



State Universities Civil Service System

1717 Philo Road, Suite 24

Urbana, IL 61802

217/278-3150

## **Agenda for the Human Resource Directors Advisory Committee Meeting**

***Date: May 12, 2017***

***Time: 10:00 a.m.***

- 1. Welcome and Introductions**
- 2. Merit Board Policy Working Group Committee Update - Handout**
  - *The working group met on January 24 and April 13, 2017 to review and update proposed changes to Civil Service benefits afforded by the Merit Board.*
  - *A final policy draft will be proposed to the Merit Board at their August 2017 meeting.*
- 3. Statutory Update - Handout**
  - *Act Revision. Update on Pending HB3185.*
- 4. Update regarding rulemaking to Section 250.110 of the Code (80 Ill. Adm. Code §250.110) - Handout**
  - *Update on the status of the proposed rulemaking revisions to the proposed changes to Section 250.110 of the Code. This is Discharge and Layoff related.*
- 5. New Category of Status Employee – Grant Funded / Soft Money**
  - *How or can we collect data of how many employees are or could be in this category.*
  - *Review Seniority provisions for these employees*
- 6. Compensation Rates/Ranges and Policies - Handout**
- 7. Report of the Executive Director – Jeff Brownfield**
  - a. Classification Plan Update
  - b. Class Consolidation
    - Discussion on use of Intern Programs and expanded opportunity for Compensatory Qualifications. (Per the comments at the joint EAC/HRDAC)
  - c. Occupational Area Classification Project
  - d. Demonstration Project Update
  - e. Governance, Risk, and Compliance Audit Update
  - f. Agency Budget / Staff Update
  - g. Legal Updates
  - h. Discharge and Layoff
- 8. Other Items as Presented**

# State Universities Civil Service System

## Policy Relating to Employee Benefits

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WHEREAS the Civil Service ~~Act~~Statute provides that "the Merit Board shall have the power and duty...

... To prescribe the range of compensation for each class or to fix a single rate of compensation for employees in a particular class; and to establish other conditions of employment which an employer and employee representatives have agreed upon as fair and equitable. . . .

[~~To~~] . . . take into account the rate of compensation generally paid for similar work in the locality in which the work is to be performed. . . .

... To recommend to the institutions and agencies . . . standards for hours of work, holidays, sick leave, overtime compensation and vacation for the purpose of improving conditions of employment . . . and . . . insuring conformity with the prevailing rate principle.";

WHEREAS ~~institutional representatives have expressed general concurrence with the principle uniformity in~~ benefits among institutions ~~as is required to adhere to applicable Local, State, or Federal law, collective bargaining agreements, or board of trustee resolution or policy; desirable, and institutional representatives have expressed concurrence with this principle;~~

THEREFORE, BE IT RESOLVED that it is the judgment of the Merit Board that each of the governing boards, institutions, and agencies specified in Section 36e of the ~~Act~~Statute should accord fringe benefits to its employees ~~and develop administrative rules and procedures that comply with Federal and State law, as applicable, through adoption of the following benefit policies and develop administrative rules and procedures for uniform application of these policies throughout its organization.~~

### I. HOURS OF WORK

#### A. Work Schedules

~~Each institution or agency shall report to the Merit Board the classes of employees for which it changes the hours of workweek.~~ The Merit Board may recommend to the institutions and agencies standards for hours of work. (Amended and reinstated at Seventy-Third meeting of the Merit Board, September 27, 1977.)

#### B. Overtime Compensation

~~Consistent with Local, State, and Federal law requirements, e~~Employees non-exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) ~~shall be eligible for overtime pay, and will be compensated at time and one-half for all time in a work week in excess of the number of hours of work comprising an established full-time daily or weekly work schedule, whichever is greater, except, that for an employee paid on a prevailing rate basis, the number of hours before daily and/or weekly~~

~~overtime begins, and the rate of the employee's overtime pay, will depend on the number of hours and the rate being paid locally, pursuant to the appropriate multi-employer area agreement.~~

## II. ELIGIBILITY FOR EMPLOYEE BENEFITS

Except as indicated otherwise below for prevailing wage rate groups, employee benefits will be made available to employees in status appointments. Included in this group will be those in appointments designed to qualify employees for status in the class, e.g., intern, learner, trainee, apprentice, and, where appropriate, provisional. Employees in other types of non-status appointments, such as Temporary or Extra Help, will not be extended employee benefits, except as otherwise designated by Executive Order or State/Federal Law.

