



**MINUTES OF THE TWO-HUNDRED AND FOURTEENTH
MEETING OF THE UNIVERSITY CIVIL SERVICE MERIT BOARD –
December 10, 2020**

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

Call to Order and Roll Call – Julie Jones, Chair

Chair Jones called the meeting to order at 1:03 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 (Chair Jones) will note that we are holding this meeting by means of video-conference, in compliance with Executive Orders 2020-07, 2020-33, 2020-44, 2020-48, and 2020-71 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: Chair Julie Jones, 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; Stuart King, representing the University of Illinois; Kisha Lang, representing Western Illinois University; John Simmons, representing Southern Illinois

University; Jill Smart, representing the University of Illinois; and Andrea Zopp, representing Chicago State University.

Member absent was: John R. Butler, representing Northern Illinois University.

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.

Approval of the Agenda for the 214th Meeting of the Merit Board – Julie Jones, Chair

Chair Jones asked for a motion to approve the agenda for the 214th Meeting of the University Civil Service Merit Board (Merit Board).

Ms. Smart moved to approve the agenda for the 214th Meeting of the Merit Board. Mr. Simmons seconded Ms. Smart's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Public Comments

The University System received two requests to present public comments. Ms. Scott, President at Chicago State University, had requested to speak; however, the president was unable to attend so will not be speaking. Also, Matt Jones, Legal Counsel for the University of Illinois at Chicago, requested to speak in regards to the Bradford discharge matter. Chair Jones suggested that the Merit Board allow Mr. Jones to speak during the appropriate agenda item in regards to the Bradford discharge matter.

Consideration of the Minutes of the 213th Meeting of the Merit Board, August 13, 2020

The minutes of the 213th Meeting of the Merit Board, August 13, 2020 had been transmitted to members of the Merit Board with the agenda materials.

Ms. Smart moved to approve the minutes of the 213th Meeting of the University Civil Service Merit Board with two corrections. Dr. Eagle seconded Ms. Smart's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Consideration of Discharge Proceedings Number UIC-20-13 filed against Vincent Bradford by the University of Illinois at Chicago

Ms. Schiesser, Legal Counsel, provided a brief summary of the Bradford discharge case. Ms. Schiesser stated that the University of Illinois Chicago (UIC) had filed Written Charges for Discharge against Vincent Bradford on July 28, 2020. Mr. Bradford, Human Resource Associate, initially appointed August 19, 2012, made a timely request for a discharge hearing. UIC charged Mr. Bradford with the following:

1. failure to meet College of Education expectations regarding communication concerns;
2. failure to comply with departmental order to return to work;
3. unauthorized absences;
4. unapproved absences in excess of 30 days; and
5. failure to communicate with the College of Education for more than 30 days while not on approved leave.

Ms. Schiesser further stated there was no prior disciplinary record for Mr. Bradford. The hearing record shows that in January, 2020, Loretta Casey, Associate Dean for Administration at UIC College of Education, and Alfred Tatum, Dean of Education, determined that the college would hire a Human Resource Associate position. In January, 2020, Mr. Bradford was interviewed for the open position at the College of Education. In February, 2020, Mr. Bradford was offered the Human Resource Associate position. On March 20, 2020 Mr. Bradford emailed Loretta Casey, who was to be his supervisor and indicated that quote “due to matters of personal nature” Mr. Bradford would not be at work on Monday, Tuesday or Wednesday, March 23, 24 and 25. In another email sent later on March 20, 2020, Mr. Bradford requested administrative leave through April 2020. UIC policy stated that administrative leave requested by Mr. Bradford quote “allows administrators the opportunity of paid leave of absence. To stay abreast of developments in their professions which will in turn, enhance the university environment.” On April 2 in response to Mr. Bradford’s request for administrative leave, the dean emailed Mr. Bradford indicating that he was reluctant to grant the request for leave without further discussion. In the same email, the dean instructed Mr. Bradford to let him know if Mr. Bradford would not be able to report to work by the next day, April 3, 2020. Mr. Bradford never responded to that email. Mr. Bradford’s request for leave was not granted by the College of Education. On April 8, Dean Tatum emailed a letter to Mr. Bradford informing him that his absences beginning on March 23 were considered to be unexcused, unauthorized and unpaid. In the same April 8th letter, Dean Tatum ordered Mr. Bradford to report to work by April 13. Mr. Bradford never started his new position at the College of Education and did not report to work at the college. Mr. Bradford did not respond to the dean’s April 8 email and letter. The College of Education received no communication from Mr. Bradford for the next 60 days.

