



MINUTES OF THE TWO-HUNDRED-AND-SIXTEENTH
MEETING OF THE UNIVERSITY CIVIL SERVICE MERIT BOARD –
May 13, 2021

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; Kareem Dale, representing the University of Illinois; Joseph Dively, representing Eastern Illinois University; Naomi Jakobsson, representing the University of Illinois; Kisha Lang, representing Western Illinois University; and Andrea Zopp, representing Chicago State University. John R. Butler, representing Northern Illinois University, joined the meeting at 1:42 pm.

Members absent were: Sherry Eagle, representing Northeastern Illinois University; Stuart King, representing the University of Illinois; and John Simmons, representing Southern 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 216th Meeting of the Merit Board – Julie Jones, Chair

Chair Jones asked for a motion to approve the agenda for the 216th Meeting of the University Civil Service Merit Board (Merit Board).

Dr. Cevallos-Candau moved to approve the agenda for the 216th Meeting of the Merit Board. Ms. Jakobsson seconded Dr. Cevallos-Candau’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. Cevallos-CandauAye
Mr. Dale.....Aye
Mr. Dively.....Aye
Dr. EagleAbsent
Ms. JakobssonAye
Chair JonesAye
Dr. King.....Absent
Ms. Lang.....Aye
Mr. Simmons.....Absent
Ms. Zopp.....Aye
Dr. Butler.....Absent

Consideration of the Minutes of the 215th Meeting of the Merit Board, February 25, 2021

The minutes of the 215th Meeting of the Merit Board, February 25, 2021, had been transmitted to members of the Merit Board with the agenda materials.

Ms. Lang moved to approve the minutes of the 215th Meeting of the University Civil Service Merit Board with corrections to the spelling of Ms. Jakobsson’s name. Ms. Jakobsson seconded Ms. Lang’s motion.

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

Ms. LangAye
Mr. Simmons.....Absent

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

Consideration to destroy the recordings of Closed Session Minutes

Chair Jones stated that in accordance with the Open Meetings Act, the recordings of closed sessions meetings could be destroyed after 18 month and that the University System was asking that the following recordings be destroyed: May 13, 2015, May 26, 2015, August 19, 2015, September 17, 2015, May 11, 2016, August 17, 2016, and November 29, 2018.

Ms. Jakobsson moved to destroy the recordings of the Closed Session meetings for May 13, 2015, May 26, 2015, August 19, 2015, September 17, 2015, May 11, 2016, August 17, 2016 and November 29, 2018.

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

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

Qualified Research Programs

Mr. Brownfield stated that the University System was looking at potentially adding a third type of status appointments. A brief presentation was given by Michael Devocelle, Associate Dean for Finance and Administration for the Grainger College of Engineering at the University of Illinois at Urbana-Champaign; Stephen Boppart, Abel Bliss Professor of Engineering, The Grainger College of Engineering; and Jeffery Roesler, Ernest Barenberg Professor, The Grainger College of Engineering. The presentations provided additional understanding of the types of programs and employees that are driving the need for this potential new status appointment.

Public Comments

Chair Jones stated one request had been submitted to present public comments. Brett Schnepfer, Assistant Counsel for the University of Illinois at Urbana-Champaign, had asked to speak in regards to Agenda Item 8, Anthony Brown v. the University of Illinois at Urbana-Champaign.

Chair Jones requested that a motion be made to allow for public comments during the appropriate agenda item. Dr. Cevallos-Candau made a motion to move Mr. Schnepfer’s public comments to the agenda item where the matter would be presented. Ms. Lang seconded Dr. Cevallos-Candau’s motion.

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

- Dr. Cevallos-CandauAye
- Mr. Dale.....Aye
- Mr. Dively.....Aye
- Dr. EagleAbsent
- Ms. JakobssonAye
- Chair JonesAye
- Dr. King.....Absent
- Ms. LangAye
- Mr. Simmons.....Absent
- Ms. Zopp.....Aye
- Dr. ButlerAye

Consideration of Discharge Proceedings Number NEIU-21-1 filed against Karl M. Seymour by Northeastern University of Illinois

Ms. Schiesser, Legal Counsel, provided a brief summary of the Seymour discharge case. Ms. Schiesser stated that Northeastern Illinois University (NEIU) had filed Written Charges for Discharge against Karl M. Seymour on January 8, 2021. Mr. Seymour, Building Service Worker (BSW), made a timely request for a discharge hearing. NEIU charged Mr. Seymour with one charge:

- Workplace misconduct, creating a hostile and threatening workplace in violation of NEIU policy.

