



**MINUTES OF THE TWO-HUNDRED AND FIFTEENTH**  
**MEETING OF THE UNIVERSITY CIVIL SERVICE MERIT BOARD –**  
**February 25, 2021**

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**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 1:02 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; John R. Butler, representing Northern Illinois 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; and Andrea Zopp, representing Chicago State University.

Member absent was: Kareem Dale, 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.

### **Approval of the Agenda for the 215<sup>th</sup> Meeting of the Merit Board – Julie Jones, Chair**

Chair Jones asked for a motion to approve the agenda for the 215<sup>th</sup> Meeting of the University Civil Service Merit Board (Merit Board). Dr. Eagle moved to approve the agenda for the 215<sup>th</sup> Meeting of the Merit Board. Ms. Jakobsson seconded Dr. Eagle's motion. In accordance with the Merit Board Bylaws, a roll call vote was taken and the motion was approved with the following vote:

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

### **Merit Board Reorganization**

The Merit Board conducted reorganization activities, electing its officers for the calendar year 2021. Ms. Schiesser stated that Chair Jones had agreed to stand for Chair in 2021. Dr. Eagle made a motion to elect Ms. Jones as Chair. Ms. Jakobsson seconded Dr. Eagle's motion. Ms. Schiesser asked for any further nominations, seeing none, a roll call vote was taken and the motion was approved with the following vote:

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

Mr. Dively.....Aye

Ms. Schiesser stated that Dr. Eagle agreed to stand for Vice-Chair in 2021. Chair Jones made a motion to re-elect Dr. Eagle as Vice-Chair. Ms. Lang seconded Chair Jones' motion. Ms. Schiesser asked for any further nominations, seeing none, a roll call vote was taken and the motion was approved with the following vote:

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

Ms. Schiesser stated that Dr. Cevallos-Candau and Ms. Jakobsson agreed to stand as Executive Committee members for 2021. Ms. Lang made a motion to elect Dr. Cevallos-Candau and Ms. Jakobsson to the Executive Committee. Mr. Dively seconded Ms. Lang's motion. Ms. Schiesser asked for any further nominations, seeing none, a roll call vote was taken and the motion was approved with the following vote:

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

The following officers for the calendar year 2021 were elected:

- *Chair: Julie Jones*
- *Vice-Chair: Sherry Eagle*
- *Executive Committee: Pedro Cevallos-Candau and Naomi Jakobsson*

Chair Jones stated that the Merit Board was also required to appoint a Secretary for the Merit Board. Ms. Jakobsson made a motion to re-appoint Teresa Rademacher as Secretary for the Merit Board. Dr. Eagle seconded Ms. Jakobsson's motion.

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

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

### **Public Comments**

Chair Jones stated two requests had been submitted to present public comments. Matthew G. Jones, Assistant Counsel for the University of Illinois at Chicago, asked to speak in regards to Agenda Item 6, Azalea Parrilla, and Brett Schnepfer, Assistant Counsel for the University of Illinois at Urbana-Champaign, asked to speak in regards to Agenda Item 7, Phyllis Tate.

Chair Jones requested that a motion be made to move public comments to the appropriate agenda items. Ms. Jakobsson made a motion to move the public comments to the agenda item where the matter will be presented. Dr. Eagle seconded Ms. Jakobsson's motion.

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

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

### **Consideration of the Minutes of the 214<sup>th</sup> Meeting of the Merit Board, December 10, 2020**

The minutes of the 214<sup>th</sup> Meeting of the Merit Board, December 10, 2020, had been transmitted to members of the Merit Board with the agenda materials.

Dr. Eagle moved to approve the minutes of the 214<sup>th</sup> Meeting of the University Civil Service Merit Board. Ms. Jakobsson seconded Dr. Eagle's motion.