During the hearing, Mr. Bradford testified that he was incarcerated between March 2, 2020 and April 17, 2020. He also stated that he should, he believes, have been offered the opportunity to work remotely.

The Hearing Officer, Michael Dudek, found that the employer, UIC, had met its burden of proof on the charges against Mr. Bradford in regards to charges 1, 2, and 3 and that UIC did not meet its burden of proof in regards to charges 4 and 5.

Chair Jones asked Mr. Jones to present his public comments.

Speaking from the public comment agenda item, Mr. Jones emphasized that the relationship between Mr. Bradford and the university was well beyond repair. Mr. Bradford was supposed to start a job as a Human Resource Associate with the College of Education on March 23, 2020. The Friday before the start date, Mr. Bradford emailed the associate dean of the college asking for two weeks of administrative leave that did not apply to him. Mr. Bradford then failed to communicate with anyone for 59 days thereafter. In respect to the administrative leave, the dean of the college responded to Mr. Bradford's email and told him he was reluctant to grant the request until further discussion. After not hearing from Mr. Bradford for 59 days, the dean sent an email asking Mr. Bradford to provide an update on his availability to begin employment with the college. Mr. Bradford never responded to that email. The dean continued to email and make other attempts to reach Mr. Bradford over the following month, receiving no response after waiting 34 days after Mr. Bradford's last communication. The college filed the initial set of Written Charges for Discharge against Mr. Bradford. Still not hearing from Mr. Bradford, the college proceeded to hire another individual for the Human Resource Associate position. Mr. Bradford finally responded to the email sent by the dean 34 days earlier and made no attempt to apologize for the lack of communication and made several legalistic arguments contesting his discharge. None of these arguments addressed Mr. Bradford's complete failure to communicate in any capacity for 59 days. Mr. Bradford focused on procedural issues and civil service rules, which require discharge paperwork to be delivered to the employee's most recent physical address on file with the employer. Mr. Bradford manually changed his physical address in the university's electronic record system shortly before the situation came about. The university used the physical address on file in Human Resources at the time for the filing of Written Charges for Discharge. It is undisputed that Mr. Bradford received the notice of intent to discharge and various other documents through email. However, email is not a recognized form of service for the civil service rules while the initial set of Written Charges for Discharge was physically delivered. The university withdrew the initial set of Written Charges for Discharge and started the process over issuing a new set of Written Charges for Discharge to Mr. Bradford's updated address. When the hearing occurred, Mr. Bradford refused to testify or call any witnesses. It is undisputed that Mr. Bradford was released from being incarcerated well before any pre-disciplinary meetings and the Written Chargers for Discharge was filed. During the hearing Mr. Bradford admitted to waiting at least a month after being release to contact UIC. Mr. Bradford was able to use three weeks of paid vacation leave while being incarcerated. Keeping Mr. Bradford on paid leave indefinitely without any communication from him would be irresponsible of UIC and in violation of their own policies. At this time, Mr. Jones's five-minutes were up.

Mr. Cevallos-Candau asked for confirmation that Mr. Jones was Legal Counsel for the university.

Dr. King asked Mr. Jones to continue past the five-minute limit to finish his statement.

Mr. Jones continued his comments, stating that under these circumstances UIC College of Education does not deserve to have to be forced to reinstate Mr. Bradford, issue him back pay and now pay salaries for two Human Resource Associate positions. The decision to discharge should not be second guessed by this board. With a month of reoccurring unapproved absences and no communication Mr. Jones stated that this qualifies as justification for discharge. If you say it does not then you are sending troubling messages to the universities.