Ms. Schiesser stated that Mr. Seymour began working as a BSW on June 1, 2007. The hearing record showed that on December 2, 2020, Mr. Seymour was assigned to the 1:00 p.m. to 10:00 p.m. shift, along with two other BSWs. Mr. Seymour was assigned to strip floors. At approximately 3:00 p.m., Mr. Seymour made an urgent radio call to his supervisor. Following that radio call, the supervisor met with Mr. Seymour in the employee lounge, away from the other BSWs. During that conversation, Mr. Seymour reported that there had been an argument that involved shouting and profanity. Mr. Seymour reported that the BSW he was working with

had made derogatory remarks to Mr. Seymour and was treating Mr. Seymour disrespectfully. At the end of the conversation between Mr. Seymour and his supervisor, the supervisor offered to set up a meeting with the BSW with whom Mr. Seymour had argued with. Mr. Seymour told his supervisor that if he saw the other BSW, Mr. Seymour would “stab him with a knife.” During his testimony, Mr. Seymour denied making that statement. In response to a follow-up question, Mr. Seymour testified that he may have made the statement, but did not recall making it. The Hearing Officer, Daniel Stralka, found that the employer had met its burden of proof on the charge against Mr. Seymour.

Ms. Zopp made a comment in regards to the case that the employee had actually called his supervisor to tell the supervisor that Mr. Seymour had had an argument with another BSW employee, and to stop the situation from getting out of hand. Ms. Zopp felt that discharge was rather harsh because this was a 13-year employee with only a few minor infractions. Ms. Jones stated that she agreed with Ms. Zopp that the employee did call his supervisor.

Ms. Jakobsson also had a couple of concerns that there was never a knife found or no one else had seen a knife and that the person who he had had the argument with was asked if he was afraid to work to Mr. Seymour and he replied that he was not. She agreed that this was a harsh punishment for what he had said.

Mr. Dale agreed with the comments of Ms. Zopp and Ms. Jakobsson and that he felt the comments were just said as something in the heat of the moment and would agree to vote with something besides discharge.

Dr. Cevallos-Candau agreed with the comments from the other Merit Board members and suggested that the employee might get some counseling. Ms. Jones asked how long Mr. Seymour had been on suspension. Ms. Schiesser said he has been in no pay status since January 15, 2021.

Dr. Butler also agreed with the other Merit Board members and would support the 120-day suspension. Dr. Butler further stated that the individual did not admit to saying the statement and Dr. Butler did not feel that he would have acted on the statement. Mr. Dively wanted clarification on the situation. Ms. Zopp explained the situation again. Mr. Dively was still concerned with what Mr. Seymour had said.

After further discussion, Dr. Butler moved to reinstate Mr. Seymour with a 120-day suspension without pay. Ms. Zopp seconded Dr. Butler’s motion.

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

Dr. ButlerAye
Dr. Cevallos-CandauAye
Mr. Dale.....Aye
Mr. DivelyNo
Dr. EagleAbsent

Ms. JakobssonAye
 Chair JonesAye
 Dr. King.....Absent
 Ms. Lang.....Aye
 Mr. Simmons.....Absent
 Ms. Zopp.....Aye

The following decision and order was therefore adopted.

**STATE OF ILLINOIS
 STATE UNIVERSITIES CIVIL SERVICE SYSTEM**

KARL M. SEYMOUR,)	BEFORE THE UNIVERSITY CIVIL
Employee,)	SERVICE MERIT BOARD
v.)	DISCHARGE PROCEEDING
NORTHEASTERN ILLINOIS UNIVERSITY,)	No. NEIU-21-1
Employer.)	

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

PROCEDURAL HISTORY

Discharge proceedings have been commenced by **NORTHEASTERN ILLINOIS UNIVERSITY**, employer, against **KARL M. SEYMOUR**, employee, by service of Written Charges for Discharge by USPS overnight mail on January 8, 2021, and the Employee, **KARL M. SEYMOUR**, has filed a timely written request for Hearing. A Hearing has been duly convened, held on and concluded on February 16, 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 January 8, 2021
2. Suspension Notice Pending Discharge, dated January 15, 2021
3. Employee's Request for Hearing, filed on January 26, 2021
4. Notice of Representation for the employee, dated January 26, 2021
5. Acknowledgement of Hearing Request, dated January 26, 2021
6. Notice of Convening of Hearing to Hearing Officer, dated January 28, 2021
7. Notice of Convening of Hearing to the parties of record, dated January 28, 2021
8. Amended Notice of Convening of Hearing to Hearing Officer, dated February 2, 2021
9. Amended Notice of Convening of Hearing to the parties of record, dated February 2, 2021
10. Order provided to the parties of record, dated February 10, 2021
11. Transcript of Hearing and Exhibits, February 16, 2021
12. Request for Findings of Fact from Hearing Officer, dated March 3, 2021
13. Findings of Fact rendered by Hearing Officer, dated March 16, 2021
14. Certification of Hearing Record, dated April 1, 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, does not support and sustain one or more of the charges of the employer, **NORTHEASTERN ILLINOIS UNIVERSITY**, against the employee, **KARL M. SEYMOUR** and/or the charges as proven by said employer fail to

establish just cause for discharge; however, the record provides a sufficient basis for discipline other than discharge.

