charges for Discharge, dated April 24, 2013
2. Suspension Notice Pending Discharge, dated April 18, 2013
3. Employee-Petitioner's Request for Hearing, filed on April 26, 2013
4. Notice of Appearance for Northern Illinois University, dated May 6, 2013
5. Acknowledgement of Hearing Request, dated May 7, 2013
6. Employer-Respondent's Motion for a Continuance pursuant to 80 Ill. Adm. Code §250.110(f)(19)(B), dated May 14, 2013
7. Employee-Petitioner's Objection to Respondent's Motion for a Continuance, dated May 15, 2013
8. Acknowledgement of Employer-Respondent's Motion for a Continuance and Employee-Petitioner's Objection to Motion for a Continuance, dated May 20, 2013
9. Notice of Hearing to Hearing Officer Simon, dated May 28, 2013
10. Notice of Convening of Hearing to the parties of record, dated May 28, 2013
11. Request for Subpoenas by Employee-Petitioner, dated June 4, 2013
12. Denial of Subpoenas Response, dated June 6, 2013
13. Request for Reconsideration of Subpoenas by Employee-Petitioner, dated June 10, 2013
14. Denial of Reconsideration of Subpoenas Request Response, dated June 11, 2013
15. Transcript of Evidence and Exhibits, June 24 and 25, 2013
16. Employee-Petitioner's Lt. Ramakrishnan's Brief in Opposition to Discharge, dated July 8, 2013
17. Employer-Respondent's Post-Hearing Brief, date July 8, 2013
18. Request for Findings of Fact from Hearing Officer Simon, dated July 9, 2013
19. Findings of Fact, rendered by Hearing Officer Simon, dated July 18, 2013
20. Request for Appearance before the Merit Board, untimely filed by Employee-Petitioner, received August 12, 2013
21. Letter to Employee-Petitioner, regarding request to appear before the Merit Board, dated August 13, 2013
22. Request for Appearance before the Merit Board, untimely filed by Employer-Respondent, received August 13, 2013
23. Letter to Employer-Respondent, regarding request to appear before the Merit Board, dated August 13, 2013

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 Illinois Administrative Code (80 Ill. Adm. Code §250.110(f)) 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 charges of the employer, **NORTHERN ILLINOIS UNIVERSITY**, against the employee, **KARTIK RAMAKRISHNAN**, and/or the charges, as proven by said employer, fail to establish just cause for 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, **NORTHERN ILLINOIS UNIVERSITY**, to the extent not inconsistent with the findings made herein.
2. Employee-Petitioner's "Motion to Dismiss" is hereby approved. All other motions or requests are hereby denied.
3. The employee, **KARTIK RAMAKRISHNAN**, shall immediately be reassigned to perform the duties in a position in his classification without loss of compensation.

DATED AND ENTERED this 10th day of September, 2013.



UNIVERSITY CIVIL SERVICE MERIT BOARD

By: /s/ James D. Montgomery
James D. Montgomery, Vice Chair
University Civil Service Merit Board

ATTEST:

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

Request for Review by the Merit Board of the Executive Director’s Review Decision, filed by Daniel Expósito pursuant to section 250.130(b) of the Illinois Administrative Code (80 Ill. Adm. Code §250.130(b)), Case Number MB-RD-NEIU-13-1

On August 6, 2013, the Secretary for the Merit Board mailed to each member of the Merit Board an internal summary report and the complete Review Decision of the Executive Director regarding this matter. The Merit Board was asked to review the case and be prepared to act on this matter at this meeting.

Vice Chair Montgomery asked Mr. Morelock to give a summary of the case. Mr. Morelock stated that Mr. Expósito had requested a Merit Board review of a Review Decision by the Director. Mr. Expósito questioned the recent selection process used to fill a civil service Labor Relations Manager position at Northeastern Illinois University (NEIU). On May 29, 2013 after completing a thorough investigation and evaluation of the record, the Executive Director determined that NEIU did violate section 250.50(g)(1) of the Illinois Administrative Code (Code) (80 Ill. Adm. Code §250.50(g)(1)) and NEIU did recognize the oversight. Mr. Morelock further stated that this violation did not interfere with or impact the application processing, credential assessment evaluation, candidate referral, and the final selection/appointment to the vacant civil service Labor Relations Manager position.