Dr. King moved to discharge Mr. Bradford. Mr. Dively seconded Dr. King's motion.

Ms. Smart stated that per the timeline Mr. Bradford was incarcerated March 2 – April 17. On March 20 he asked for administrative leave. Therefore, if he could communicate on the 20th then he would have been able to communicate during the other time period in question. Secondly, Mr. Bradford is a HR professional, he certainly knows an employer needs to be communicated with.

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

Dr. King	Aye
Ms. Lang	Aye
Mr. Simmons	Aye
Ms. Smart	Aye
Ms. Zopp.....	Aye
Mr. Butler	Absent
Dr. Cevallos-Candau	Aye
Mr. Dively	Aye
Dr. Eagle	Aye
Ms. Jakobsson	Aye
Chair Jones	Aye

The following decision and order was therefore adopted.

STATE OF ILLINOIS



STATE UNIVERSITIES CIVIL SERVICE SYSTEM

VINCENT BRADFORD,)	BEFORE THE UNIVERSITY CIVIL
)	SERVICE MERIT BOARD
Employee,)	
)	DISCHARGE PROCEEDING
v.)	
)	No. UIC-20-13
UNIVERSITY OF ILLINOIS at Chicago,)	
)	
Employer.)	

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

PROCEDURAL HISTORY

Discharge proceedings have been commenced by the **UNIVERSITY OF ILLINOIS at Chicago**, employer, against **VINCENT BRADFORD**, employee, by service of Written Charges for Discharge by overnight mail by United States Postal Service on July 28, 2020, and the Employee-Petitioner, **VINCENT BRADFORD**, has filed a timely written request for Hearing. A Hearing has been duly convened, held on and concluded on September 3, 2020 in conformity with the procedures set forth in Section 250.110(f) of the Illinois Administrative Code (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 July 28, 2020
2. Suspension Notice Pending Discharge, dated July 28, 2020
3. Motion to Dismiss Re-filed Written Charges for Discharge, filed by Employee on August 4, 2020
4. Director's Response Denying Employee's Motion to Dismiss Re-filed Written Charges for Discharge, dated August 10, 2020
5. Employee's Request for Hearing, filed on August 11, 2020
6. Acknowledgement of Hearing Request to Employee, dated August 27, 2020
7. Notice of Convening of Hearing to Hearing Officer, dated August 27, 2020
8. Notice of Convening of Hearing to the parties of record, dated August 27, 2020
9. Employer's Proposed Exhibits and Witness List, filed on August 31, 2020
10. Employee Proposed Exhibits, filed on August 31, 2020
11. Transcript of Hearing and Exhibits, September 3, 2020
12. Employee's Closing Argument, filed on September 10, 2020
13. Employer's Post-Hearing Brief & Notice of Filing, filed on September 13, 2020
14. Findings of Fact rendered by Hearing Officer, dated October 7, 2020
15. Order Denying Employee's Request for Corrections and to Supplement the Record and Denying Employee's Request to Supplement Further the Hearing record by Other Evidence, dated November 10, 2020

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 Code 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 one or more of the following charges of the employer, **UNIVERSITY OF ILLINOIS at Chicago**, against the employee, **VINCENT BRADFORD**, and establishes just cause for discharge, as follows:
 - a. failure to meet College of Education expectations regarding communication concerning ability or inability to work;
 - b. failure to comply with departmental Order to Report to Work;
 - c. unauthorized absence(s);
 - d. unapproved absences in excess of 30 days; and
 - e. failure to communicate with the College of Education for more than 30 days while not on an approved leave of absence.