DECISION AND ORDER

WHEREFORE, IT IS HEREBY ORDERED:

1. The Findings of Fact of the Hearing Officer, attached hereto, are approved and certified to the employer, **NORTHEASTERN ILLINOIS UNIVERSITY**, to the extent not inconsistent with the findings made herein.
2. The employee, **KARL M. SEYMOUR**, shall be reassigned to perform the duties in a position in his classification following the completion of a 120-day suspension without pay. Any time served while on a Suspension Notice Pending Discharge shall be applied towards the fulfillment of this suspension.
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 of the Hearing Officer and each of the parties is as follows:

Hearing Officer

Mr. Daniel Stralka
Attorney at Law

Parties of Record

Mr. Paul H. Burmeister
Attorney at Law

Ms. Francesca Simoncelli
Assistant General Counsel
Teamsters Local 700

Mr. Karl M. Seymour

DATED AND ENTERED this 13th day of May, 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

Consideration of Discharge Proceedings Number UIUC-21-1 filed against Anthony Brown by the University of Illinois at Urbana-Champaign

Ms. Schiesser, Legal Counsel, provided a brief summary of the Brown discharge case. Ms. Schiesser stated that the University of Illinois at Urbana-Champaign (UIUC) had filed Written Charges for Discharge against Anthony Brown on December 21, 2020. Mr. Brown, Building Service Worker (BSW), made a timely request for a discharge hearing. UIUC charged Mr. Brown with the charges following:

- 1) Violation of the SUCSS Statute and Rules §250.110f: Separations and Demotions – Reasons for Discharge – Theft;
- 2) Violation of University of Illinois Policy and Rules for Civil Service Staff: Rule 16.04 – Employee Conduct in the Workplace; and
- 3) Violation of the University of Illinois Code of Conduct.

Ms. Schiesser stated that Mr. Brown began working as a BSW on August 17, 2012. The charges filed against Mr. Brown stem from two separate incidents. The Hearing Record showed the following:

The first incident occurred on September 25, 2020. On that day Mr. Brown was assigned to work at the Activities and Recreation Center (ARC). His shift was scheduled to end at 6:00 a.m. At 8:30 a.m. on September 25, 2020, the UIUC Police Department received a non-emergency report on its on-line reporting system, of the theft of a bicycle worth approximately \$350. Several days after the initial report, UIUC Police Officer Peter Milinkovic reviewed the videotape recorded by the surveillance camera of the area outside the ARC where the bike rack was located.

The videotape showed the following:

- At 5:43 a.m. on September 25, 2020 an individual parks a bicycle along the bike rack, leaves it unlocked, and enters the ARC.

- At 6:58 a.m. Mr. Brown is seen smoking a cigarette south of the northwest bike rack. Mr. Brown walks up to the rack, notices an unlocked bicycle and places both hands on the bicycle.
- The camera times out at 6:59 a.m. because of a lack of motion. Recording begins again at 7:36 a.m., and the bicycle that had been parked along the rack is no longer in the rack, and Mr. Brown is no longer present.

After Officer Milinkovic filed his report, UIUC Police Officer Bishop was able to locate Mr. Brown's address and contacted Mr. Brown. During this contact with him, Mr. Brown admitted taking the bike from ARC. After talking with Officer Bishop, Mr. Brown brought a bicycle to the site. After referring to Officer Milinkovic's report, Officer Bishop determined that the bicycle returned by Mr. Brown was not the bicycle reported stolen. The bicycle returned had the wrong serial number and was the wrong color scheme. After determining that the bicycle he had returned was not the correct bike, Officer Bishop contacted Mr. Brown and let him know it was the wrong bike. Later that day Mr. Brown brought the bike matching the victim's description to the UIUC police station.

On October 26, 2020, Mr. Brown had a pre-disciplinary meeting with Assistant Director of HR, Angela Reggans. During that meeting Mr. Brown acknowledged taking the bike. On November 10, 2020, in a second pre-disciplinary meeting held at his union's request, Mr. Brown stated that he thought the bike was abandoned and that he saw the bike, was cold, and that he needed to get home, so he took the bike. Mr. Brown testified that he had never taken a bike off the rack before.