Vice Chair Montgomery asked for a motion to either affirm the Executive Director’s Review Decision as the final decision of the Merit Board or order such further review procedures. Dr. Webb made a motion to uphold the Executive Director’s Decision of May 29, 2013. Dr. Manering seconded Mr. Webb’s motion.

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

Dr. WebbAye



Mr. ColeAye
 Mr. Garcia.....Abstain
 Ms. Hasara.....Aye
 Judge HolmesAbsent
 Mrs. KinserAbsent
 Mr. Leak.....Absent
 Dr. ManeringAye
 Mr. Marshall.....Aye
 Mr. Mitchell.....Aye
 Mr. Montgomery.....Aye

The following decision and order was therefore adopted.

STATE OF ILLINOIS



STATE UNIVERSITIES CIVIL SERVICE SYSTEM

In re DANIEL EXPÓSITO,	)	BEFORE THE UNIVERSITY
	)	CIVIL SERVICE MERIT BOARD
)	
MERIT BOARD REVIEW DECISION)	
OF THE EXECUTIVE DIRECTOR,)	
	)	NO. MB-RD-NEIU-13-1

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

NATURE OF THE PROCEEDING

On May 7, 2013, Daniel Expósito, an applicant at Northeastern Illinois University (NEIU), filed with the State Universities Civil Service System Office (University System Office), a written request for a Review Decision of the Director questioning the recent selection process used to fill a civil service Labor Relations Manager position. Following confirmation that Mr. Expósito



had exhausted all his administrative remedies at the University level, the Executive Director initiated an investigation as authorized by section 250.130(a) of the Illinois Administrative Code (Code) (80 Ill. Adm. Code § 250.130(a)). On May 29, 2013, the Executive Director issued a Review Decision determining that NEIU's application processing, Credential Assessment evaluation, candidate referral, and final selection/appointment to the vacant civil service Labor Relations Manager position was conducted in accordance with Civil Service statute, rules, and procedures.

DECISION AND ORDER

Now being fully advised of the matters contained in the Review Decision Record, the University Civil Service Merit Board finds that this review proceeding has been commenced and conducted in compliance with section 250.130(b) of the Code (80 Ill. Adm. Code § 250.130(b)) and that the University Civil Service Merit Board has jurisdiction of the parties and subject matter thereof and issues the following Decision and Order:

The Executive Director's Review Decision rendered in this matter on May 29, 2013, is affirmed and adopted as the Final Decision and Order of the Merit Board. A copy of said Review Decision is attached hereto, and by reference incorporated herein.

DATED AND ENTERED this 10th day of September, 2013.

UNIVERSITY CIVIL SERVICE MERIT BOARD

By: */s/ James D. Montgomery*
James D. Montgomery, Vice Chair
University Civil Service Merit Board

ATTEST:

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



Request for Review by the Merit Board of the Executive Director's Review Decision, filed by Mark Richardson pursuant to section 250.130(b) of the Illinois Administrative Code (80 Ill. Adm. Code §250.130(b)), Case Number MB-RD-WIU-13-1

On August 6, 2013, the Secretary for the Merit Board mailed to each member of the Merit Board an internal summary report and the complete Review Decision of the Executive Director regarding this matter. The Merit Board was asked to review the case and be prepared to act on this matter at this meeting.

Vice Chair Montgomery asked Mr. Morelock to give a summary of the case. Mr. Morelock summarized the case by stating that Mr. Richardson had requested a Merit Board review of the Review Decision by the Director. Mr. Richardson questioned the procedures and transactions surrounding his overall employment history at WIU beginning as an Accounting Clerk, his movement and removal from a Safety Officer I position, his assignment and removal from a Grounds Worker position, and his recent layoff from WIU.

