



**MINUTES OF THE ONE-HUNDRED-AND-NINETY-FIFTH
MEETING OF THE UNIVERSITY CIVIL SERVICE MERIT BOARD –
February 25, 2015**

**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
Miles Hall
Conference Room 003A
1255 Douglas Drive
Carbondale, IL**

Chair Montgomery called the meeting to order at 10:07 a.m.

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

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

Members present by audio conference were: Karen Hasara, representing the University of Illinois, and Donna Manering, representing Southern Illinois University.

Members absent were: Michael Curtin, representing Chicago State University, and Patricia Brown Holmes, representing the University of Illinois.

Also present were: Lewis T. (Tom) Morelock, Executive Director; Mari Martinelli, Manager, Legal Services and Legal Counsel; Teresa Rademacher/Anna Johnson, Secretary for the Merit Board; and Andy Small, 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

Prior to the meeting, Ms. Hasara and Dr. Manering had requested to participate by audio conference based on one of the authorized exceptions afforded under the Open Meetings Act. A motion was made by Mr. Cole to allow Ms. Hasara and Dr. Manering to participate by audio conference. Mr. Mitchell seconded Mr. Cole’s motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Public Comments

Prior to the meeting, the State Universities Civil Service System (University System) office had received one request to present public comments at the Merit Board Meeting. A motion was made by Mr. Cole to allow Phil Martini, Vice President, SEIU Local 73, to speak before the 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. Chair Montgomery allowed Mr. Martini to presents comments for five minutes.

Mr. Martini, presented remarks related to his opinion and findings regarding the inappropriate exemption of employees at various universities, and various other alleged ex-parte communications between Board members and university staff regarding this topic. Mr. Martini was not completely finished speaking when his time ran out. A motion was made by Dr. Webb to allow Mr. Martini an additional 10 minutes to continue his comments. Dr. Manering seconded Dr. Webb’s motion.

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

Dr. WebbAye
Mr. ColeNo
Mr. CurtinAbsent
Mr. Garcia.....Aye



Ms. Hasara.....No
Judge HolmesAbsent
Dr. ManeringAye
Mr. Marshall.....Aye
Mr. Mitchell.....No
Mr. Montgomery.....No

Mr. Martini offered his written testimony and findings to members of the Merit Board, which the University System office agreed to collect from Mr. Martini and distribute at a later date.

Merit Board Reorganization

The Merit Board conducted reorganization activities, electing its officers for calendar year 2015. Chair Montgomery called for nominations for Chair. Ms. Hasara made a motion to elect James Montgomery as Chair. Mr. Cole made a motion to elect Karen Hasara as Vice Chair. Mr. Mitchell made a motion to re-elect Lyneir Cole to the Executive Committee. Mr. Garcia made a motion to re-elect Brian Mitchell to the Executive Committee. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

The following officers for calendar year 2015 are:

- *Chair: James Montgomery*
- *Vice Chair: Karen Hasara*
- *Executive Committee: Lyneir Cole and Brian Mitchell*

Mr. Morelock stated that there had been some reorganization within the University System office and it was recommended that Anna Johnson replace Teresa Rademacher as Secretary for the Merit Board. Mr. Cole made a motion to appoint Anna Johnson as Secretary for the 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 Minutes of the 194th Meeting of the Merit Board, November 19, 2014

The minutes of the 194th meeting of the Merit Board, November 19, 2014 had been transmitted to members of the Merit Board with the agenda materials.

After discussion, Mr. Cole moved to approve the minutes of the 194th meeting of the University Civil Service Merit Board held on November 19, 2014. Mr. Mitchell seconded Mr. Cole's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Consideration of the Minutes of the Retreat of the Merit Board, August 8, 2014

The minutes of the Retreat of the Merit Board, August 8, 2014 had been transmitted to members of the Merit Board with the agenda materials.

Mr. Garcia moved to approve the minutes of the Retreat of the University Civil Service Merit Board held on August 8, 2014. Mr. Cole seconded Mr. Garcia's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Consideration of Discharge Proceeding Number NIU-14-1 filed against John Boudin by Northern Illinois University

On February 12, 2015, the Secretary for the Merit Board mailed the Hearing Record for the John Boudin discharge case (NIU-14-1) 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.