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

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

### **Consideration of Discharge Proceedings Number UIC-20-17 filed against Azalea Parrilla by the University of Illinois at Chicago**

Ms. Schiesser, Legal Counsel, provided a brief summary of the Parrilla discharge case. Ms. Schiesser stated that the University of Illinois at Chicago (UIC) had filed Written Charges for Discharge against Azalea Parrilla on October 21, 2020. Ms. Parrilla, a Medical Social Consultant, made a timely request for a discharge hearing. UIC charged Mr. Parrilla with the following:

1. theft of time;
2. unethical and deceptive Behavior;
3. failure to follow supervisory directives;
4. failure to perform/neglect of job duties;
5. unexcused and unauthorized absences;
6. failure to badge; and
7. failure to follow the department's telework agreement.

Ms. Schiesser stated that Ms. Parrilla began working as a Medical Social Consultant, a civil service classification for a licensed social worker or licensed clinical social worker at UIC Health in the hospital which is a department of UIC. Ms. Parrilla was assigned to the outpatient pediatric clinic. The hearing record showed that after the Governor's Disaster Declaration, UIC Health, Department of Health Social Work adopted a policy permitting remote work, also called telework. A telework agreement was signed by Ms. Parrilla and her supervisor defining the conditions in

which she would be permitted to work remotely. In order for a Medical Social Consultant to work remotely they would be required to login to UIC Health's computer system using two-factor authentication; UIC Health electronic health records software and other computer-based resources. Ms. Parrilla was compensated for the following 8 days; however, she did not login to UIC Health computer network and did not perform any of her job responsibilities on May 21, 2020, May 22, 2020, June 1, 2020, June 2, 2020, June 3, 2020, June 4, 2020, June 5, 2020, June 8, 2020, or June 12, 2020. Ms. Parrilla did not request or obtain approval to be off on any of those days. UIC Health employees working on-site were required to badge in and out or use their id badge to clock in and out. UIC replaced their timekeeping software in March 2020, when the new timekeeping software went live some employees had difficulty clocking in, most of these issues were largely resolved by late April 2020. Ms. Parrilla who reported having problems badging in and out was advised by her immediate supervisor when her badge was not working and how to badge in and out when she was working remotely. Ms. Parrilla failed to badge in as instructed and required by UIC policy when working on-site on the following days: May 5, 2020, May 7, 2020, May 12, 2020, May 14, 2020, May 19, 2020), May 20, 2020, and May 27, 2020. Ms. Parrilla was on approved FMLA leave in late July 2020, expected to return from leave on September 22, 2020. When the FMLA leave was granted, Ms. Parrilla was informed that she would be required to obtain clearance to return from work from university health services. Ms. Parrilla did not go to university health services to obtain clearance to return to work until September 28, 2020. Ms. Parrilla failed to return to work in a timely manner from an approved FMLA leave, and was on an unexcused and unapproved absence on September 22, 2020, September 23, 2020, September 24, 2020, and September 25, 2020. The hearing officer, Kim Kirn, found the employer had met its burden of proof on all 7 charges against Ms. Parrilla.

Chair Jones asked Mr. Jones to present his public comments. Mr. Jones stated that Ms. Parrilla had a physical office in a different building than her supervisor. If she was not physically present or responding her supervisors would not necessarily know right away and the medical providers would just assume she was busy or on approved leave. All social workers are issued an electronic badge and required to swipe in every day on a kiosk to report their time of arrival. In March of 2020 social workers were permitted to work remotely due to the COVID-19 pandemic. While working remotely social workers were required to badge in by telling their supervisors instead of physically swiping in. After Ms. Parrilla's immediate supervisor retired she began reporting directly to the Director of the Health Social Work Department of UIC Health, who quickly recognized Ms. Parrilla was not regularly badging in on days when she was supposed to be physically present. As indicated in the evidence of record there were historically some issues associated with this employee not badging in and questions regarding where the employee was at various times and what she was actually doing. Given the circumstances, the employee's Director and Associate Chief Nursing Officer investigated, quickly recognizing the university's electronic records showed a pattern of Ms. Parrilla's emailing her supervisor to badge in on days she was scheduled to be working remotely and then never logging into the university's electronic network to check or consult requests or any other work. The employee's director and chief nursing officer were preparing to initiate discharge proceedings against Ms. Parrilla who then took a leave of absence. When she did return from the leave of absence, she did not follow the university's policy with respect to the leave of absence and declined to communicate with the