On July 17, 2013 after completing a thorough investigation and evaluation of the record, Mr. Morelock determined that WIU's actions, and intent, to transfer Mr. Richardson from an Account Clerk classification to a Safety Officer I classification was in violation of sections 250.100 of the Code (80 Ill. Adm. Code §250.100) and 250.30 of the Code (80 Ill. Adm. Code §250.30) and other applicable procedural elements. Even though a violation was indicated in the personnel actions utilized by WIU in the transition of Mr. Richardson from the Accounting Clerk position to the Safety Officer I position, and also in the transition of Mr. Richardson from the Accounting Clerk position to the Grounds Gardener role, it did not provide a foundation to advantage Mr. Richardson in the employment process. Therefore, the layoff should stand.

Vice Chair Montgomery asked for a motion to either affirm the Executive Director's Review Decision as the final decision of the Merit Board or order such further review procedures. Mr. Garcia made a motion that the Executive Director's Decision be upheld. Mr. Mitchell seconded Mr. Garcia's motion.

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

Mr. Garcia.....Aye
Ms. Hasara.....Aye
Judge HolmesAbsent
Mrs. KinserAbsent
Mr. Leak.....Absent
Dr. ManeringAye
Mr. Marshall.....Aye
Mr. Mitchell.....Aye
Mr. Montgomery.....Aye

Dr. WebbAye
Mr. ColeAbstain

The following decision and order was therefore adopted.

STATE OF ILLINOIS



STATE UNIVERSITIES CIVIL SERVICE SYSTEM

In re MARK RICHARDSON,	)	BEFORE THE UNIVERSITY
	)	CIVIL SERVICE MERIT BOARD
)	
MERIT BOARD REVIEW DECISION)	
OF THE EXECUTIVE DIRECTOR,)	
	)	NO. MB-RD-WIU-13-1

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

NATURE OF THE PROCEEDING

On May 8, 2013, Frank Hoskins, Business Representative, International Union of Operating Engineers, Local 399, on behalf of Mark Richardson, a civil service employee at Western Illinois University (WIU), filed with the State Universities Civil Service System Office (University System Office), a written request for a Review Decision of the Director questioning his employment history with WIU, including his most recent assignment to the Facilities Management Landscape Maintenance Department as a Grounds Gardener and subsequent layoff notice issued on May 3, 2013. Mr. Richardson later confirmed this request through an email communication sent to the University System Office on May 10, 2013. Following confirmation that Mr. Richardson had exhausted all his administrative remedies at the

University level, the Executive Director initiated an investigation as authorized by section 250.130(a) of the Illinois Administrative Code (Code) (80 Ill. Adm. Code §250.130(a)).

On July 17, 2013, the Executive Director issued a Review Decision determining that WIU's actions, and intent, to transfer Mr. Richardson from an Accounting Clerk classification to a Safety Officer I classification was in violation of sections 250.100 (80 Ill. Adm. Code §250.100) and 250.30 (80 Ill. Adm. Code §250.30) of the Code, and other applicable procedural elements. Likewise, WIU's actions, and intent, to transfer Mr. Richardson from an Accounting Clerk classification to a Grounds Gardener classification was in violation of section 250.100 of the Code, and other applicable procedural elements. In both instance, WIU should have followed standardized civil service employment protocols in creating a vacancy and filling that vacancy. *The Employer was directed to follow these regulatory standards in future similar employment situations.*

Even though a violation may be indicated in the personnel actions utilized by WIU in the transition of Mr. Richardson from the Accounting Clerk position to the Safety Officer I position, and also in the transition of Mr. Richardson from the Accounting Clerk position to the Grounds Gardner role, these violations did not serve as a foundation to advantage Mr. Richardson in the employment process, nor to establish a claim or right by Mr. Richardson to potentially fill these vacancies or be awarded either of these positions. Therefore, the layoff action stands and Mr. Richardson should remain on the Reemployment Register for the Accounting Clerk classification.

From a classification standpoint, the record should establish that Mr. Richardson was employed as an Accounting Clerk from June 2000 to June 2013, with a brief leave of absence during the probationary period for the Safety Officer I appointment. Seniority in the Accounting Clerk classification should be captured for all time worked from June 2000 to June 2013.

In accordance with standardized employment protocols, Mr. Richardson may be allowed to further test for any position for which he may qualify. As a reminder, WIU does have some designated flexibilities in allowing a competitive advantage to those current employees who may have been laid off from their current position due to a permanent abolishment of a functional service. In this respect, WIU is referred to section 250.60(4)(A) of the Code (80 Ill. Adm. Code §250.60(4)(A)).