Mr. Morelock asked Ms. Martinelli to give a summary of the case. Mr. Boudin was an Electrician Foreman at Northern Illinois University (NIU). Mr. Boudin began his employment with NIU in 1989. Mr. Boudin was charged with the following:

1. Employee-Petitioner allowed a dangerous fire code violation to persist for over a year at the Lorado Taft's Heckman Dorm sleeping rooms, endangering the lives of elementary and middle school children and posing potential untold liability to the University
2. (A) In order to save overtime costs for the Electrical Shop, Employee-Petitioner helped initiate and implement a change to the Electrical Shop's policy regarding fire alarm systems that were experiencing trouble afterhours. The new policy was not in compliance with the Illinois fire code and created dangerous conditions.
2. (B) At the same time that Employee-Petitioner allowed the new policy to remain in effect to save on overtime costs, Employee-Petitioner engaged in numerous hours of wasteful and unnecessary overtime work.
3. Employee-Petitioner violated the Whistleblower Protection Act and the whistleblower protection provisions of the State Officials and Employees Ethics Act when Employee-Petitioner adopted Associate Vice President Jeffrey Daurer's five-day unpaid suspension of whistleblower Timothy Rasmussen. Employee-Petitioner reprimanded Rasmussen for his whistleblower conduct and used Rasmussen's protected whistleblower activity to partially form the basis of Employee-Petitioner's annual employee evaluation of Rasmussen.

4. Employee-Petitioner and his supervisor, Kevin Howard, Director of the Physical Plant and Chief Engineer of the Heating Plant, created a culture of fear and intimidation among several Electricians in the Electrical Shop, to the point where these Electricians did not feel comfortable coming to Employee-Petitioner or Mr. Howard to point out what they believed to be violations of law, regulations or policy.
5. (A) Employee-Petitioner falsely represented the amount of work he performed on University construction projects, representing that he had done substantially more work on those projects than he had actually performed.
5. (B) Consequently, Employee-Petitioner improperly charged construction project budgets for work he did not do on those projects.

Mr. Montgomery further stated that both parties of record had requested to present oral arguments before the Merit Board. Mr. Cole made a motion to allow the Employee-Petitioner, John Boudin to present oral arguments before the Merit Board. Mr. Mitchell seconded Mr. Cole's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Dr. Webb made a motion to allow Northern Illinois University to present oral arguments before the Merit Board. Mr. Garcia seconded Dr. Webb's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Rob Bernstein, Attorney for Northern Illinois University (NIU), presented oral arguments. Mr. Bernstein alleged that Mr. Boudin abused his power while he was an Electrician Foreman at NIU. Mr. Bernstein also stated that Mr. Boudin endangered the lives of children by allowing a serious fire code violation to exist in dormitories at NIU. Mr. Bernstein also stated that Mr. Boudin implemented an electrical shop overtime policy that violated the Illinois Fire Code and that Mr. Boudin violated the Illinois Whistleblower Protection Act, by acting in retaliatory conduct towards employees that complained to supervisors about him.

Catherine Chapman, Attorney for Employee-Petitioner, presented oral arguments. Ms. Chapman stated that the sustainment by the hearing officer of three of the charges were based on a narrow view of limited evidence. Ms. Chapman also stated that she greatly disagreed that Mr. Boudin ever violated the Illinois Whistleblower Protection Act. Ms. Chapman stated that Mr. Boudin never acted in any retaliatory manner towards any of the employees that he supervised, due to the fact that Mr. Boudin was never aware that any employees had made complaints against him. Ms. Chapman stated that Mr. Boudin is a 23 year employee at NIU, and has had no record of any disciplinary action on his record. Ms. Chapman requested that Mr. Boudin also be able to make a statement for himself.

Mr. Boudin stated that he had notified a supervisor in 2012 of the fire code violation that existed in one of the dormitories at NIU. Mr. Boudin also stated that he is not a Fire Code Expert, nor was it in his job description to make sure that buildings were up to code. He stated that he would

have never knowingly have ever put anyone in danger. Mr. Boudin stated that the creation of the overtime policy that created the Fire Code violations, was not an electrical shop policy, but rather a university wide policy, that was approved by Environmental Health and Safety. Mr. Boudin stated that he had no involvement of any disciplinary action that was taken on employees that worked in his department. He noted that he had no knowledge of anyone having ever filing a complaint against him, so the violation of the Whistleblower Protection Act was without foundation, and stated that he never took any retaliatory action against any employees that worked for him in his department. Mr. Boudin stated that he has 23 years of service, with an outstanding employment record, with no disciplinary actions ever taken against him. He stated that he would like to continue his employment with NIU.