Eligibility for benefits in relation to work, leave, layoff, or absence status shall be determined by each institution or agency. ~~Rules for the uniform administration of each form of employee benefit shall be established by the governing board of each institution or agency or by an official to whom delegation has been made as needed to meet program requirements of the institution or agency.~~

## III. HOLIDAYS

### A. Employees other than Prevailing Wage Rate Groups

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Eligible employees not in prevailing wage rate groups will be excused with full pay, except for necessary operations, on New Year's Day, Martin Luther King, Jr. Birthday, Memorial Day (as determined by the Law of the State of Illinois), Independence Day, Labor Day (first Monday in September), Thanksgiving Day, Christmas Day and on four other holidays designated by the governing board of the institution or agency. These ~~five other~~ holidays may differ between institutions and agencies but shall be of commemorative or other significance as non-work days (e.g., legal holidays in the State of Illinois) ~~and shall result in a reasonable distribution of holidays throughout the year. Days suggested for consideration are Lincoln Day (first Monday in February), Washington Day (third Monday in February), Good Friday, Columbus Day (second Monday in October), Veterans' Day, day after Thanksgiving, full day adjacent to Christmas, full day adjacent to New Year's. As designated by the governing institutions,~~ additional holidays may be designated as appropriate to observe other holidays of significance.

### B. Prevailing Wage Rate Groups

Eligible employees in prevailing wage rate groups will be excused from work on the holidays of the institution or agency, irrespective of whether the holiday is observed under the appropriate multi-employer area agreement if applicable. ~~but will be compensated as follows:~~

- ~~1. If the holiday is recognized for other employers under the appropriate multi-employer area agreement the employee will be compensated in accordance with practice under that agreement.~~
- ~~2. If the holiday is not recognized under the appropriate multi-employer area agreement the employee will be excused without pay.~~



~~3. Notwithstanding 1 and 2 above, each prevailing rate employee shall be extended the option of charging any unpaid holiday under 1 or 2 above to earned Vacation or Personal Leave accrued to the employee's credit on the date of the holiday.~~

#### C. Holiday Work

In the event that work is required of an employee on any holiday recognized by the employing institution or agency:

1. Employees in prevailing wage rate groups will be compensated in accordance with the Prevailing Wage Act and/or prevailing practice on those holidays designated in the appropriate multi-employer area agreement or university policy.

~~2. Other nonexempt employees, as defined by the Fair Labor Standards Act (including prevailing rate employees for holidays not designated in the appropriate multi-employer area agreement), in addition to regular compensation, will receive additional payment at the rate of time and one-half, or, if mutually agreed to, by time off at the rate of time and one-half.~~

#### D. Holiday on Non-work Day

For employees who normally work a Monday-through-Friday schedule, holidays which fall on a calendar Saturday will be observed on the preceding day, and holidays which fall on a calendar Sunday will be observed on the following day. Employees who normally work other than a Monday-through-Friday schedule, and who are not scheduled to work on a calendar holiday, will receive, as necessary operations permit, either (1) a scheduled work day off within two weeks of the recognized holiday, or (2) an additional day's pay at the regular rate.

### IV. PAID LEAVE

#### A. Initial Probationary Period

~~The E~~ That employees' use of earned vacation (either days taken or paid days) during the probationary period is to be permitted, subject to supervisory approval and operational needs. If separation occurs during the probationary period, no penalty is to be imposed. (Approved by the Merit Board at its Ninety-First meeting, November 10, 1982.)



**B. Vacation ~~and Personal Leave~~**

1. Each employee who is nonexempt under the Fair Labor Standards Act, and each employee who is exempt as an executive or administrative employee but who (1) is required to work a fixed shift and (2) receives overtime compensation if required to perform overtime shall earn Vacation ~~and Personal Leave~~ at the rate which is shown opposite the employee's service years in Schedule A.

Commented [LN1]: Should this say "shall accrue"?

**SCHEDULE A**

Years of Service		Rate Earned Per Hour of Pay-Status Service (Exclusive of Overtime)	Approximate Leave Days Earned in One Year
At Least	Not More Than		
0	3	.0462	12
3	6	.0577	15
<6	9	.0692	18
9	14	.0808	21
14		.0962	25

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2. Each employee who is (1) an executive, administrative, or professional employee as defined under the Fair Labor Standards Act, (2) not provided with a fixed or rigid daily and weekly schedule, and (3) required to discharge duties, the discharge of which usually requires a certain amount of flexibility in such schedule, shall earn Vacation and Personal Leave at the rate which is shown opposite the employee's service years in Schedule B.

