



**MINUTES OF THE TWO-HUNDRED AND FIFTH
MEETING OF THE UNIVERSITY CIVIL SERVICE MERIT BOARD –
February 1, 2018**

**State Universities Civil Service System (University System) Office
1717 Philo Road, Suite 24
Urbana, Illinois 61802
&
(Video Conference)
University of Illinois at Chicago
College of Pharmacy
Room 270
833 Wood Street
Chicago, Illinois**

Chair Cole called the meeting to order at 1:03 p.m.

Member present at the primary meeting location was: Daniel Caulkins, representing Eastern Illinois University.

Members present at the Chicago video conference location were: Lyneir Cole, Chair, representing Western Illinois University; Carney Barr, representing Governors State University; Kambium Buckner, representing Chicago State University; Marvin Garcia, representing Northeastern Illinois University; and Jill Smart, representing the University of Illinois.

Member present by audio conference was: James Montgomery, representing the University of Illinois.

Members absent were: Stuart King, representing the University of Illinois; Rocky Donahue, representing Illinois State University; Veronica Herrero, representing Northern Illinois University; and Randal Thomas, representing Southern Illinois University.

Also present were: Jeff Brownfield, Executive Director; David DeThorne, Legal Counsel; Teresa Rademacher, Secretary for the Merit Board; Jami Painter, representative of the Human Resources Directors Advisory Committee; Jill Odom, Chair of the State Universities Civil Service Advisory Committee (EAC) and Andy Small, former Chair of EAC. Various other university employees and State Universities Civil Service System (University System) staff were also in attendance.

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

Chair Cole asked for approval for Merit Board members not physically present to actively participate by other means in accordance with the Open Meetings Act requirements. Ms. Smart made a motion to allow Mr. Montgomery to participate by phone. Mr. Barr seconded Ms. Smart's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Public Comments

Mr. Cole stated that the University System office had received four requests to present public comments.

Melissa Madsen, an academic professional (PAA employee) at the University of Illinois at Urbana-Champaign, spoke about targeted audits in the past causing deep distrust between the University System office and the universities. Ms. Madsen offered some past history in regards to the PAA issue and discussed the radical effects of targeted audits and the changing of standards that included a period of years that employees could no longer measure the current overall performance of an institution, no longer measure how the institutions were performing over time, and a period of several years in which the audits conducted by the University System lacked credibility at the many institutions.

Ann Hunter, Office Support Specialist at Southern Illinois University Edwardsville, spoke about the many opportunities of being a civil service employee and the benefits. The procedures of the University System had allowed her to advance through the classifications over a five year period due to the audit system. She also stated that over the last several years there had been an erosion of benefits to the civil service system, one being the furlough program and stated that any furlough program adopted by the Merit Board should be modified to protect civil service employees.

Michael Pulley, Interim IT Director at Southern Illinois University Edwardsville and Vice Chair of EAC, stated that civil service employees rely on the Merit Board to uphold the Act, to set rules, guidelines, and benefits. Many employees choose institutions over private sector jobs for the overall employment package, which included: benefits, the protections, job security, and pensions. He further stated that the University Civil Service Act is crucial to employment protection for the employees. However, employees classified as PAA are being denied the rights of civil service and civil service protection rights. He asked that before voting on the PAA issue, that the Merit Board consider its actions in supporting and strengthening the University Civil Service Act.

Melanie Schoenborn, Library Operations Associate at Southern Illinois University Edwardsville, stated that the benefits of the civil service system allows for promotions and for pursuing degrees resulting in higher paying positions. The establishment of the University Civil Service Act is to establish all jobs as civil service unless determined by the Merit Board to be administrative in nature. The designation of PAA's is now open to determination by the university's Designated Employer Representatives.

Merit Board Reorganization

The Merit Board conducted reorganization activities, electing its officers for calendar year 2018. Chair Cole called for nominations for Chair. Mr. Montgomery made a motion to re-elect Lyneir Cole as Chair. Mr. Garcia seconded Mr. Montgomery's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Chair Cole called for nominations for Vice Chair. Mr. Caulkins made a motion to re-elect Randal Thomas as Vice Chair. Mr. Montgomery seconded Mr. Caulkins' motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Chair Cole called for nominations for the Executive Committee of the Merit Board. Mr. Barr made a motion to elect Ms. Smart and Mr. Montgomery nominated Mr. Caulkins to the Executive Committee. Mr. Garcia seconded Mr. Barr and Mr. Montgomery's motions. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

The following officers for calendar year 2018 were elected:

- *Chair: Lyneir Cole*
- *Vice Chair: Randal Thomas*
- *Executive Committee: Jill Smart and Daniel Caulkins*

Chair Cole stated that the Merit Board was also required to appoint a Secretary for the Merit Board. Mr. Montgomery made a motion to re-appoint Teresa Rademacher as Secretary for the Merit Board. Mr. Barr seconded Mr. Montgomery's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Consideration of the Minutes of the Special Meeting of the Merit Board, December 5, 2017

The minutes of the Special Meeting of the Merit Board, December 5, 2017 had been transmitted to members of the Merit Board with the agenda materials.