After lengthy discussion and interaction, Dr. Webb made a motion to uphold the discharge of Mr. Boudin. Ms. Hasara seconded Dr. Webb’s motion.

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

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

Ms. Hasara made a motion to Reinstate Mr. Boudin with a 60-day suspension, that he be reinstated as a Journeyman Electrician, and for Mr. Boudin to complete a Fire Alarm Training course. Mr. Marshall 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
Dr. Manering	Aye
Mr. Marshall.....	Aye
Mr. Mitchell.....	Aye
Mr. Montgomery.....	Aye
Dr. Webb	No
Mr. Cole	Aye
Mr. Curtin	Absent
Mr. Garcia.....	Aye

The following decision and order was therefore adopted.

STATE OF ILLINOIS



STATE UNIVERSITIES CIVIL SERVICE SYSTEM

JOHN BOUDIN,)	BEFORE THE UNIVERSITY CIVIL
)	SERVICE MERIT BOARD
Employee-Petitioner,)	
)	DISCHARGE PROCEEDING
v.)	
)	No. NIU-14-1
NORTHERN ILLINOIS UNIVERSITY,)	
)	
Employer-Respondent)	

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

PROCEDURAL HISTORY

Discharge proceedings have been commenced by **NORTHERN ILLINOIS UNIVERSITY**, employer, against **JOHN BOUDIN**, employee, by service of Written Charges for Discharge by certified mail on August 1, 2014 and the Employee-Petitioner, **JOHN BOUDIN**, has filed a timely written request for Hearing. A Hearing has been duly convened, held on and concluded on October 22, 2014, October 23, 2014, and December 9, 2014 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 and Amended Written Charges for Discharge, dated August 1, 2014
2. Suspension Notice Pending Discharge, dated August 1, 2014
3. Employee-Petitioner's Request for Hearing, filed on August 6, 2014
4. Acknowledgement of Hearing Request, dated August 14, 2014
5. Notice of Appearance, filed by the Employer-Respondent, dated September 2, 2014
6. Request for Continuance of Hearing, dated September 8, 2014
7. Response to Request for Continuance of Hearing, dated September 12, 2014
8. Notice of Hearing to Hearing Officer Simon, dated September 16, 2014
9. Notice of Convening of Hearing to the parties of record, dated September 16, 2014
10. Email regarding the establishment of date for a pre-hearing conference, dated October 3, 2014
11. Email regarding date for pre-hearing conference, dated October 7, 2014
12. Request for Subpoena by Employer-Respondent, dated October 15, 2014
13. Request for Subpoenas by Employee-Petitioner, dated October 15, 2014
14. Employer-Respondent Subpoena for Kenneth E. Wood, Sr., dated October 17, 2014
15. Employee-Petitioner Subpoena for Robert Bergman, dated October 17, 2014
16. Employee-Petitioner Subpoena for Jon Chapman, dated October 17, 2014
17. Employee-Petitioner Subpoena for Rick Corcoran, dated October 17, 2014
18. Employee-Petitioner Subpoena for Jeff Daurer, dated October 17, 2014
19. Employee-Petitioner Subpoena for Matt Drew, dated October 17, 2014
20. Employee-Petitioner Subpoena for Michael Elmendorf, dated October 17, 2014
21. Employee-Petitioner Subpoena for Ty Hillman, dated October 17, 2014
22. Employee-Petitioner Subpoena for Gene Hong, dated October 17, 2014
23. Employee-Petitioner Subpoena for Dale Hoppe, dated October 17, 2014
24. Employee-Petitioner Subpoena for Kevin Howard, dated October 17, 2014
25. Employee-Petitioner Subpoena for Norm Jenkins, dated October 17, 2014
26. Employee-Petitioner Subpoena for Jennifer Manning, dated October 17, 2014
27. Employee-Petitioner Subpoena for Shawn McGinn, dated October 17, 2014
28. Employee-Petitioner Subpoena for David McNamara, dated October 17, 2014
29. Employee-Petitioner Subpoena for Gary Rangel, dated October 17, 2014
30. Employee-Petitioner's documents in support of case, dated October 17, 2014
31. Notice of Reconvening of Hearing to Hearing Officer Simon, dated October 17, 2014
32. Notice of Reconvening of Hearing to the parties of record, dated October 17, 2014
33. Employer-Respondent's Witness List, dated October 20, 2014
34. Employee-Petitioner's Witness List, dated October 20, 2014
35. Employer-Respondent's documents in support of case, dated October 21, 2014
36. Joint request to schedule a 4th hearing day, dated October 21, 2014