The second incident, unrelated to the incident of September 25, 2020 occurred on October 14, 2020.

On October 14, 2020, Mr. Brown made a telephone call to Chris Plotner, another BSW also working at the ARC. In his testimony, Mr. Brown stated that he was looking for a third BSW, Jessy Garrison, who was also working at the ARC. Mr. Brown testified that he thought that Mr. Plotner and Ms. Garrison could be found near one another at the ARC. Most of the testimony regarding this incident was given by Angela Reggans, Assistant Director of HR. Ms. Reggans stated that she had no direct knowledge of the call. All of her testimony was based on conversations with Mr. Plotner and Ms. Garrison.

In her testimony, Ms. Reggans reported the following:

- That Mr. Plotner told her that he had received a telephone call from Mr. Brown, that he put that call on the speaker, and that Ms. Garrison was in the same room, and overheard the call.

- That Mr. Plotner and Ms. Garrison had told her that Mr. Brown was upset because he thought that Ms. Garrison had taken a key that he usually used.
- That Mr. Plotner and Ms. Garrison reported that Mr. Brown was upset, Mr. Brown’s voice was raised, and he used profanity to refer to Ms. Garrison.

On November 10, 2020, Ms. Reggans had a pre-disciplinary meeting with Mr. Brown. Ms. Reggans testified that in that meeting Mr. Brown initially told her that the phone call had not occurred. Ms. Reggans testified that later in that meeting, Mr. Brown stated that the call had occurred, but that he had not used profanity to refer to Ms. Garrison, and that he was just venting to a co-worker. In his testimony, Mr. Brown agreed that he had a telephone conversation with Mr. Plotner. Mr. Brown denied raising his voice or making the statements alleged by UIUC. Mr. Brown indicated that the call was on the speaker phone, and indicated that perhaps that caused his voice to carry.

The Hearing Officer, Daniel Stralka, found that the employer, UIUC had met its burden of proof regarding the charges related to the theft of the bicycle on September 25. As to the charge relating to the telephone call on October 14, the Hearing Officer found that because the employer did not present testimony from the parties who took part or heard the call themselves, that the Hearing Officer’s finding was based on Mr. Brown’s testimony. The Hearing Officer found that the employer had NOT met its burden of proof regarding the charges related to the October 14 incident.

Ms. Jones asked Mr. Schnepfer to present his public comments. Mr. Schnepfer stated that it is UIUC position that the Hearing Officer correctly found that UIUC had met its burden of proof regarding the second charge. The university asked the Merit Board to uphold the Hearing Officer’s decision.

Ms. Jakobsson made a comment that Mr. Brown had put the bike on the bike rack on the bus when he had stated that he was cold and that is why he took the bike. Chair Jones said the tape really did not actually show Mr. Brown taking the bike. Ms. Zopp also made a comment that he had admitted taking the bike.

Ms. Zopp moved to discharge Mr. Brown. Mr. Dively seconded Ms. Zopp’s motion.

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

Ms. Zopp..... Aye
 Dr. ButlerAye
 Dr. Cevallos-CandauAye
 Mr. Dale.....Aye
 Mr. DivelyAye
 Dr. EagleAbsent
 Ms. JakobssonAye

Chair JonesAye
Dr. KingAbsent
Ms. LangAye
Mr. SimmonsAbsent

The following decision and order was therefore adopted.

**STATE OF ILLINOIS
STATE UNIVERSITIES CIVIL SERVICE SYSTEM**

ANTHONY BROWN,)	BEFORE THE UNIVERSITY CIVIL
)	SERVICE MERIT BOARD
Employee,)	
)	DISCHARGE PROCEEDING
v.)	
)	No. UIUC-21-1
UNIVERSITY OF ILLINOIS at Urbana-Champaign,)	
)	
Employer.)	

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

PROCEDURAL HISTORY

Discharge proceedings have been commenced by the **UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN**, employer, against **ANTHONY BROWN**, employee, by service of Written Charges for Discharge by USPS overnight mail on December 21, 2020, and the Employee, **ANTHONY BROWN**, has filed a timely written request for Hearing. A Hearing has been duly convened, held on and concluded on February 2, 2021 and February 5, 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 December 21, 2020
2. Suspension Notice Pending Discharge, dated December 21, 2020
3. Employee's Request for Hearing, filed on January 5, 2021
4. Acknowledgement of Hearing Request, dated January 7, 2021
5. Notice of Convening of Hearing to Hearing Officer, dated January 12, 2021
6. Notice of Convening of Hearing to the parties of record, dated January 12, 2021
7. Order provided to the parties of record, dated January 25, 2021
8. Employee Witness List, received January 27, 2021
9. Employer Witness List, received January 27, 2021
10. Notice of Reconvening of Hearing to Hearing Officer, dated February 2, 2021
11. Notice of Reconvening of Hearing to the parties of record, dated February 2, 2021
12. Transcript of Hearing and Exhibits, March 8, 2021
13. Request for Findings of Fact from Hearing Officer, dated March 24, 2021
14. Findings of Fact rendered by Hearing Officer, dated March 31, 2021
15. Certification of Hearing Record, dated April 20, 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 URBANA-**

