



**MINUTES OF THE TWO-HUNDRED AND TWELFTH
MEETING OF THE UNIVERSITY CIVIL SERVICE MERIT BOARD –
May 14, 2020**

**State Universities Civil Service System (University System) Office
1717 Philo Road, Suite 24
Urbana, Illinois 61802
&
(WebEx)**

Call to Order and Roll Call

Chair Jones called the meeting to order at 1:04 p.m.

Chair Jones read the following statement in accordance with the Executive Order to allow for the meeting to be held via WebEx.

For the record, I will note that we are holding this meeting by means of video-conference, in compliance with Executive Orders 2020-07 and 2020-33 which state:

“During the duration of the Gubernatorial Disaster Proclamation, the provisions of the Open Meetings Act, 5 ILCS 120, requiring or relating to in-person attendance by members of a public body are suspended. Specifically, (1) the requirement in 5 ILCS 120/2.01 that ‘members of a public body must be physically present’ is suspended; and (2) the conditions in 5 ILCS 120/7 limiting when remote participation is permitted is suspended.”

I note for the record that the agenda for this meeting was posted in accordance with the Open Meetings Act. The posted Agenda included directions on how to access the meeting.

Members present via WebEx were: Julie Jones, Chair, representing Illinois State University; Pedro Cevallos-Candau, representing Governors State University; Joseph Dively, representing Eastern Illinois University; Sherry Eagle, representing Northeastern Illinois University; Naomi Jakobsson, representing the University of Illinois; Kisha Lang, representing Western Illinois University; Miriam Mobley Smith, representing Chicago State University; John Simmons, representing Southern Illinois University; and Jill Smart, representing the University of Illinois.

Members absent were: John R. Butler, representing Northern Illinois University; and Stuart King, representing the University of Illinois.

Also present were: Jeff Brownfield, Executive Director; Gail Schiesser, Legal Counsel; Teresa Rademacher, Secretary for the Merit Board. Various other university employees and State Universities Civil Service System (University System) staff were also in attendance.

Ms. Smart made a motion to approve the agenda as revised. Ms. Jakobsson seconded Ms. Smart's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Consideration of the Minutes of the 211th Meeting of the Merit Board, January, 17, 2020

The minutes of the 211th Meeting of the Merit Board, January 17, 2020 had been transmitted to members of the Merit Board with the agenda materials.

Dr. Eagle moved to approve the minutes of the 211th Meeting of the University Civil Service Merit Board (Merit Board). Ms. Smart seconded Dr. Eagle's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Consideration of the Closed Minutes of the 210th Meeting of the Merit Board, December 17, 2019

The minutes of the Closed Session 210th Meeting of the Merit Board, December 17, 2019, had been transmitted to members of the Merit Board with the agenda materials.

Dr. Mobley Smith moved to approve the Minutes of the closed session held as part of the 210th Meeting of the University Civil Service Merit Board. Ms. Smart seconded Dr. Mobley Smith's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Consideration of the Closed Minutes of the 211th Meeting of the Merit Board, January 17, 2020

The minutes of the Closed Session 211th Meeting of the Merit Board, January 17, 2020, had been transmitted to members of the Merit Board with the agenda materials.

Ms. Jakobsson moved to approve the Minutes of the closed session held as part of the 211th Meeting of the University Civil Service Merit Board. Ms. Smart seconded Ms. Jakobsson's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Public Comments

The University System Office received one request to present public comments for this meeting. Mr. Turk provided a statement to Mr. Brownfield and the Merit Board members. Mr. Turk stated that he had a problem with rambling and asked Mr. Brownfield to read the statement. Mr. Brownfield read Mr. Turk's statement. Mr. Turk also submitted an attachment that was too long for Mr. Brownfield to read in the time allotted for public comments.

Ms. Smart asked if the board needed to take the time to read the statement before continuing. Mr. Simmons stated that public comments was for an opportunity for the person to speak but not an obligation of the board to take the time to review the document.

Ms. Smart stated for the record that the board did not review the attachment during the public comments time due to the late submission and length of the statement.

Consideration of Discharge Proceedings Number UIUC-19-9 filed against Nathan J. Turk by the University of Illinois at Urbana-Champaign

Ms. Schiesser, Legal Counsel, was asked to provide a brief summary of the Turk discharge case. Ms. Schiesser stated that the University of Illinois at Urbana-Champaign (UIUC) filed Written Charges for Discharge against Nathan J. Turk on September 20, 2019. Mr. Turk, Driver, since February 17, 2014, made a timely request for a discharge hearing. UIUC charged Mr. Turk with the following:

1. failure to exercise responsibility of University property and resources,
2. failure to follow regulations and university policies related to Mr. Turk's duties and responsibilities,
3. failure to observe precautions for personal safety,
4. lack of attention to work details,
5. engaging in improper operation of a motor vehicle while on property owned or controlled by the State and while driving a State vehicle, and
6. failure to utilize safety protocols/procedures or maintain awareness of surroundings.