37. Notice of Reconvening of Hearing to Hearing Officer Simon, dated November 17, 2014
38. Notice of Reconvening of Hearing to the parties of record, dated November 17, 2014
39. Joint request for parties to take depositions, dated November 18, 2014
40. Email notice regarding Hearing Officer Simon is not available on scheduled hearing date, dated November 21, 2014
41. Response to both parties regarding depositions, dated December 1, 2014
42. Email request by Hearing Officer Simon that both parties receive transcripts prior to the record being certified and the response, dated December 2, 2014
43. Request from Employer-Respondent regarding additional depositions, dated December 16, 2014
44. Response to Employer-Respondent regarding depositions, dated December 17, 2014
45. Additional material regarding Employee Exhibit 14, filed by Employee-Petitioner, dated December 31, 2014
46. Transcript of Evidence for October 22, 2014, October 23, 2014, and December 9, 2014 and Exhibits
47. Employer-Respondent Deposition AAAA
48. Employer-Respondent Deposition BBBB
49. Employer-Respondent Deposition CCCC
50. Employer-Respondent Deposition DDDD
51. Employer-Respondent Deposition EEEE
52. Employer-Respondent Deposition FFFF
53. Employer-Respondent Deposition GGGG
54. Employer-Respondent Deposition HHHH
55. Employer-Respondent Deposition IIII
56. Employer-Respondent Deposition JJJJ
57. Employer-Respondent Deposition KKKK
58. Employee-Petitioner Deposition AAA
59. Employee-Petitioner Deposition BBB
60. Employee-Petitioner Deposition CCC
61. Employee-Petitioner Deposition DDD
62. Employee-Petitioner Deposition EEE
63. Employee-Petitioner Deposition FFF
64. Employee-Petitioner Deposition GGG
65. Employee-Petitioner Deposition HHH
66. Employee-Petitioner Deposition III
67. Employee-Petitioner Deposition JJJ
68. Request for Findings of Fact from Hearing Officer Simon, dated January 6, 2015
69. Letter to the parties of record enclosing the transcript of the hearing, dated January 12, 2015 (sent by email)
70. Post-Hearing Brief of the Employer, filed by Employer-Respondent, on January 19, 2015
71. Post-Hearing Brief, filed by Employee-Petitioner, on January 19, 2015
72. Letter from Employer-Respondent Amending the Written Charges for Discharge, dated January 19, 2015
73. Findings of Fact, rendered by Hearing Officer Simon, dated January 22, 2015

74. Notice of Certification of Hearing Record to the parties of record and the Certification of Hearing Record, dated January 27, 2015
75. Motion regarding Oral Argument before the Merit Board, filed by Employee-Petitioner on February 6, 2015
76. Employer's Motion for Oral Argument before the Merit Board, filed by the Employer-Respondent on February 10, 2015

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 of the charges of the employer, **NORTHERN ILLINOIS UNIVERSITY**, against the employee, **JOHN BOUDIN**, 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. The employee, **JOHN BOUDIN**, shall be reassigned to perform the duties of an Electrician (Journeyman) position following the completion of a 60-day suspension without pay and shall complete Fire Alarm Training upon return to work.

DATED AND ENTERED this 25th day of February, 2015.

UNIVERSITY CIVIL SERVICE MERIT BOARD

By: */s/ James Montgomery*
CHAIR
UNIVERSITY CIVIL SERVICE MERIT BOARD

ATTEST:

/s/ Anna Johnson
Secretary for the Merit Board

Consideration of Discharge Proceeding Number SIUC-14-3 filed against Douglas Banks by Southern Illinois University Carbondale

On February 12, 2015, the Secretary for the Merit Board mailed the Hearing Record for the Douglas Banks discharge case (SIUC-14-3) 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.