DECISION AND ORDER

Now being fully advised of the matters contained in the Review Decision Record, the University Civil Service Merit Board finds that this review proceeding has been commenced and conducted in compliance with section 250.130(b) of the Code (80 Ill. Adm. Code § 250.130(b)) and that the University Civil Service Merit Board has jurisdiction of the parties and subject matter thereof and issues the following Decision and Order:

The Executive Director's Review Decision rendered in this matter on July 17, 2013, is affirmed and adopted as the Final Decision and Order of the Merit Board. A copy of said Review Decision is attached hereto, and by reference incorporated herein.

DATED AND ENTERED this 10th day of September, 2013.

UNIVERSITY CIVIL SERVICE MERIT BOARD

By: /s/ James D. Montgomery
James D. Montgomery, Vice Chair
University Civil Service Merit Board

ATTEST:

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



NOTE – Dr. Webb stated that he was concerned with the time and costs incurred for copying and mailing all of the materials for board meetings. Dr. Webb suggested that all material could be reviewed electronically on a secure website. The Merit Board suggested that the University System look into the Merit Board reviewing all materials electronically.

Report of the State Universities Civil Service Advisory Committee – Julie Benedict, Chair

The Merit Board heard a report from Julie Benedict, Chair of the State Universities Civil Service Advisory Committee. Ms. Benedict welcomed Mr. Mitchell to the Merit Board. She stated that many of the employee's livelihoods rely on decisions rendered this Board and how important this Merit Board is. Ms. Benedict further stated that the Committee last met in July 2013 at the SIU School of Medicine. The committee discussed several legislative topics and updated the Committee's Bylaws. Ms. Benedict gave a brief history of the committee for the new Board members; stating that the committee was created by Statute and represents 14 universities and serves all employees, not just the campus they represent. She further stated that the development of the recent Stakeholders group has been very helpful to understand everyone concerns. One concern that the committee has had for a long time is the negative perception of the Civil Service System and civil service employees. Even though professional is not in the title of most civil service classifications, civil service employees are professional. She stated that some think that the hiring of civil service takes too long, and in fact what the committee has found is that the universities have internal policies, not civil service. She further stated that the committee is willing to work with other groups to help resolve the many issues.

Report of the Human Resource Directors Advisory Committee – Maureen Parks

The Merit Board heard a report from Maureen Parks, representative of the Human Resource Directors Advisory Committee. Ms. Parks also welcomed Mr. Mitchell to the Merit Board. The committee met for its quarterly meeting in July and that Mr. Morelock has discussed with the committee many of the items on the agenda today. Ms. Parks stated that there was a discussion of the purpose and the continuance of the exemption stakeholders group that Mr. Morelock had put together after the November 2012 Merit Board meeting. Ms. Parks stated that her belief was that getting a group together around one table would provide an open discussion and exchange of perspectives, which could best lead to a consensus of language regarding exemption authority. There is some system wide trust issues since this is very small limited group of individuals. The stakeholders group has met three times, and each time the group has discussed its purpose and goals regarding its advisory capacity. Some other topics that could be considered to help address the issues are the rule of three, residency requirements, specialty factors, hourly appointments and diversity. She further stated that Mr. Morelock had recently reached out to the DERs to discuss the development of a group to discuss the exemption procedures.

Consideration of FY 2015 Budget Recommendations for the State Universities Civil Service System Office

Mr. Morelock gave an overview of the FY 2015 budget request to be presented to the Illinois Board of Higher Education (IBHE). The FY 2015 request is for \$87,700, or a 7.28% increase, over our current appropriation of \$1,205,000 for a total request of \$1,292,700. Dr. Webb made a motion to approve the FY 2015 budget proposal and that the proposal be presented to IBHE. Mr. Cole seconded Dr. Webb's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Consideration of an amendment to the Demonstration Project of Pilot/Study Program for the 'Rule of 3 Analysis' by adding two new classifications (Police Officer and Program/Student Advisor)