Mr. Garcia moved to approve the minutes of the Special Meeting of the University Civil Service Merit Board held on December 5, 2017. Ms. Smart seconded Mr. Garcia's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Consideration of Discharge Proceedings Number UIC-17-22 filed against Allan Jackimek by the University of Illinois at Chicago

Mr. Cole stated that this agenda item had been rescinded for the time being based on the fact that both parties had agreed to work on a possible settlement agreement or could possibly be placed on the agenda for the next Merit Board meeting if one is not reached.

Report of the Human Resource Directors Advisory Committee – Jami Painter

The Merit Board heard a report from Jami Painter, representative of the Human Resource Directors Advisory Committee (HRDAC). Ms. Painter stated the HRDAC had had several meetings as a group with the University System office and Chair Cole relating to the PAA process and the OEIG investigation. The HRDAC had made it a priority to work with the University System on the PAA topic. Both civil service and academic professional's employees are valuable assets to the universities. We are stressing that there are positions at the universities that should be PAA positions. The HRDAC is committed to following the procedures; however many members have concerns that need to be addressed. She further stated that in the procedures, Section 3.3, Accountability for Exemption Authorization, auditing positions previously audited up to eight years ago did not seem to be a good use of resources and that the HRDAC requested that future audits focus on positions exempted since each institutions last audit cycle.

Ms. Painter further stated that the second concern is related to the required 16 months timeframe to convert an employee if the University System Office determines that the position had been exempted incorrectly. She stated that PAA employees at each institution have varying notification rights that require formal notification and that this will cause unnecessary stress for the affected employees and undue hardships on the employees. She stated that a more reasonable process would be to provide notification to the employee after the appeal process was finished and a final decision had been issued by the Merit Board. She further stated that the change to the procedures could simply say the position should be converted within 16 months after the final University System Office decision, which would then allow for the appeal process.

Ms. Painter stated that the final concern was the last sentence in the same section that mandates that employers/universities account for these conversions in the employment contracts. A mandate from one state agency to another on what employment contracts should contain goes beyond the scope and intent of the investigation. Removing this sentence does not absolve the

employers from having to convert positions. She stated that the HRDAC would ask that the Merit Board make minor modifications in these three areas before voting on this issue.

Report of the State Universities Civil Service Advisory Committee – Chair, additional members, if necessary

The Merit Board heard a report from Andy Small, former Chair of EAC and Jill Odom, Chair of EAC. Mr. Small stated that if the HRDAC and EAC continue to meet and work together that it will help keep the lines of communication moving forward. Pertaining to the PAA procedure process, Mr. Small stated that he had a letter written over 10 years ago in 2007 from EAC to the Merit Board that discussed this PAA situation. Relating to the HRDAC's concerns, EAC also agrees that going back to audits 8-10 years ago would be too painful and that the University System office needs to start fresh from this point forward. He further stated that EAC believes that 16 months is a sufficient amount of time to transition an employee to civil service as needed and that EAC had no opposition to the employee contract concerns raised by the HRDAC.

Ms. Odom stated that EAC was very supportive of the PAA procedures that would be presented at this meeting and that this procedure will add clarification, refinement, and implementation. The remaining concerns of EAC is the enforcement portion of the exemption process. She stated that EAC does not expect that all PAA positions be transitioned to civil service; however, there are thousands of positions that the committee believes should be civil service. The hope of EAC is that the Merit Board ensures that the procedures are followed and would encourage the advancement of the civil service system.

Update on the proposed rulemaking to Section 250.119 of the Code (80 Ill. Adm. Code §250.119) regarding language to add a Furlough Program

Mr. Brownfield reported that a revised Furlough rule is pending before the Joint Committee on Administrative Rules (JCAR) and is in the First Notice Period. Mr. Brownfield stated that JCAR had contacted the office for additional information and that some Senators and Representatives have contacted JCAR relating to the furlough rule also. Mr. Brownfield further stated that information would be needed to complete the Economic Impact Statement as part of the normal JCAR process. Mr. Brownfield stated that we are continuing to meet with HRDAC, EAC, and various Union Representatives relating to the furlough issues and that this agenda item will be on the May agenda for final approval to move to the Second Notice Period with JCAR.