Mr. Montgomery asked Ms. Martinelli to give a summary of the case. Mr. Banks began his employment with Southern Illinois University Carbondale (SIUC) on July 30, 2012. His current job classification is Kitchen Helper. Mr. Banks has held no other positions of employment at SIUC. On September 9, 2014, a cell phone which had been reported stolen from an SIUC dining facility was found at Mr. Banks' home. Mr. Banks was arrested and charged with theft. These charges were subsequently dropped. However, during the investigation process by SIUC Police, it was discovered that Mr. Banks had two prior criminal convictions in 1987. This information was then compared to the information that Mr. Banks provided on his employment application dated June 22, 2009. SIUC determined that in regards to Mr. Banks criminal history, the information provided by Mr. Banks on his application was contradictory to the information obtained during the police investigation and SIUC decided to discharge Mr. Banks for the charge of "falsification of employment application".

Ms. Hasara made a motion to discharge the Employee-Petitioner, Douglas Banks. Mr. Montgomery seconded Ms. Hasara's motion.

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

Ms. Hasara.....Aye
Judge HolmesAbsent
Dr. ManeringAye
Mr. Marshall.....Aye
Mr. Mitchell.....Aye
Mr. Montgomery.....Aye
Dr. WebbAye
Mr. Cole.....Aye
Mr. CurtinAbsent
Mr. Garcia.....Aye

The following decision and order was therefore adopted.

STATE OF ILLINOIS



STATE UNIVERSITIES CIVIL SERVICE SYSTEM

DOUGLAS BANKS,)	BEFORE THE UNIVERSITY CIVIL
)	SERVICE MERIT BOARD
Employee-Petitioner,)	
)	DISCHARGE PROCEEDING
v.)	
)	No. SIUC-14-3
SOUTHERN ILLINOIS UNIVERSITY Carbondale,)	
)	
Employer-Respondent.)	

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

PROCEDURAL HISTORY



Discharge proceedings have been commenced by **SOUTHERN ILLINOIS UNIVERSITY Carbondale**, employer, against **DOUGLAS BANKS**, employee, by service of Written Charges for Discharge by certified mail on September 30, 2014 and the Employee-Petitioner, **DOUGLAS BANKS**, has filed a timely written request for Hearing. A Hearing has been duly convened, held, and concluded on January 7, 2015 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 September 30, 2014
2. Suspension Notice Pending Discharge, dated September 30, 2014
3. Employee-Petitioner's Request for Hearing, filed on October 8, 2014
4. Acknowledgement of Hearing Request, dated October 14, 2014
5. Letter from the Employee-Petitioner, filed on October 11, 2014
6. Request for Continuance of Hearing, dated November 5, 2014
7. Response to Request for Continuance of Hearing, dated November 6, 2014
8. Notice of Hearing to Hearing Officer Kirn, dated November 18, 2014
9. Notice of Convening of Hearing to the parties of record, dated November 18, 2014
10. Employer-Respondent Witness List and Evidence for Hearing, dated December 3, 2014
11. Email regarding date for rescheduling hearing, dated December 4, 2014
12. Notice of Rescheduled Hearing to Hearing Officer Kirn, dated December 16, 2014
13. Notice of Rescheduling of Hearing to the parties of record, dated December 16, 2014
14. Transcript of Evidence for January 7, 2015 and Exhibits
15. Closing Argument, filed by Employer-Respondent on January 20, 2015
16. Request for Findings of Fact from Hearing Officer Kirn, dated January 22, 2015
17. E-mail to Hearing Officer Kirn with closing arguments from Employer-Respondent, dated January 22, 2015
18. Findings of Fact, rendered by Hearing Officer Kirn, dated January 30, 2015
19. Notice of Certification of Hearing Record to the parties of record and the Certification of Hearing Record, dated February 3, 2015

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, supports and sustains the following charge of the employer, **SOUTHERN ILLINOIS UNIVERSITY Carbondale**, against the employee, **DOUGLAS BANKS**, and establishes just cause for discharge, as follows:

1. Falsification of Employment Application

DECISION AND ORDER

WHEREFORE, IT IS HEREBY ORDERED:

1. The Findings of Fact of the Hearing Officer, attached hereto, are approved and certified to the employer, **SOUTHERN ILLINOIS UNIVERSITY Carbondale**, to the extent not inconsistent with the findings made herein.
2. The employee, **DOUGLAS BANKS** is hereby separated from the service of his employer, **SOUTHERN ILLINOIS UNIVERSITY Carbondale**, and that the effective date of his discharge shall be as of February 25, 2015.

DATED AND ENTERED this 25th day of February, 2015.