UIC as to if and when she would be returning to work. When Ms. Parrilla did return to work she was presented with the Written Charges for Discharge and Ms. Parrilla refused to speak at all in response to the allegations and further refused to provide any evidence that she performed any work at all. Ms. Parrilla then retained an attorney and requested a hearing. Ms. Parrilla refused to testify and be subject to cross-examination, she also declined to call any witnesses or provide any evidence to defend herself. Her counsel did cross-examine UIC witnesses. Mr. Jones further stated that any decision to reinstate Ms. Parrilla would involve backpay and it would send a message to supervisors that they should not even bother with trying to discharge bad employees. It would also send a message to employees that they do not need to take their jobs seriously because supervisors lack any meaningful ability to enforce basic work rules and expectations. The UIC Health leadership team urged the Merit Board to affirm the supervisor's actions and move to dismiss Ms. Parrilla.

Mr. Simmons moved to discharge Ms. Parrilla. Ms. Zopp seconded Mr. Simmons' motion.

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

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

The following decision and order was therefore adopted.

## STATE OF ILLINOIS STATE UNIVERSITIES CIVIL SERVICE SYSTEM

<b>AZALEA PARRILLA</b>	)	<b>BEFORE THE UNIVERSITY CIVIL</b>
	)	<b>SERVICE MERIT BOARD</b>
<b>Employee,</b>	)	
	)	<b>DISCHARGE PROCEEDING</b>
<b>v.</b>	)	
	)	<b>No. UIC-20-17</b>
<b>UNIVERSITY OF ILLINOIS AT CHICAGO,</b>	)	
	)	
<b>Employer.</b>	)	

## **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 **AZALEA PARRILLA**, employee, by service of Written Charges for Discharge by FedEx overnight mail on October 21, 2020, and the Employee-Petitioner, **AZALEA PARRILLA**, has filed a timely written request for Hearing. A Hearing has been duly convened, held on and concluded on January 7, 2021 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 October 21, 2020
2. Suspension Notice Pending Discharge, dated October 21, 2020
3. Employee's Request for Hearing, filed on November 2, 2020
4. Acknowledgement of Hearing Request to Employee, dated November 4, 2020
5. Notice of Convening of Hearing to Hearing Officer, dated November 10, 2020
6. Notice of Convening of Hearing to the parties of record, dated November 10, 2020
7. Order provided to the parties of record, dated November 18, 2020
8. Notice of Representation for the employee, dated November 19, 2020
9. Employer's proposed Exhibits and Witness List, filed on November 20, 2020
10. Employee's proposed Exhibits, filed on November 20, 2020
11. Transcript of Hearing, Volume I & II, November 25, 2020
12. Notice of Reconvening of Hearing to Hearing Officer, dated December 2, 2020
13. Notice of Reconvening of Hearing to the parties of record, dated December 2, 2020
14. Transcript of Hearing, Volume III & IV and Exhibits, January 7, 2021
15. Findings of Fact rendered by Hearing Officer, dated February 5, 2021
16. Certification of Hearing Record, dated February 9, 2021



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, **AZALEA PARRILLA**, and establishes just cause for discharge, as follows:
  - a. theft of time;
  - b. unethical and deceptive behavior;
  - c. failure to follow supervisory directives;
  - d. failure to perform/neglect of job duties;
  - e. unexcused and unauthorized absences;
  - f. failure to badge; and
  - g. failure to follow the department's telework agreement.