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 Chicago**, to the extent not inconsistent with the findings made herein.
2. The employee, **VINCENT BRADFORD** is hereby separated from the service of his employer, **UNIVERSITY OF ILLINOIS at Chicago**, and that the effective date of his discharge shall be as of December 10, 2020.
3. This Order is FINAL and is subject to the Administrative Review Law. Section 250 of Title 80 of the Illinois Administrative Code does not authorize the Merit Board to hear any motion or request for reconsideration.
4. The names and addresses of the Hearing Officer and each of the parties is as follows:

Hearing Officer

Mr. Michael Dudek
Attorney at Law
5355 S. Neva Avenue
Chicago, IL 60604



mjdd2@gmail.com

Parties of Record

Mr. Matthew G. Jones
Assistant University Counsel
University of Illinois System
Office of the University Counsel
405 Administrative Office Building
1737 W. Polk St.
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Mr. Vincent Bradford
9110 S. Aberdeen Street
Chicago, IL 60620
vincentbradford@rocketmail.com

DATED AND ENTERED this 10th day of December, 2020.

UNIVERSITY CIVIL SERVICE MERIT BOARD

By: */s/ Julie Jones*
Julie Jones, Chair
University Civil Service Merit Board

ATTEST:

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

Report of the Human Resource Directors Advisory Committee – Representative from Committee

Amelia Hartnett, Director of Human Resources, Western Illinois University, presented comments. Ms. Hartnett stated that HRDAC has continued to work on ongoing projects as a team and with the University System staff. Many institutions declared the pandemic an emergency and requested a suspension of rules due to the pandemic. The University System provided prompt explanations and instructions and were extremely easy to work with to process the declarations. They have provided continual guidance to give the affected institutions the ability to make quick

hires during the emergency without following the normal appointment provisions and to reassign current employees where the need was the greatest. The University System also worked to have the Emergency Rule approved by JCAR, enabling probationary periods to be extended beyond their normal length during the stay at home orders and alternate work assignments. The University System has continued the audit schedule by converting to a remote format that was an easy process. She further stated that HRDAC anticipates a continual increase in remote work arrangements in the future. This will put pressure on out-of-state recruitment and preference to Illinois residents in the statute. Working within the 900 hours for extra help positions has been a challenge during the pandemic and will continue to be a point of concern in uncertain budget circumstances due to the reluctance to hire permanent positions.

Report of the State Universities Employee Advisory Committee – Jill Odom, Chair

Jill Odom stated the committee had conducted their July and October 2020 meetings via zoom. The January meeting is also scheduled via zoom. Students, staff, administrators and faculty have all adapted to these challenging times and to do their best. The committee continues to work with the University System on many topics.

Update on adopted rulemaking to Section 250.110 of the Code (80 Ill. Adm. Code §250.110)

Mr. Brownfield provided an overview of the relationship between statutes, rules and procedures. Ms. Schiesser stated that the discharge rule was finalized and the University System has advised universities that new discharge cases need to be processed using the adopted rules.

Governance, Risk, and Compliance Audit Program review of recent activities – Lucinda Neitzel

Ms. Neitzel stated that the audit program had resumed after being temporarily suspended for the COVID-19 pandemic. The audit schedule was reformatted for FY21 and FY22, with the schedule being reformatted into more of a cluster fashion. She also stated that the new schedule is posted on the University System's public website. Chicago State University and Eastern Illinois University reports have been issued and a draft report is pending for the University of Illinois at Urbana-Champaign. Five remote visits had been conducted since July 2020. The University System is also working on providing training and development to human resource staff.

Ms. Schiesser stated that most audits have audit findings and nothing is unusual about that. However, Chicago State University's audit was troublesome with 15 material findings. As a result, the University System decided to withdraw the authority of delegation from Chicago State University in three areas: employment and layoff, creating or filling extra help appointments and creating or filling Principal Administrative Appointments. The University System and campus

have come to an agreement with how a remediation process will work so that the university can demonstrate competency in these areas. The Executive Director can then delegate authority back to the campus. The campus had dedicated resources to correct the deficiencies in the report.

Dr. Eagle inquired how the gap between the last audit and the next audit will be addressed. Ms. Schiesser said the next audit will pick up where the last audit ended. The University System will note in the audit the rehabilitation activities being taking place.