UNIVERSITY CIVIL SERVICE MERIT BOARD

By: */s/ James Montgomery*
CHAIR
UNIVERSITY CIVIL SERVICE MERIT BOARD

ATTEST:

/s/ Anna Johnson
Secretary for the Merit Board

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 (HRDAC). Ms. Parks stated that at the last Merit Board meeting, Mr. Montgomery appointed a Sub-Committee of the Merit Board to analyze five recommendations proposed by the HRDAC. Ms. Parks stated that as a backdrop to the five recommendations made by the committee, Governor Rauner’s budget proposal made it especially clear that state universities will need to be operating efficiently in their daily operations and processes. She also noted that the status quo can’t continue, and that civil service processes and operations should also be more efficient. She stated that she felt that the five recommendations would provide universities more efficiency and opportunities for growth. Ms. Parks explained that the five priorities of the Human Resource Directors Advisory Committee are:

- 1) Removing limiting language from the civil service Exemption Procedures Manual
- 2) To formalize the civil service audit process and procedures; and to extend the audit cycle from 2 to 3 years at each university
- 3) To expand the Rule of 3 Demonstration Project
- 4) Find a more efficient way to recruit out of state applicants
- 5) A more consistent method of approving specialty factors at the campus level

The HRDAC will be corresponding with Executive Director Morelock to communicate and find solutions to these concerns. The HRDAC also looks forward to working with the Merit Board and the University System Office in the future.

Report of the State Universities Civil Service Advisory Committee – Andy Small

The Merit Board heard a report from Andy Small, Chair of the State Universities Civil Service Advisory Committee (EAC). Mr. Small stated that the committee last met in April. He also stated

that the members of the Merit Board are always invited to attend the EAC meetings and that the committee feels that the discussions generated would help the Merit Board members gain a better understanding of some of the issues of its constituents. Mr. Small stated that the EAC group also supported the revisions to the Exemption Procedures Manual. Mr. Small asked that the Merit Board invite EAC into the discussion regarding the revisions of the Exemptions Procedures Manual. EAC also supports the Rule of 3 Demonstration Project. Mr. Small stated that in terms of “keeping the lines of communication open”, he stated that he felt the EAC should have input into rules that directly affect civil service employees. Mr. Small stated that he felt that leaving the EAC out of such discussions is inappropriate.

Update and Action on Proposed Changes to the Bylaws of the University Civil Service Merit Board

The Merit Board members were provided proposed changes to the ByLaws of the University Civil Service Merit Board in the agenda materials submitted to them at an earlier date. Mr. Morelock went through and explained each change in the ByLaws.

After discussion, Mr. Cole moved to approve the suggested changes to the ByLaws of the University Civil Service Merit Board. Mr. Marshall seconded Mr. Cole’s motion. A roll call vote was taken and the motion was approved with the following vote:

- Mr. ColeAye
- Mr. CurtinAbsent
- Mr. Garcia.....Aye
- Ms. Hasara.....Aye
- Judge HolmesAbsent
- Dr. ManeringAye
- Mr. Marshall.....Aye
- Mr. Mitchell.....Aye
- Mr. Montgomery.....Aye
- Dr. WebbAye

Update on proposed rule change to section 250.50 of the Illinois Administrative Code (80 Ill. Adm. Code §250.50), Examinations

Mr. Morelock updated the Merit Board on the proposed changes to section 250.50 of the Illinois Administrative Code (Code) regarding Illinois residency requirements. The rule proposal to section 250.50 of the Code was included in the agenda materials. The primary changes to this section of the Code is an attempt to allow an expanded pool of candidates for professional positions, consistent with the current employment and occupational trends associated with

certain positions, while still requiring specific residency components to be met upon placement into one of these positions. This change will allow the universities and agencies to consider applicants outside of the state of Illinois for professional, semi-professional, and managerial classifications. This rule change was published in the Illinois Register on February 13, 2015. The First 45-day Notice Period will end on March 30, 2015.

Update on legislation regarding the Rule of Three changes to sections 36h, Appointment and 36j, Promotions of the State Universities Civil Service Act (110 ILCS 70/36h and 36j)

Mr. Morelock gave a brief review regarding the 'Rule of Three' Demonstration project. The 'Rule of Three' demonstration project was approved by the Merit Board in March 2012, and will remain active through July 2015. This project provides a different interpretation of the statutory 'Rule of Three' obligations, specifically moving from an employment register referral of the top three people to a referral of the top three scores for certain vacant positions. The University System office has been collecting data for this project and its limited scope, most specifically related to applicant pools and the employment/selection of candidates subject to the defined project parameters. The Merit Board was provided statistics regarding the ongoing analysis of the project. Preliminary analysis indicates that this change will provide additional opportunities for minorities, women, and veterans. The statistics and subsequent analysis provides a legitimate foundation for a possible statutory change.