#### **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, **AZALEA PARRILLA** is hereby separated from the service of her employer, **UNIVERSITY OF ILLINOIS AT CHICAGO**, and that the effective date of her discharge shall be as of February 25, 2021.
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**

Ms. Kim L. Kirn

**Parties of Record**

Mr. Matthew G. Jones  
Attorney at Law  
University of Illinois at Chicago

Mr. Joshua File  
Attorney at Law

Ms. Azalea Parrilla

**DATED AND ENTERED** this 25<sup>th</sup> day of February, 2021.

**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

***Request for Review by the Merit Board of the Executive Director's Review Decision in Case No. MB-RD-UIUC-20-1, filed by Phyllis Tate pursuant to Section 250.130(b) of the Illinois Administrative Code (80 Ill. Adm. Code § 250.130(b))***

Ms. Schiesser, Legal Counsel, provided a brief summary of the Executive Director's Review Decision, filed by Phyllis Tate. Ms. Schiesser stated that on June 25, 2018, Phyllis Tate was appointed as a Human Resource Associate in the Veterinary Medicine Administration Department within the University of Illinois at Urbana-Champaign. Ms. Tate's appointment was subject to a 12-month probationary period. On January 28, 2019, a class action lawsuit was filed in federal court. The complaint alleged violations of Title VII of the Civil Rights Act of 1964, and the Illinois Civil Rights Act by the University of Illinois. Ms. Tate was identified as a member of the class of employees who had been discriminated against by the University of Illinois, and was identified as a witness in the case. She was not identified as a Named Plaintiff. On January 29, 2019, the lawsuit began receiving local media attention. Shortly after this, Ms. Tate reports informing her supervisor of her participation in the lawsuit. On February 7, 2019, Ms. Tate's direct supervisor, prepared and delivered a four-month Probationary Employee Performance Evaluation regarding Ms. Tate. On April 30, 2019, Ms. Tate's direct supervisor but did not deliver, an eight-month Probationary Employee Performance Evaluation regarding Ms. Tate. On April 30, 2019, Ms. Tate's direct supervisor retired from UIUC. On June 12, 2019, Ms. Tate's new supervisor prepared and delivered a Final Probationary Employee Performance Evaluation regarding Ms. Tate. On June 12, 2019, Ms. Tate was dismissed from probation by UIUC. On June 16, 2019, Ms. Tate filed a written request for a Review Decision of the Director questioning her dismissal from probation. Ms. Tate claims that her dismissal from her UIUC employment was improper race-based discrimination, and states that she was treated differently because of her race from other similar probationary employees. Ms. Tate further claimed that her dismissal from probation was improper retaliation for her involvement in protected activity. At approximately that same time, Ms. Tate filed a discrimination complaint against UIUC. UIUC's Office for Access and Equity, also known as OAE, hired outside counsel to investigate the matter. Noting that Ms. Tate had not exhausted her remedies at UIUC, the University System Office delayed its consideration of Ms. Tate's request for a Director's Review until the OAE investigation and report was complete. In late January 2020, UIUC delivered the report of its investigation, and Ms. Tate's attorney filed with the University System Office her responses to that report. After the University System conducted its own investigation and gathered additional information, reviewed numerous documents, including the extensive record developed by UIUC's outside counsel, and reviewed the relevant case law, the Director found that Ms. Tate did not prove that her dismissal from probation was the result of racial discrimination. The Director is asking that the Merit Board uphold his decision in this matter.

Chair Jones asked Mr. Schnepfer to present his public comments. Mr. Schnepfer stated that the university believed that the Executive Director correctly decided not to overturn the university's decision to dismiss the employee on probation. The university requested that the Board affirm the Executive Director's Decision.

Chair Jones suggested tabling this matter until the next meeting to give additional time to do a proper analysis of the material provided. Dr. Eagle expressed that the next meeting was not scheduled until May and that maybe the board should look at a sooner time to meet and to discuss this agenda item to give resolution to the employee and to the university.

Ms. Zopp commented that the employee was on probation and looking at the record, she felt none of the decisions were made on race. She further stated that this has been a long time already and was worried about the delay in postponing the decision.

Mr. Cevallos-Candau moved to postpone the agenda item. Dr. Butler seconded Mr. Cevallos-Candau's motion.

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

Dr. Cevallos-Candau .....	Aye
Mr. Dale .....	Absent
Mr. Dively .....	Aye
Dr. Eagle .....	Aye
Ms. Jakobsson .....	Abstain
Chair Jones .....	Aye
Dr. King .....	Abstain
Ms. Lang .....	No
Mr. Simmons .....	Abstain
Ms. Zopp.....	No
Mr. Butler .....	Aye

Later in the meeting, Ms. Schiesser stated that this agenda item did not have a majority vote and therefore the motion had failed.