Dr. Eagle asked what happens if the university does not meet these expectations. Mr. Brownfield stated the University System, in this case, would go back to the university president more forcefully and if needed would bring the issue to the Merit Board. There are state statutes and penalties for not following the statute that would be the ultimate result if changes are not being made. In addition, the OEIG and Auditor General also investigate these types of activities when needed.

Ms. Schiesser added that these are available options, but not necessary at this time.

Report of the Executive Director – Jeff Brownfield

Mr. Brownfield stated the University System requested an increase in the budget for FY22. The office also was asked and did submit a budget reduction report to the Governor's Office and IBHE.

Mr. Brownfield stated that the University System had their audit performed by the Auditor General and there were no material findings during Teresa's tenure with the office. The office received a few immaterial findings and will make the updates as requested.

Mr. Brownfield commented that the classification list included in the agenda materials is the classifications that the University System is working on.

Mr. Brownfield stated that the Principal Administrative Appointment numbers show an increase in numbers over the last two years or so that reflects misreporting or misclassification of employees in previous reporting years. Ms. Smart inquired to how many PAA positions reported are from conversions vs. PAA positions left and not refilled. These numbers could be achieved by changing job titles and without applying any of the change that have been made. Mr. Brownfield stated there is not a way to make this determination without having the universities invest numerous amounts of hours in reporting. However; there is a significant amount of work being done by the campuses to convert positions.

Mr. Brownfield asked the Merit Board if they would like to have meetings with a simple start time or try to estimate how long a meeting will go and block off an amount of time for future Merit Board meetings. Ms. Smart prefers to have a blocked time off for a meeting.

Chair Jones agreed and would like to have a meeting time blocked off. Most meetings scheduled are for two or three hours and if the meeting is done early that is great. Three hours would be a good starting point. Ms. Jakobsson agreed that three hours would be a good time to set aside for meetings, with the understanding that most meetings will not take the entire three hours. Dr. Eagle agreed that three hours would be a good timeframe and if the University System could avoid scheduling Merit Board meetings on the same days as Board of Trustees meetings would be much appreciated.

Report of the Legal Counsel – Gail Schiesser

Ms. Schiesser presented a brief summary of the discharge cases which were included in the agenda material sent to the Merit Board.

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

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

This case was filed in 2017 and has been continued generally, for a couple of years, in Champaign County and will remain continued until we can hold in person court hearings then we can determine with the Attorney General the next step. Assistant Attorney General will be seeking dismissal for warrant prosecution.

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

This case is in Madison County and is pending and next up in February 2021.

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

This case is a result of a discharge decision in October, 2019. The Attorney General is representing the Merit Board. The employee failed to appear at the hearing and the judge has dismissed the matter and this is now concluded.

Ms. Smart asked if the Merit Board could ask questions when someone is speaking during the public comments agenda item. Chair Jones stated that the Merit Board has the freedom to ask questions of anyone presenting to the Merit Board. Mr. Simmons cautioned the Merit Board that asking questions cuts into the time the speaker gets for public comments, and suggested keeping all public comments to five minutes per person.

Consideration of the 2021 Schedule of Meetings of the Merit Board

Mr. Brownfield stated that the University System is recommending the following dates for Merit Board meetings for 2021

Thursday, February 25, 2021 – 1:00 pm
Thursday, May 13, 2021 – 1:00 pm
Thursday, August 19, 2021 – 1:00 pm
Thursday, November 18, 2021 – 1:00pm

Ms. Smart stated that the UIUC Board of Trustee meeting is on November 18, 2021. Dr. Eagle stated that the NEIU Board of Trustee meeting is also on November 18, 2021.

Ms. Smart moved to approve the February, May, and August meetings dates and to change the November date. Ms. Jakobsson seconded Ms. Smart's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Other Items as presented

Ms. Smart stated that Chair Jones has done a great job running the meetings.

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

The meeting adjourned at 2:43 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

February 25, 2021

Date