Mr. Morelock gave an overview of the request to add to new classifications to the original project that was approved by the Merit Board in May 2012. This request was specifically to modify this previously approved project to include two new classifications to the project. The classifications are Police Officer and Program/Student Advisor. Dr. Webb made a motion to approve the amendment to the "Rule of 3 Analysis" Demonstration Project by adding the two new classifications. Mr. Garcia seconded Dr. Webb's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Discussion and action on proposed revisions to the Procedure Manuals

Mr. Morelock gave an overview of the two changes to the procedure manuals that were being considered. Through discussions with the University of Illinois at Chicago and the HR Directors, it was recommended that more flexible employment protocols be applied to the Program/Student Advisor classification. These changes are intended to facilitate that action. Mr. Marshall made a motion to approve the changes to the Procedure Manuals as submitted in the Agenda materials. Mr. Cole seconded Mr. Marshall's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Consideration of Contractual Arrangement for the development and delivery of revisions to the Pre-Employment Testing Protocols for the Police Series

Mr. Morelock stated that the pre-employment testing protocols for policing positions contain some specialized physical agility, knowledge, and oral board components. Many of the assessment center components have not been updated for some time. The Police Chiefs have indicated their willingness to financially cover the cost of the development and revision of these components with an outside vendor. The University of Illinois at Urbana-Champaign has agreed to handle the financial aspect for this project, collecting fees and distributing payments. Mr. Garcia made a motion to allow the University System to enter to an agreement for the development and delivery of various components to the police classifications. Mr. Cole seconded Mr. Garcia's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Update information on the Public Officials Errors and Omissions Insurance Policy

Mr. Morelock stated that the University System was able to negotiate the renewal of the Public Officials Errors and Omissions Insurance at a cost of \$10,501. Staff worked with the Governor's Office to facilitate payment in a timely fashion

Biennial Audit Program – Review of Recent Activities

Mr. Morelock stated that there were no new reports issued since the last Merit Board meeting.

Report of the Executive Director

Mr. Morelock provided an agency report which included the following:

- Introduction of new staff members
 - Mari Martinelli, Legal Counsel
 - Anna Johnson, Administrative Assistant
- Compliance audit by the Auditor General's office
- Agency Budget
- Information regarding interagency activities with a list of University/Agency visits included in agenda materials.

Report of Legal Counsel – Mari Martinelli, Manager, Legal Services and Legal Counsel

Ms. Martinelli updated the Merit Board on outstanding legal matters. During FY 2013 there were 58 Written Charges for Discharge served on employees at the various universities and

agencies. Eighteen employees requested a hearing during FY 2013. Following is a summary of the outcome of the cases:

- 3 Employee withdrew request before Hearing** – (Tillman/UIC, Chao/UIC, Graham/UIC)
- 2 University withdrew Charges before e Hearing** – (Clark/UIC, Heard/UIC)
- 1 Settlement Agreement before Hearing** – (Shepherd/SIUC)
- 4 Settlement Agreement during hearing** – (Kaufman/ISU, Merriweather/CSU, Perry/EIU, Luyando/UIUC)
- 1 Resigned before Hearing** – (Portree/ISU)
- 1 Resigned after Hearing** – (Nesbitt/UIUC)
- 3 Discharged** – (Mays-Campbell/UIUC, Harvey/UIUC, McClure/ISU)
- 1 Reinstated** – (Runck/UIUC) *Note: action taken at this meeting*
- 1 Reinstated with 60-day Suspension** – (Batson/CSU) *Note: action taken at this meeting*
- 1 Charges Dismissed by Merit Board** – (Ramakrishnan/NIU) *Note: action taken at this meeting*

Other Items as Presented

The meeting adjourned at 12:50 p.m. The next meeting of the Merit Board is scheduled for 10:00 a.m., Wednesday, November 13, 2013 at the University System office, with videoconference locations in Chicago and Carbondale. A motion was made by Ms. Hasara to adjourn the meeting. Dr. Webb seconded Ms. Hasara's motion. Motion carried.

Respectfully submitted,

/s/ Teresa M. Rademacher

Teresa M. Rademacher
Secretary for the Merit Board

APPROVED:

/s/ James Montgomery
University Civil Service Merit Board

March 11, 2014
Date