Chair Jones opened the agenda item back up to the Merit Board for discussion or a motion.

Dr. Eagle, along with the concurrence of other members, indicted that the Executive Director had significant concerns regarding the probationary period evaluations that were/were not timely provided to this employee. Though the member's discussion indicated a general agreement with the Executive Director's decision, they wanted to make sure that the university reviewed the process and procedures and that this situation was not repeated.

Ms. Schiesser stated that in general decisions about whether an employee is dismissed during probation are not reviewable by the Executive Director or anyone. The only reason this is before the board is because of the allegation of racial discrimination.

Ms. Zopp reiterated the point that counsel made and that this is before the board for only one issue. The issue is if Ms. Tate established the claim on race discrimination.

Ms. Zopp moved to affirm the Executive Director's Review Decision as the final Decision and Order of the Merit Board. Ms. Lang seconded Ms. Zopp's motion.

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

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

The following decision and order was therefore adopted.

## STATE OF ILLINOIS

### STATE UNIVERSITIES CIVIL SERVICE SYSTEM

In re PHYLLIS TATE,	)	BEFORE THE UNIVERSITY
	)	CIVIL SERVICE MERIT BOARD
	)	
MERIT BOARD REVIEW DECISION	)	
OF THE EXECUTIVE DIRECTOR,	)	
	)	NO. MB-RD-UIUC-20-1

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

#### **NATURE OF THE PROCEEDING**

On June 16, 2019, Phyllis Tate, a probationary employee of the University of Illinois at Urbana-Champaign (UIUC) filed with the State Universities Civil Service System (University System), a written request for a Review Decision of the Director questioning Ms. Tate's dismissal from probation. In her filing, Ms. Tate claimed that her dismissal from her UIUC employment was improper (a) race-based discrimination, and (b) retaliation. Following confirmation that the above employee had exhausted her administrative remedies at the university level, the Executive Director initiated an investigation as authorized by Section 250.130(a) of the Illinois Administrative Code (Code) (80 Ill. Adm. Code § 250.130(a)). On November 25, 2020, the

Executive Director issued a Review Decision determining that the University System declines to reverse the action taken by UIUC regarding Ms. Tate's dismissal.

**DECISION AND ORDER**

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

***The Executive Director's Review Decision rendered in this matter on November 25, 2020, is affirmed and adopted as the Final Decision and Order of the Merit Board. A copy of said Review Decision is attached hereto, and by reference incorporated herein.***

**DATED AND ENTERED** this 25<sup>th</sup> day of February, 2021.

**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**

Teresa Smith, Executive Director of Human Resources, Southern Illinois University School of Medicine, presented comments. Ms. Smith reported that SIUSM HR worked closely with the University System Office staff. The resources and support the University System office had provided had been great and it was hard to believe that we are reaching one year of the pandemic. She further stated it had been a very long year for everyone and the institutions. The virtual world has provided some benefits, including decreased travel time, higher productivity in certain areas, and a reassessment of physical space. However, it was clear that staff does miss the days when staff can walk down the hall to ask a question, check the progress of a project, or brainstorm. A significant obstacle is maintaining a healthy work-life balance which is leading to employee burnout and lack of engagement of employees. Employees are dealing with family

health issues, daycare & public-school closures, and overall fear and stress of what the future holds. HR offices have been communicating, tracking, and providing resources to supervisors who are trying to manage and handle issues remotely. Many institutions have faced financial challenges, implementing layoffs, furloughs, and other cost cutting measures. With the decline of COVID positive cases and the increase of vaccinated communities, everyone is planning a comprehensive transfer back to on-site work. There may be instances where remote work will become a permanent arrangement.

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

Jill Odom stated the committee had conducted their January 2021 meetings via zoom. The April meeting is also being scheduled via zoom. Three new members had joined the committee. Two topics of importance were grant funded employees and extra help employees and the committee will continue conversations with the University System office now and at the April 2021 committee meeting.