This proposed statutory change regarding the 'Rule of Three' was presented to Carol Ammons. Ms. Ammons is reviewing this legislation and has agreed to submit this statute change to the General Assembly.

Report of the Merit Board Sub-Committee

Karen Hasara updated the Merit Board on the recent activities of the Merit Board Sub-Committee. She reported that she, along with Mr. Garcia and Mr. Cole, are anxious to get started planning two public hearings, to be held on March 11 and March 13, 2015. She reported that the five recommendations posed by the Human Resource Directors Advisory Committee will be the primary topics on the agenda of the two meeting dates.

Update on the review and revisions to the Exemption Procedures Manual

Due to the amount of discussion previously held in the meeting regarding the Exemption Procedures Manual, Chair Montgomery and Mr. Morelock found it appropriate to touch just briefly on this agenda item. The HRDAC and the University System office have been working on

this revision for about a year through various committee processes. However, now that a new Merit Board Sub-Committee was formed for this purpose, this activity may be delayed.

Biennial Audit Program – Review of Recent Activities

Mr. Morelock updated the Merit Board on recent developments regarding the follow-up audit of the University of Illinois at Urbana-Champaign (UIUC). The University of Illinois at Urbana-Champaign has asked the Merit Board to stop the supplemental audit process at UIUC. Mr. Cole made a motion to table this agenda item until the next meeting of the Merit Board, to be held on May 20, 2015. Mr. Mitchell seconded Mr. Cole's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Four Final Audit Reports have been completed since the last Merit Board meeting.

- Southern Illinois University School of Medicine
- University of Illinois College of Medicine Rockford
- State Universities Retirement System
- Southern Illinois University Edwardsville

A copy of the audit schedule was also provided in the agenda materials.

Discussion of Open Meetings Act and obligations for Advisory Committees

Mr. Morelock stated that the Administrative Advisory Committee and the Human Resource Directors Advisory Committee have operated outside the guidelines of the Open Meetings Act (OMA). However, the Employee Advisory Committee and several other sub-committees have been operating in accordance with the OMA guidelines for some time. In order to establish and maintain the highest level of transparency in all of our Merit Board, agency, and associated committee activities, the University System Office strongly suggests that every recognized committee operate in accordance with the OMA. In this respect, basic bylaws for some formally recognized committees should be drafted to incorporate these OMA guidelines.

Director Morelock stated that since there was not a quorum of Merit Board members at this point in time, the University System Office will begin preparing drafts of formal Bylaws (consistent with the current committee practices and incorporate compliance components in accordance with the Open Meetings Act) for the Administrative Advisory Committee and the Human Resource Directors Advisory Committee, and they will be presented to the Merit Board at a later time.

Report of the Executive Director – Tom Morelock

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

- *FY15 and FY16 Budget Updates* – Current year-to-date expenditures/obligations for FY15 were included in the agenda materials which are above the 94% level; the University System office was asked to place \$36,500 RESERVE for the FY15 operating budget. The RESERVE has been captured and will not be spent; budget forms were sent to the appropriate senate and house staff on February 19, 2015; and the University System office requested \$1,202,500 for the FY16 appropriation.
- *Classification/Examination Update* – The Merit Board was updated on several revisions to the various class specifications and examinations.
- *University/Agency Visits* – The Merit Board was updated on various university and agency visits by the University System office.

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

Ms. Martinelli updated the Merit Board on some outstanding legal matters. Thus far during FY15 there have been 34 Written Charges for Discharge served on employees at the various universities and agencies. Eleven employees have requested a hearing. Ms. Martinelli further updated the Merit Board stating that there are no administrative review cases pending at this time.

Other Items as Presented

The next meeting of the Merit Board will be held on Wednesday, May 20, 2015.

Mr. Mitchell made a motion to adjourn the meeting. Mr. Garcia seconded Mr. Mitchell's motion. A voice vote was taken and approved. The meeting adjourned at 12:25 p.m.

Respectfully submitted,

/s/ Anna Johnson by tr

Anna Johnson
Secretary for the Merit Board

APPROVED:

/s/ James Montgomery

James Montgomery, Chair
University Civil Service Merit Board

May 26, 2015

Date