The Hearing Officer, Lorna Geiler, found that the employer, UIUC, had met its burden of proof on the charges against Mr. Turk for charges 1, 3, 4, 5, and 6 and that UIUC did not meet its burden of proof on charge 2.

Chair Jones asked for a motion in regards to the Employer-Respondent's Motion to Appear. Ms. Smart made a motion to accept the Motion to Appear. Dr. Mobley Smith seconded Ms. Smart's

motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried. Two members opposed.

Chair Jones also asked for a motion in regards to the Employee-Petitioner's Motion to Appear. Dr. Eagle made a motion to accept the Motion to Appear. Ms. Smart seconded Dr. Eagle's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried. Two members opposed.

Chair Jones stated that the Merit Board's function is not to rehear the case and retry the facts and that the specific role of the board is to review the decision by, (a) is there a preponderance of evidence, did the university present evidence more credible and convincing than evidence presented by the employee, or (b) did they show facts that the university needed to prove are more probable than not.

Ms. Schneider, Assistant Legal Counsel for UIUC, stated that the university was seeking to discharge Mr. Turk from his position as a Driver based on his varied and lengthy history of accidents. Mr. Turk admitted in his testimony at the hearing to nearly all of the incidents described in his disciplinary record such that the conduct underlining the Written Charges for Discharge is largely uncontroverted. The hearing officer found that the university sustained its burden of proof in 5 of the 6 charges. Mr. Schneider requested that the board provide a ruling of discharge in regards to this case.

Mr. Turk stated that Ms. Schneider was correct and that he did not dispute the charges, but the university failed to mention that management agreed to allow him ADA accommodations. Management purposely wrote him up for requesting ADA accommodations and therefore used these charges to dismiss him. These incidents occurred after he asked for accommodations and had told his supervisors he was having issues and they pushed him to do these jobs. Mr. Turk stated he did not refuse to do a job, but took ADA leave for the safety of everyone involved. In his closing statement, the university did an immaculate job of being creative and persuasive at making him a terrible and horrible person. The only way to get rid of an employee with ADA accommodations is to prove them as a safety concern. Mr. Turk stated he loved working for the university and that he would like to continue to work at the university. Mr. Turk would also like the yearly ethics training classes be upheld.

Mr. Simmons made a motion to discharge Mr. Turk. Mr. Dively seconded Mr. Simmon's motion.

Ms. Smart stated that she would like to make two points before the vote. First, what Mr. Turk can or cannot do in court after this decision should not affect the board's vote and second, regardless of the decision of the Board, the accusations of ADA accommodations violations should be investigated.

Ms. Schiesser stated that Mr. Turk had the opportunity to bring any issues and witnesses to the hearing and address his ADA accommodations and he chose not to present any evidence regarding the ADA accommodations at the hearing.

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

Mr. SimmonsAye
Ms. SmartAye
Mr. ButlerAbsent
Dr. Cevallos-CandauAye
Mr. DivelyAye
Dr. EagleAye
Ms. JakobssonAye
Chair JonesAye
Dr. KingAbsent
Ms. LangAye
Dr. Mobley SmithAye

Consideration of Discharge Proceedings Number CSU-19-1 filed against Drena Sneed by Chicago State University

Ms. Schiesser, Legal Counsel, was asked to provide a brief summary of the Sneed discharge case. Ms. Schiesser stated that Chicago State University (CSU) filed Written Charges for Discharge against Drena Sneed on October 25, 2019. Ms. Sneed, Cashier II, an employee since July 21, 2008, made a timely request for a discharge hearing. In general the charges filed against Ms. Sneed by CSU fall into two categories. One, Ms. Sneed inappropriately posted her own transactions to her own account rather than having another cashier enter those transactions into the CSU Banner System. Second, Ms. Sneed inappropriately and repeatedly used a specific transaction code, the use of this R999 code allowed Ms. Sneed to create a debt owed by Ms. Sneed to CSU for purchases of postage stamps, bus passes, and charges for the use of campus telephones. The use of the R999 code also allowed for receipts to be printed. CSU charged Ms. Sneed with the following:

1. unauthorized posting personal transactions and accepting her own cash/charge payments;
2. misrepresentation of the facts (i.e., fraudulently using unauthorized account codes);
3. incurring debts to CSU and using incorrect codes to avoid and/or delay making payments;
4. using incorrect codes and printing receipts for items that were not paid for; and
5. numerous violations of the Annual Ethics Training and Anti-Fraud Policy.