Legislative Agenda

Mr. Brownfield stated that HB3185 concerning several changes to the University Civil Service Act passed the House last June 2017. HB 3185 contains several technical changes, law enforcement, and other highly regulated professions to be able to transfer from one area to another, pilot and demonstration programs. Mr. DeThorne stated that HB 3185 had been introduced in the Senate with Senator Bennett as the sponsor and passed through committee and that it had now been moved to the full senate.

OEIG External Investigation

Mr. Brownfield reiterated that there have been numerous meetings with Chair Cole, HRDAC, and EAC, including a joint meeting between the HRDAC and EAC and stated that the procedure document is generally agreed upon by the parties involved. Mr. Brownfield stated that enclosed in the agenda materials is the procedure and a draft copy of a letter that was prepared to be sent to the OEIG. He further stated that it is important that we express to the OEIG the total process and the involvement of everyone to get this investigation resolved.

Chair Cole stated that he would like the draft procedures approved along with the changes Ms. Painter had mentioned in her HRDAC update earlier at this meeting.

Ms. Smart stated that the following corrections needed to be made to the procedures:

- page 2, 3rd paragraph and the last paragraph are duplicates and one needed to be removed;
- page 3, Section 2.1.b.1 – first sentence was not a sentence and needed to be corrected;
- page 3, Section 2.1.b.1 – the word “review” needed to have an “s” on it; and
- page 7, Position Process Assessment – a statement needed to be added to mention that “the required proper notice should be given”.

Ms. Smart stated that discussion should be held in regards to page 7, Section 3.3 in regards to going back to previous audit findings and her recommendation would be to only back go to the last audit and then for the next audit to have it expanded. Mr. Brownfield stated that the thought to this issue was what the initial complaint was in which the OEIG mentioned in the letter about the previous audits Mr. Montgomery asked how many different job descriptions are looked at during the audits. Mr. Brownfield explained the number that is being looked at is different at every audit based on the size of the university/employer. Mr. Montgomery stated that going forward there will be a random review that should include past reviews and that we don’t need to hammer past audit findings since there will be new standards or criteria in place. Ms. Smart suggested that there be one pool of names to pull, old positions and new positions, and then expand on the number of positions to audit.

Ms. Smart also stated that on page 8, 1st paragraph “Nothing in an employment contract can prohibit the conversion of a position/employee based on the below detailed remedy and

process.” is a duplicate to the language already found on page 9. Mr. Brownfield said that the language would be removed on page 9.

Ms. Smart questioned who the “University System” was in the procedures. Mr. Brownfield stated it is our office and that it is how the Act refers to our name.

Ms. Smart then discussed the Section b on page 8 regarding the option to convert and then other areas within 16 months and that the document needs to be consistent. Mr. Montgomery asked if the 16 months timeline should start after the appeal process. Ms. Smart asked if 12 months was the longest for notifications rights and then did we need four months for the appeal process. If employers do not notify the employees then there is only four months to get the appeal process done still giving 12 months for the notification rights.

Mr. Brownfield stated that the University System’s position was the 16 months starts at the time of the final audit decision made by the University System. Ms. Smart stated she thinks the employee should not be notified until the appeal process is final, 16 months would still allow time for the appeal and notification rights. Mr. Caulkins stated the notification rights should start at the end of the appeal process; noting the difficulty in getting a quorum for Merit Board meetings. Ms. Smart asked if the timeline could be 12 months from the end of the appeal process. Chair Cole stated that he thinks it should stay the same with the reason being a control method. Chair Cole stated that once the final audit had been provided it would be for the employer/university to immediately file an appeal. It is the Merit Board’s responsibility to resolve the issues. The Merit Board needs to be held accountable to complete this process. The final audit decision is when the 30 days starts from the appeal process and once the employer/university files for an appeal, the Merit Board needs to make themselves available to resolve the issue or the Merit Board would need to call a Special Meeting to handle these matters. Mr. Barr asked if the Executive Committee could meet to handle this issue. The Executive Committee could meet to solve issues such as this.

Ms. Smart suggested adding language to the 16 months timeframe “unless an exception is made by the Merit Board”, to account for any delay on the Merit Board’s portion of the process. Chair Cole was in agreement. He asked for opinions from Ms. Painter, Mr. Small and Ms. Odom. Ms. Painter agreed as long as universities would not be penalized in the audit. Mr. Small stated that a firm timeline should be set.