CHAMPAIGN, against the employee, **ANTHONY BROWN**, and establishes just cause for discharge, as follows:

- Violation of the SUCSS Statute and Rules §250.110f: Separations and Demotions – Reasons for Discharge: Theft
- Violation of University of Illinois Policy and Rules for Civil Service Staff: Rule 16.04 – Employee Conduct in the Workplace
- Violation of the University of Illinois Code of Conduct

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 URBANA-CHAMPAIGN**, to the extent not inconsistent with the findings made herein.
2. The employee, **ANTHONY BROWN** is hereby separated from the service of his employer, **UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN**, and that the effective date of his discharge shall be as of May 13, 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 of the Hearing Officer and each of the parties is as follows:

Hearing Officer

Mr. Daniel Stralka
Attorney at Law

Parties of Record

Mr. Brett Schnepfer
Assistant University Counsel
University of Illinois at Urbana-Champaign

Mr. Anthony Brown

DATED AND ENTERED this 13th day of May, 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

Update and authorization for the Executive Director to implement and administer the Merit Board Budget for FY 2022

Mr. Brownfield stated that the budget submitted for the University System through the IBHE process, also testified in the Senate and House, and the budget is a flat budget, same amount as appropriated for FY 2020 and FY 2021. Mr. Brownfield further stated that our appropriation is at the FY 1999 level.

Ms. Jakobsson made a motion to adopt the following Resolution authorizing the Executive Director to implement the FY 2022 budget as funds become available.

BE IT RESOLVED THAT the Merit Board authorizes the Executive Director to administer the FY 2022 agency budget, pursuant to the availability of funds and final approval by the Governor's office. Contingent upon the availability of funds, the FY 2022 agency budget may include employee salary adjustments administered in accordance with applicable Merit Board Policies and Pay Administration Guidelines. The Merit Board also authorizes the Executive Director to make any other expenditures necessary for the operation of the State Universities Civil Service System and the Merit Board office, commencing July 1, 2021 and continuing until such time as the FY 2022 appropriation becomes effective or the Merit Board directs otherwise.

Dr. Cevallos-Candau seconded Ms. Jakobsson's motion.

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

Ms. JakobssonAye
Chair JonesAye
Dr. KingAbsent
Ms. LangAye
Mr. SimmonsAbsent
Ms. Zopp..... Aye

Dr. ButlerAye
 Dr. Cevallos-CandauAye
 Mr. DaleAye
 Mr. DivelyAye
 Dr. EagleAbsent

Discussion and authorization for the use of the State Universities Retirement System (SURS) Deferred Compensation Program (DCP) for eligible employees of the State Universities Civil Service System

Ms. Rademacher stated that this is a new Deferred Compensation program being offered by the State Universities Retirement System and the University System is required by law to implement the new DC Program by July 1, 2021. The University System currently has a State of Illinois 457 plan and employees will still be limited to the IRS dollar limits whichever plan an employee chooses to participate in.

Mr. Dale made a motion to adopt the following Resolution adopting the State Universities Retirement Systems Deferred Compensation Program for eligible employees of the State Universities Civil Service System effective July 1, 2021. Ms. Jakobsson seconded Mr. Dale’s motion.

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

Ms. JakobssonAye
 Chair JonesAye
 Dr. KingAbsent
 Ms. LangAye
 Mr. SimmonsAbsent
 Ms. Zopp..... Aye
 Dr. ButlerAye
 Dr. Cevallos-CandauAye
 Mr. DaleAye
 Mr. DivelyAye
 Dr. EagleAbsent

**STATE UNIVERSITIES RETIREMENT SYSTEM
 DEFERRED COMPENSATION PLAN**

RESOLUTION TO ADOPT PLAN

WHEREAS, THE STATE UNIVERSITIES RETIREMENT SYSTEM DEFERRED COMPENSATION PLAN ("PLAN") IS AN ELIGIBLE DEFERRED COMPENSATION PLAN UNDER SECTION 457(B) OF THE INTERNAL REVENUE ("CODE") ESTABLISHED AND IS ADMINISTERED BY THE STATE