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

Ms. Neitzel stated that the audit program had continued to conduct remote audit activities at the scheduled universities and agencies after a brief suspension of the audit process due to the COVID pandemic. She further stated the office continues to remain concerned about audit findings. At Chicago State University, the University System office continues to remain engaged with them in areas of concern, conduct training and periodic module training as well as individual task analysis.

### **Report of the Executive Director – Jeff Brownfield**

Ms. Schiesser read a statement from Mr. Brownfield relating to his absence from the meeting based on medical issues. Ms. Schiesser commented that the agency was proceeding through FY 2021 as expected. For FY 2022, the University System office had made the required submissions for the budget materials and were awaiting to hear back from the General Assembly staff.

Ms. Schiesser stated the list of classifications continues to be updated and addressed.

Ms. Schiesser stated that the grant funded positions topic is an ongoing process. The University System office will continue to have meetings with the universities with grant programs, along with the unions and EAC groups.

Ms. Schiesser commented that JCAR directs how any policy that compels someone outside our office to act must be a rule and not a procedure. The University System office is working on prioritizing the procedures and will be following the process to move several procedures into administrative rules.

Mr. Butler stated that he had a concern that the grant funded discussions were getting further away from the Merit Board and asked that the Merit Board be updated on the progress of the issues. Ms. Schiesser stated conversations are largely with universities. Then as the process proceeds, conversations are made with EAC and union representatives to make sure everyone is in agreement. The University System office will not go to JCAR to proceed with legislature prior to Merit Board's knowledge and approval. Each university has a different view of looking at this. There are grants to contend with, a number of civil service employees affected, exempt employees that are employed by grants to be exempted from the civil service but there are 1000's of employees that fall within the area and the University System office needs to figure out the universities needs and civil service needs. The University System office simply does not have an answer on the grant funded positions at this time. Mr. Butler would like an open mind kept and that this could be a function of the employee rather than the manner in which the position is funded. Revisit what the fundamental issues are and what the different prospective are when searching for a solution. Ms. Schiesser stated that currently the University System office is starting with what the needs are of the universities, what needs to be accomplished, and what problems need to be solved. Mr. Butler thanked Ms. Schiesser for the update and recognized that this is at a very preliminary stage and needed to get closer to what is important for a better understanding of the issues. He stated that a big question for the Merit Board is if we should be thinking about the funding source or what these positions do. Dr. Eagle stated Mr. Butler made a good point and the Merit Board would like to see consistency across the universities. The grant may not be the main source, but hinges more on the role and the responsibilities of the employee.

### **Report of 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, Colwell vs. Merit Board**

This case was filed in 2017 and has been continued for a couple of years in Champaign County and will remain continued until in person court hearings and then determine with the Attorney General the next step. Assistant Attorney General will be seeking dismissal for warrant prosecution. The Attorney General has filed a motion to dismiss for want of prosecution, there has been no movement from the plaintiff side for over two years.

#### **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. Mr. Bateman is accused of stealing an Electrician's test or some part of a test. A jury trial is scheduled for March 8, 2021.

**Christopher Bean**



Mr. Bean was discharged by the University of Illinois at Chicago. After his discharge, Mr. Bean filed against the University System office an unfair labor practice act charge. Charging that our agency committed an unfair labor practice act and alleging that our agency is a labor organization. Ms. Schiesser that she had filed an initial response with the Labor Relations Board as to how our agency, as a regulatory organization, would be subject to such a charge. The Labor Relations Board is considering this. Our agency has requested the Attorney General to represent the University System office in this case and they have agreed. We are hoping to receive a decision from the Labor Relation Board in how they intend to proceed.

### **Other Items as presented**

The Merit Board wished Mr. Brownfield a speedy recovery.

Chair Jones stated that Ms. Smart was no longer a board member and Mr. Dale had been appointed to fill Ms. Smart's position for the University of Illinois.

Ms. Jakobsson made a motion to adjourn the meeting. Mr. Simmons seconded Ms. Jakobsson's motion.

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

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

The meeting adjourned at 2:33 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

May 13, 2021

Date