Ms. Smart believes the university should not have to provide notification to an employee prior to the appeal. Mr. Montgomery agreed with the current language to get the appeal completed in four months along with the 12 months for notification rights. Chair Cole asked the Merit Board to back him in keeping with the 16 months timeframe. Mr. Barr agreed with the 16 months timeframe as long as if in an emergency situation by a majority vote there could be an extension.

Chair Cole suggested approving the procedure with the proposed changes mentioned earlier in the meeting. Ms. Smart agreed she could go along with the timeframe as long as if the timelines does not work then the procedure would be opened back up for changes.

Ms. Smart stated that she had additional corrections that needed to be made to the procedures:

- page 8, Section c – the sentence “If a request for appeal is not timely filed” sentence should be changed to within 30 days since that is the requirement; and
- page 9, Section 4.1 -- first sentence is not a sentence, needs to be corrected with a verb.

On page 9 of the draft procedure, Mr. Caulkins asked why quarterly reports were required by the University System. Mr. Brownfield stated that the quarterly data had been collected for the last 40+ years to look at the system as a whole. The University System is required to report information to Illinois Board of Higher Education (IBHE), salary information to IBHE, to have information to provide legislators as requested. Mr. Caulkins asked if it was required or if it was requested. Mr. Caulkins and Ms. Smart asked if the reports could be provided twice a year and what business problem would there be if reports were not done quarterly. Mr. Montgomery responded that the University System would not be able to respond to inquiries when they are made. Chair Cole asked what the data was used for. Mr. Brownfield stated that the data determines trends. Ms. Smart asked if it was automated and the employers/responded that it was not. Mr. DeThorne mentioned that throughout the PAA process there had been discussion that this was an opportunity to collect data.

Ms. Smart stated that she still had one add additional correction that needed to be made to the procedures:

- page 10, Section 5.2 – the sentence “may or may be required” that we just tell them that they are required.

Ms. Smart had one additional question in regards to the standard academic professional titles, Assistant To, Coordinator, and Specialist and Mr. Brownfield stated that those titles had been eliminated from the new procedures.

Mr. Brownfield said that the above changes would be made and a revised copy would be sent out within the next few weeks and suggested that the motion the merit Board could make would be approve the draft proposal along with the changes discussed at this meeting.

At this time Chair Cole needed to step out, so Mr. Brownfield discussed item 12a in regards to the Sponsored Program Demonstration project (*see Director’s Report for the discussion*).

Mr. Caulkins had additional questions that he would like answered. He asked when a civil service position is moved how would that effect the process and if someone had been laid off, would they be able to bid into a job. Chair Cole and Mr. Brownfield both stated that in the conversion process, the employee is able to retain their seniority that they had acquired had they been civil service and the time would be credited to the employee when the position is converted to civil service. The employee does not need to go through the testing process and if the employee does

not meet a particular qualification, then the University System could provide a Compensatory Qualification for that particular employee.

Mr. Caulkins asked how a position funded by a grant would be converted to civil service. Chair Cole stated that the HR offices should call the University System if they have questions or concerns if an employee should be civil service or PAA. Mr. Brownfield stated that universities already have thousands of positions that are civil service that are on grant funded money and the University System has no authority on how a position is paid. The University System is the classification system and when funding from a grant is lost then the current process, such as bumping, would be required as stated in the University Civil Service Act. Ms. Smart felt that this could be a potential issue and asked for the HR's perspective in regards to this topic because she had not been approached with this issue and asked the HR representatives if this could be a problem. Chair Cole suggested that he would like to have another meeting the HRDAC and EAC to discuss the grant funding issue before this new procedure goes into effect.

Mr. Caulkins also asked about the residency issue that had been discussed previously. Mr. Brownfield responded that the University System currently has a rule in effect for out-of-state recruitment for three occupational areas: professional, semi-professional, and managerial classifications.

Ms. Smart made a motion to approve the proposed Exemption Procedures Manual as presented in the agenda materials, along with the changes discussed at this meeting, and to add additional unknown wording changes to address the conversion for employees on soft funded positions. Mr. Buckner seconded Ms. Smart's motion.

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

Ms. Smart	Aye
Mr. Thomas	Absent
Mr. Barr	Aye
Mr. Buckner	Aye
Mr. Caulkins.....	No
Chair Cole	Aye
Mr. Donahue	Absent
Mr. Garcia	Aye
Ms. Herrero	Absent
Dr. King	Absent
Mr. Montgomery	Aye

Mr. Caulkins stated that he could not vote for this document without knowing the proper wording regards to soft funded positions. At this time, Mr. Montgomery asked to be excused and was so granted by Chair Cole.