The Hearing Officer, Michael Dudek, found that the employer, CSU, had met its burden of proof against Ms. Sneed in charges 1, 2, and 4. In regards to charge 3 the university met its burden of proof only as to the element of the charge related to delay of payment. Regarding charges 5 the university met the burden of proof only to the element of the charge related to the Anti-Fraud Policy.

Dr. Mobley Smith made a motion to discharge Ms. Sneed. Mr. Simmons seconded Dr. Mobley Smith's motion.

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

Dr. Mobley SmithAye
Mr. SimmonsAye
Ms. SmartAye
Mr. ButlerAbsent
Dr. Cevallos-CandauAye
Mr. DivelyAye
Dr. EagleAye
Ms. JakobssonAye
Chair JonesAye
Dr. KingAbsent
Ms. LangAye

Consideration of Discharge Proceedings Number UIUC-19-10 filed against Jeffrey Richards by the University of Illinois at Urbana-Champaign

The case was withdrawn prior to the board meeting due to Mr. Richards's resignation on May 13, 2020.

Update and authorization for the Executive Director to implement and administer the Merit Board Budget for FY 2021

Mr. Brownfield stated that the University System will need approval to implement the pending budget when it is approved.

Ms. Jakobsson made a motion to authorize Mr. Brownfield to administer the FY 2021 budget. Dr. Eagle seconded Ms. Jakobsson's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Annual Ethics Training for Merit Board Members and Staff

Mr. Brownfield stated that the board members are allowed to take the Annual Ethics Training through their universities and that they do not need to take it a second time for the University System.

Update on Emergency Rulemaking to Section 250.90 of the Code (80 Ill. Adm. Code 250.90) regarding the extension of probationary periods

Mr. Brownfield stated that several universities had contacted the University System in regards to the new shelter in place orders and universities were concerned with the numerous employees who were in their probationary periods. Mr. Brownfield stated that an employee could be dismissed during their probationary period without the opportunity for a discharge hearing. Also, the universities did not have the ability to provide in-depth training for employees while many of the employees were working from home. He further stated that this emergency rule allowed for the probationary period to be put on hold and allowed employees to continue to work from home and the university to have more time to train employees once the shelter in place order is lifted. The emergency rule was adopted on April 10, 2020 and will remain in effect for 150 days.

Mr. Brownfield confirmed that Human Resource Directors Advisory Committee, the Employee Advisory Committee, and to an extent the union representatives were in agreement on this emergency rulemaking.

Update on Proposed Rulemaking to Section 250.110 of the Code (80 Ill. Adm. Code 250.110) regarding the discharge language

Mr. Brownfield gave an update on the proposed rulemaking regarding the many rules discharge/demotion proceedings. Mr. Brownfield stated that there had been many meetings with the Human Resource Directors Advisory Committee and the Employee Advisory Committee groups. The proposed rulemaking will be published in the Illinois Register on May 15, 2020 to begin the First Notice Period.

Report of the Executive Director – Jeff Brownfield

Mr. Brownfield stated the University System had received several calls regarding layoffs from various universities. He also stated that budget had gone through the IBHE process and General Assembly and the Governor’s Budget Proposal had reduced the amount which was had been recommended by IBHE.

Mr. Brownfield discussed the classifications and examinations that are in progress and the University System continues to review the many classifications within the Classification Plan.

He also stated that Eastern Illinois University and Chicago State University audits reports had been released by the University System and that the University of Illinois at Urbana-Champaign

audit was pending at this time. The audit program is currently suspended for a short time due to the pandemic.

The Human Resource Directors Advisory Committee and the Employee Advisory Committee groups had sent Mr. Brownfield reports which he read:

HRDAC's statement for May 14, 2020 Merit Board meeting

Good afternoon Chairwoman Jones, Merit Board members, Executive Director Brownfield and State Universities Civil Service System staff. Thank you for your flexibility in holding this meeting remotely to continue the important work of the Merit Board, including rendering timely decisions in civil service discharge cases. HRDAC members have also exercised great flexibility in the past few months as we assist our universities in adapting to challenges presented by the COVID-19 situation.

As you know, our universities made the unprecedented shift to online and remote learning for hundreds of thousands of students across the state. To adapt to the stay-at-home order, our universities converted most of our workforces to working remotely. For those essential employees who are required to remain on-site, our universities took measures to provide them with appropriate resources and working arrangements to maximize safety. All of this happened in a matter of weeks, if not days, and HRDAC members assisted our universities every step of the way.