**UNIVERSITIES RETIREMENT SYSTEM ("SYSTEM") PURSUANT TO SECTION 15-202 OF THE
ILLINOIS PENSION CODE, 40 ILCS 5 ET SEQ.;**

WHEREAS, the Plan is funded by elective deferrals, and if elected by the Employer in the Employer Participation Agreement, discretionary employer contributions;

WHEREAS, contributions to the Plan are held in Trust by SURS as Trustee pursuant to the State Universities Retirement System Master Trust Agreement ("Trust Agreement") and are invested in investment options selected and monitored by SURS;

WHEREAS, SURS has contracted with certain service providers ("Service Providers") to administer the Plan in accordance with its written terms and applicable law;

WHEREAS, Section 15-202 of the Illinois Pension Code, 40 ILCS 5, et seq., and Section 2.02(v) of the Plan provide that an employer that is subject to Article 15 of the Illinois Pension Code and that is an eligible employer within the meaning of Code Section 457(e)(1)(A) offer the Plan to its eligible employees;

WHEREAS, the Employer is an employer subject to Article 15 of the Illinois Pension Code, and is an eligible employer within the meaning of Code Section 457(e)(1)(A); and

WHEREAS, the Employer has reviewed the Plan, is authorized by law to adopt this Resolution, and is concurrently executing an Employer Participation Agreement for the Plan, which shall constitute a part of the written terms of the Plan.

NOW THEREFORE the governing body of the Employer hereby resolves:

Section 1. The Employer adopts the Plan for the benefit of its eligible employees, including the Employer Participation Agreement which is attached hereto and made a part of this Resolution.

Section 2. The Employer agrees to abide by the terms of the Plan and the Trust Agreement, including amendments to the Plan and the Trust Agreement, and all applicable provisions of the Code, the Illinois Pension Code, and other applicable law.

Section 3. The Employer agrees to enroll only those individuals who are employees, as defined in Section 15-107 of the Illinois Pension Code, of the Employer. An employee does not include an individual who is a leased employee under Code Section 414(n)(2).

Section 4. The Employer acknowledges that all assets held in connection with the Plan, including all contributions to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights shall be held in the Trust for the exclusive benefit of participants and their beneficiaries under the Plan. No part of the assets and income of the Plan shall be used for, or diverted to, purposes other than for the

exclusive benefit of participants and their beneficiaries and for defraying reasonable expenses of the Plan. All contributions to the Plan shall be held, managed, invested and distributed as part of the Trust in accordance with the provisions of the Plan. All benefits under the Plan shall be distributed solely from the Trust pursuant to the terms of the Plan.

Section 5. This Resolution and an Employer Participation Agreement shall be submitted to SURS. SURS shall determine whether the Resolution and the Employer Participation Agreement comply with the Plan, and, if they do, shall provide appropriate forms to the Employer to implement employee participation in the Plan. SURS may refuse to approve a Resolution and/or an Employer Participation Agreement from an employer that does not have state statutory authority to participate in the Plan. The Employer hereby acknowledges that it is responsible for assuring that this Resolution and the Employer Participation Agreement are adopted and executed in accordance with the requirements of applicable law.

Adopted by the Employer as of the date set forth below in accordance with applicable law.

By: /s/ Julie Jones

Print Name: Julie Jones

Title: Chair, University Civil Service Merit Board

Date: May 13, 2021

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

Jami Painter, Associate Vice President and Chief Human Resource Officer, University of Illinois, presented comments. Ms. Painter commented that the universities during this unprecedented time, have had multiple challenges, along with recognizing that the current workforce challenges have not gone away, in fact some have exasperated. While managing the ongoing and new challenges, work environments and workforce needs will forever be changed. Failure to plan for the things that might be next for the Higher Education workforce could inhibit the ability to compete with the private sector to attract and retain talented faculty and staff. While managing these challenges many continue to explore opportunities to improve the Civil Service employment and hiring rules and procedures to remain competitive employers. She further stated that we must find creative and innovative solutions to mitigate antiquated procedures that impede our ability to protect our workforce, recruiting and retaining highly talented skilled, faculty and staff will be more difficult. She stated that earlier in the meeting, Associate Dean and two esteemed professors, talked about how critical it is that the research enterprise be protected and sustained. She further stated that we cannot risk losing top faculty and staff to institutions with more flexibility in their employment practices. We have made strides in improving civil service procedures such as the discharge procedures, but we have a long way to go to keep pace with our peer institutions. She further stated that the committee appreciates the work the

University System has been doing to engage in the conversations and listen to the many ideas and challenges that the universities are experiencing with the rules and procedures. Such as transcript verifications, extra help extensions, out-of-state residents, grant funded positions, and others. The committee has been encouraged by this continued dialogue, but we need to expedite some of these changes if we want to continue to be employers of choice.