Report of the Executive Director – Jeff Brownfield

Mr. Brownfield stated that the University System was in the process of drafting a rule for the Sponsored Program Demonstration Project in regards to the University of Illinois at Chicago hiring qualified candidates without the process of allowing them bumping rights. He also stated that he would be meeting with the University of Illinois at Chicago to further discuss the project. Mr. Caulkins asked how the project was working and Mr. Brownfield stated that the University System was currently reviewing the project but the University of Illinois at Chicago felt it was going good. He also stated that the University System was looking into drafting a possible rule for this program.

Mr. Brownfield discussed the budget issues and also the prompt payment interest the University System if currently looking at having to pay out of FY 2018 funds.

Mr. Brownfield stated that looking at the projected appropriation increase voted on by the Merit Board for FY 19 was considered reasonable by our local State Representative and State Senator; however they had concerns that this amount would be approved based on the percentage of the increase.

Governance, Risk, and Compliance Audit Program Activities

Mr. Brownfield stated that due to time constraints, the Merit Board would go directly to the Bylaws agenda item for discussion and approval.

Discussion and action on proposed changes to the Bylaws of the University Civil Service Merit Board

Mr. Brownfield stated that Legal Counsel had suggested several revisions to the Bylaws of the University Civil Service Merit Board. Ms. Smart stated that she had several questions and corrections in regards to the proposed changes before any action should be taken. The first being a change on page 7:

- page 6, Article VI, Section I, #4 – first sentence should be “and” instead of “or”, which the Merit Board agreed upon.

Ms. Smart pointed out that on page 7, Article VI, Section I, # 7, she did not feel that she needed to tell us, the University System, why she was not attending a meeting. Mr. DeThorne explained that this is part of the Open Meetings Act requirement, not something the University System was proposing.

Ms. Smart stated that she had additional corrections:

- page 10, Article VI, Section VI, #3 – these two items should not be mixed; Mr. DeThorne explained the purpose and Chair Cole and Ms. Smart did not agree with his explanation and stated that the last sentence shall be removed; and
- page 10, Article VI, Section VI, #4 – wanted to be able to ask speakers on people what the topic of discussion would be and Mr. DeThorne stated that by adding the wording to allow this that the University System could be a party to a lawsuit; it was agreed to leave as is.

Additional discussion was held in regards to page 11, Article VI, Section VI, #5; in terms of the last sentence and Mr. DeThorne stated that he would need to research this statement about not allowing remarks by any person in regards to racial, religious, economic, or political views.

Mr. DeThorne brought to the attention of the Merit Board, page 17, Article VIII, Section II, the duties of the Executive Committee and Chair Cole felt they were fine.

Ms. Smart made a motion to approve the Bylaws with the changes discussed. Mr. Caulkins seconded Ms. Smart’s motion.

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

Ms. Smart	Aye
Mr. Thomas	Absent
Mr. Barr	Aye
Mr. Buckner	Aye
Mr. Caulkins.....	Aye
Mr. Cole	Aye
Mr. Donahue	Absent
Mr. Garcia	Aye
Ms. Herrero	Absent
Dr. King	Absent
Mr. Montgomery	Absent

Report of the Legal Counsel – David DeThorne

Mr. DeThorne reported that there currently two pending Administrative Review Case. The University System should be receiving a decision in the next couple of months in regards to the Willis Administrative Review Case in regards to a discharge case. This is where Ms. Willis did not properly serve the correct persons.

Mr. DeThorne also stated that in regards to the Colwell Administrative Review case, the Attorney General is representing the Merit Board, but at this time the case had not been assigned to a

judge and had not been assigned a docket date. He also stated that both of these cases the University System is being represented by the Attorney General's Office.

Other Items as Presented

Discussion was made in regards to the next meeting and it was agreed that the next meeting would be held on Tuesday, May 22, 2018.

Mr. Brownfield also stated that Merit Board needed to discuss one other item; the letter to the OEIG which needed to be discussed. Ms. Smart made a motion to approve that Mr. DeThorne contact the OEIG and provide an update on the status of the OEIG issue. Mr. Barr seconded Ms. Smart's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Mr. Barr stated that he liked the last Annual Report of the University System and that he found it very helpful.

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

The meeting adjourned at 3:24 p.m.

Respectfully submitted,

/s/ Teresa Rademacher

Teresa Rademacher
Secretary for the Merit Board

APPROVED:

/s/ Jill Smart

~~Lynne Cole, Chair~~ Jill Smart, Acting Chair
University Civil Service Merit Board

June 27, 2018

Date