HRDAC members wrote policies, adopted procedures and gave advice on questions related to travel, remote working, social distancing and quarantine. We implemented the Families First Coronavirus Response Act, federal legislation that grants additional emergency leave options and expands the Family Medical Leave Act for COVID-19 related absences. Some universities took the critical step of requesting an emergency suspension of the civil service rules to grant them the temporary flexibility needed in hiring and staffing matters. Some HRDAC members provided and continue to provide crucial support in hiring and staffing for our university public hospitals and medical centers as they engage in the front-line battle against the coronavirus. We continued to meet our bargaining obligations with our numerous labor unions as we modified working conditions to meet the health and safety needs of our students, employees and campus communities. We provided hiring support and assistance to the Illinois Department of Public Health as they ramped up testing efforts at state laboratories and public hospitals across the state. In all but the most unusual circumstances, our universities have suspended on-site civil service testing, but we continue to make every effort to hire from existing registers and to move forward with credential assessments to support essential hiring needs.

HRDAC would like to thank Executive Director Brownfield and SUCSS staff for the support they have shown to the public universities during this difficult time. Flexibility with Extra Help extensions are crucial as universities must increasingly rely on Extra Help to address emergency staffing needs. We also appreciate the cooperative response to concerns we raised about the

need to extend civil service probationary periods during the stay-at-home order. SUCSS staff quickly adopted an emergency rule that met our need in this matter. Finally, we greatly appreciated the opportunity to meet with Chairwoman Jones and Member Mobley Smith in early March to discuss ongoing concerns about the discharge process and procedures.

Looking forward, we know that our universities must continue to evolve and adapt to this new normal. Important decisions are being made as to how our universities will function in the fall. HRDAC members stand ready to assist our university administrators and employees as we navigate through these trying times. We look forward to your continued support and flexibility as we meet these new challenges. Thank you for your time.

Melissa Mlynski
Senior Director of Human Resources
University of Illinois at Springfield

EAC's statement for May 14, 2020 Merit Board meeting

On behalf of the State Universities Civil Service Advisory Committee, I thank you for your time and commitment to our universities. These are indeed difficult times and the additional demands that are being made on all of us are certainly outside of anything most of us imagined. The nineteen members of the SUCSAC is made up of essential workers who are reporting to their respective universities on a daily basis, critical staff who are working-from-home, and front-line workers who see the effects of this virus up-front and too personal. Now, more than ever, civil service employees are at the core of keeping our universities running efficiently, safely, and effectively.

With that in mind we would like to draw your attention to the importance of the probation rule which Jeff will speak to in greater depth. SUCSAC is in full support of this rule change and appreciate your continued support of our universities exceptional workforce.

We would like to thank Chair Jones and Dr. Mobley Smith for the informal Q&A session on March 5th where we discussed the discharge process. This was truly beneficial for all those able to participate and we look forward to the opportunity to meet again soon.

On April 23rd we held our 2nd Quarterly SUCSAC meeting. SUCSAC is mandated to meet quarterly but due to the public health crisis, like you, alternative arrangements had to be made. Working within Executive Order 2020-07, we met via Zoom. Without a physical quorum we were unable to conduct business but were able to update the System Office on issues at our respective universities. We also received a report from Director Brownfield on the activities of the System Office.

Our next meeting is on July 16th & 17th at Southern Illinois University–Edwardsville with meeting details still in the planning stage. There are specific topics that are of concern to the constituents we represent from our respective universities and we are eager to continue our work. As we

collaborate with Director Brownfield and his staff on these, our hope is that you will be able to join us as well for any portion of the meeting. Your input is always welcome and valued.

Thank you and respectfully submitted

Jill C. Odom, Chair
State Universities Civil Service System Advisory Committee

Report of the Legal Counsel – Gail Schiesser

Ms. Schiesser stated that there are three matters in various courts around the state.

An Administrative Review Case in Champaign County, Coldwell vs. Merit Board

This case has been in place since 2017. Ms. Colwell was given an extension to find new legal counsel in February 2019 and has not yet done so. This has been continued generally by the court.

In Matteson County, the State of Illinois vs. Chad Bateman

This case is the result of an alleged cheating incident on our Electrician examination. The Madison County State's Attorney informed the University System that Mr. Bateman had planned to plead guilty. The matter currently does not have a current date for status.

Kathleen Stipe vs. the Merit Board this is a result of a discharge in October, 2019

This case is a result of a discharge in October, 2019. The Attorney General is representing the Merit Board. Ms. Stipe has asked for arguments on the merits. The court has set the matter for a briefing schedule, next up for case management on June 12, 2020.

Other Items as Presented

Ms., Smart made a motion to adjourn the meeting. Ms. Jakobsson 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 2:28 p.m.

The meeting adjourned at 1:40 p.m.

Respectfully submitted,

/s/ Teresa Rademacher

Teresa Rademacher
Secretary for the Merit Board

APPROVED:

/s/ Julie Jones

Julie Jones, Chair
University Civil Service Merit Board

August 13, 2020

Date