Ms. Painter recognized Elyne Cole, Senior Associate Chancellor for Human Resources, UIUC, and stated that she has been a member of HRDAC since its inception in 1987. Ms. Cole has served as the Designated Employer Representative roll for UIUC for the last 15 years and has been in Illinois human resources for almost 48 years. Her dedication to the profession and the university have been unparalleled and wish her many wonderful years in her retirement.

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

Jill Odom presented comments to the Merit Board. Ms. Odom stated that she is an Administrative Assistant in the office of the Vice President, Chief Financial Officer and Comptroller, UIUC. She thanked the Merit Board you their time and that the committee truly appreciates the Merit Board’s commitment, knowing that they a full plate already.

She stated that she would also like to recognize the University System Office for their assistance to the committee. The committee is mandated by Section 36c of the State Universities Civil Service Act (110 ILCS 70/36c) and function in an advisory capacity to the Merit Board on “All matters pertaining to the University System.” The input, collaboration, and commitment that Mr. Brownfield and his staff provide to the committee has been invaluable and truly appreciate the relationship the committee has with the University System.

In addition, she thanked the remaining committee members for their commitment, dedication, and passion for matters related to not only civil services employees, but other universities as a whole which is reflected in the progress towards greater collaboration and improvements to processes that have all been made together and that the committee is an amazing group of individuals and the pleasure it is to work with them.

With regards to our April meeting, the pandemic has continued to hamper our ability to follow the statutes and our own Policies and Procedures, so we once again met virtually. However, with the significant number of items on our agenda needing attention, the committee meet for two days rather than a single day as we did in January. At the meeting the committee received a report regarding current legislative matters related to our universities and their employees and the committee will continue to monitor those.

Mr. Brownfield, along with other staff from the University System, attended the April meeting. Mr. Brownfield’s report to the committee included a variety of topics including an update to the ongoing conversions related to PAAs, progress of compliance audits, class plan updates, and a legal update. Also included was an update regarding discussions surrounding Grant Funded Employees; also referred to as an essential employee position. This particular item spurred a

number of questions and a great deal of discussion. The questions and concerns have been grouped six different sections as they relate to each other:

1. Under what criteria are these Grant Funded Employees hired? If they are hired as a new civil service employee, from outside the university system, is the position reviewed using the same criteria as any other status civil service position? Who decides what specialty factors, if any, are applied to the position and does the University System have final decision regarding the positions status? Is the employee required to pass the civil service test for the position, be within the top three scores, and is there a probationary period?
2. Does the University System have final approval for the position to be designated as one of these essential employee positions? How does this position differ from another civil service position at the university which has the same civil service classification, the same requirements, experience, and knowledge understanding that every position at the university has some unique attribute specific to the position, the unit, and/or college? Is there a time frame in which a new employee hired into one of these critical positions moves from a new hire with the skills, knowledge, and abilities to perform in this position moves to an individual to who becomes critical to the grant or research?
3. As a civil service position, what employment rights does the position have from day one? Do they accrue seniority at the same rate as status civil service employees? Do they have bumping rights? If another employee at the university encounters a layoff/bumping situation, what rights do they have to this Grant Funded position, assuming they have the same qualifications, experience, and knowledge? When the grant ends, if the grant funded employee has accrued seniority in that classification during the duration of their employment as a grant funded employee, do they now have the right to bump into a position elsewhere at the university even though a status civil service employee was not able to bump into theirs?
4. What formula will be used to determine to what extent the position is Grant Funded? Several percentages have been discussed such as 51% funded, 75% funded, 80% funded, or even 100% funded. The percent of time that the position is paid on grant funds—again 51%, 75%, or 100% of the year. Is the position paid from multiple grants rather than just one and how do the percentages factor in this case? Are the universities allowed to move the position on and off grant funds to ensure it remains below the required percentage and how will the University System be notified of these changes to monitor? An overall percentage of 3% of total FTE's at the university has been mentioned, how will this be reported and monitored?

5. Regarding compliance with the process, how can the University System be assured that the processes are being followed without having to wait on the audit cycle? How will reporting be conducted and on what schedule—monthly, quarterly, yearly?
6. Is there a correlation between the request to exempt or protect these types of positions with the updated and tightening of processes related to PAA exemptions?

Many of our concerns are addressed in the DRAFT document provided to our committee by Mr. Brownfield at the April meeting. However, the committee still has a number of apprehensions. The percent of grant funding and percent of time spent working on the grant or program, employment rights for the grant funded employee, as well as current employee's rights should a vacancy exist for either, and most importantly, the tracking and monitoring of the creation of, assignment of, and the status of these positions. The committee understands that there are a limited number of positions which are crucial to the research, the continuity, and administration of our most prestigious and lucrative grants; however, the committee remains concerned that a new or expanded process that is not specifically defined will lead to other difficulties. The statute governing civil service employment is of equal if not greater importance as it protects our most valuable resource, the employees. The hope of the committee is that we can all work towards a positive and productive process that benefits all universities.

At this time, the committee does not support modifications to the standard civil service obligations and rights without further clarifications and discussions. What assurances can be placed that this new process does not go from a few positions to hundreds as the previous PAA exemption process did? And how can we ensure that current civil service positions are not so defined and specific that they exclude the pool of applicants needed to ensure the best candidate is placed? The committee believes the universities must work in collaboration with the University System on the program that qualifies and the classification of the position with final determination by the University System. A frequent and thorough reporting system must be in place as well. The committee will continue to discuss this and other topics with Executive Director Brownfield and his staff and look forward to collaborating on a process that works for all parties involved.

Ms. Odom stated that the next quarterly meeting is scheduled for Wednesday, July 28 and Thursday, July 29.

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

Ms. Neitzel stated that the audit program has 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 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

Mr. Brownfield stated that the positions referenced back in agenda five are also topics and concerns with the Employee Advisory Committee and Union Representatives. As Ms. Painter stated, these issues need to be addressed quickly.

Mr. Brownfield commended that the University System is in the process of conducting Ethics training. Mr. Brownfield noted that included in the agenda materials was a list of the current classifications and examinations that are being updated.

Mr. Brownfield stated that a significant concern for recent years has been heightened recently, in the ability to hire out-of-state workers. With the pandemic, there is a difference if an employee is working from home, down the street, or in another state. With the way the Statute is written and with how the rules and procedures there is the potential for a mess. This is an issue the office will need to work more diligently on. A few years ago, our office did try to change the language in the ACT in regards to out-of-state; however, the office reluctantly had to take the change out of the proposed language.

Report of Legal Counsel – Gail Schiesser

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. The Attorney General's Office 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 June 2021. Mr. Bateman is accused of stealing an Electrician's test or some part of a test.

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, alleging that our agency committed an unfair labor practice act and alleging that our agency is a labor organization. Ms. Schiesser stated that she had filed an initial response with the Labor Relations Board questioning 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 in this case and they have agreed. We are hoping to receive a decision from the Labor Relations Board in how they intend to proceed.

Executive Session

Dr. Cevallos-Candau made a motion to move to Closed Executive Session to discuss personal matters. Ms. Jakobsson seconded Dr. Cevallos-Candau’s motion.

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

Dr. Cevallos-CandauAye
Mr. DaleAye
Mr. DivelyAye
Dr. EagleAbsent
Ms. JakobssonAye
Chair JonesAye
Dr. KingAbsent
Ms. LangAye
Mr. SimmonsAbsent
Ms. Zopp..... Aye
Dr. ButlerAye

The Merit Board went into Closed Executive Session at 3:12pm.

The Merit Board returned from Closed Executive Session at 3:50pm.

Other Items as presented

Executive Director Brownfield stated that he would be retiring and resigning from his position as the Executive Director effective July 1, 2021.

Dr. Butler made a motion to appoint the current Legal Counsel, Gail Schiesser, as Interim Executive Director, at a yearly salary rate of \$110,000 per year, effective July 1, 2021. Ms. Lang seconded Dr. Butler’s motion.

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

Dr. ButlerAye
Dr. Cevallos-CandauAye
Mr. DaleAbstain
Mr. DivelyAye
Dr. EagleAbsent
Ms. JakobssonAye
Chair JonesAye
Dr. KingAbsent
Ms. LangAye
Mr. SimmonsAbsent
Ms. Zopp.....Aye

Ms. Schiesser thanked the Merit Board members and Mr. Brownfield for the opportunity.

Dr. Cevallos-Candau made a motion to adjourn the meeting. Ms. Jakobsson seconded Dr. Cevallos-Candau's motion.

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

Dr. Cevallos-CandauAye
Mr. Dale.....Aye
Mr. DivelyAye
Dr. EagleAbsent
Ms. JakobssonAye
Chair JonesAye
Dr. King.....Absent
Ms. LangAye
Mr. Simmons.....Absent
Ms. Zopp.....Aye
Dr. ButlerAye

The meeting adjourned at 4:01 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

December 9, 2021

Date