Commented [LN2]: Should this say "shall accrue"?

#### SCHEDULE B

Years of Service		Rate Earned Per Hour of Pay-Status Service (Exclusive of Overtime)	Approximate Leave Days Earned in One Year
At Least	Not More Than		
0	3	.0962	25
3	6	.1000	26
6	9	.1038	27
9		.1077	28

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34. Based on mandated changes or compliance with Federal, State, and regulations, such as that contained within the terms of the Fair Labor Standards Act, and as applied to the definition of employees in section IV(B)(1) and (2), Paid Leave, an employer may allow an employee hired prior to the effective date of the mandated change the opportunity to continue accruing vacation on the same accrual schedule prior to the mandated change. (Approved by the Merit Board at its Two-Hundred and First meeting, August 17, 2016.)

4. An employee may accumulate at the employee's then current earning rate an amount of leave equal to that earned in two service years but upon reaching this accumulation will cease to earn leave except as the accumulation is reduced. Employees converting from principal administrative positions to a status civil service position may be allowed to transfer balances greater than the two year accumulation maximum. (Approved by the Merit Board at its Two-Hundred and First meeting, August 17, 2016.)

~~5. Institutions with present Vacation and Personal Leave plans which differ from the above shall move to these schedules after due notice to employees and shall place each present employee on the service year step of the above schedules that will most nearly preserve the employee's present earning rate of Vacation and Personal Leave.~~

~~56.~~ Each institution shall issue appropriate rules and administrative procedures to assure that within the total amount of Vacation ~~and Personal Leave~~ accumulated, ~~and~~ employer operations permitting, periods ~~of up to one or two days at a time will be granted an employee for personal reasons upon request of the employee and without the need for advance planning. Longer periods~~ of vacation ~~shall~~~~could~~ be planned and scheduled by the institution after taking into account employee preferences.

~~67.~~ Where there has been a break in service, the service year shall be computed as though all previous State service which qualified for earning of Vacation and Personal Leave benefits is continuous with present service, i.e., service during each separate period of employment, whether institution or other State service, shall be added together to arrive at total service. This provision is effective October 1, 1972. It applies to the future earning rate of eligible employees on the institution's rolls on this effective date as well as to those who enter or reenter institution service after that date. (Amendment approved and added by the Merit Board at its Fifty-Sixth meeting, October 30, 1972.)

#### C. Sick Leave

1. An eligible employee shall earn credit for Sick Leave with full pay at the rate of one work day for each month ~~(23 days of service)~~ (.0462 per hour for each hour of pay-status service). The amount of leave accumulated at the time when illness or injury begins shall be available in full, and additional leave shall continue to accrue while an employee is using that already accumulated.

2. There shall be no limit in the amount of Sick Leave which may be accumulated.

3. An eligible employee may use accumulated Sick Leave only when an employee is ill or injured or obtaining medical or dental consultation or treatment. Each institution shall reserve the right to require acceptable evidence of disability, ~~illness, or injury before allowing the use of Sick Leave.~~

4. Use of Sick Leave shall be for an illness, injury, or medical appointment of the employee, employee's child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent. The use of allowable sick leave utilized for those listed above, except an employee, may be limited to an amount of what is accrued over a six month period if so listed in the employer's policy.

5. A former employee who separates in good standing and returns to employment within two years, shall have former accrued Sick Leave restored. (Paragraphs 4 and 5 approved and added by the Merit Board at its Eighty-Fourth meeting, June 11, 1980.)

**Commented [LN3]:** Must be consistent with new State/Federal Laws. Add specific language.



#### D. Funeral Leave

Commented [LN4]: Add bereavement provision.

1. Approval, with pay, will be granted to an eligible employee for a leave of up to three work days for the death of a member of the employee's immediate family, household, in-laws, and/or grandparents of immediate family; and of one day to attend the funeral of a relative outside the employee's immediate family or household.

2. Immediate family is defined as: father, mother, sister, brother, spouse, and children. In-laws are defined as: mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, and daughter-in-law. (Amended and approved at the Seventy-Third meeting of the Merit Board, September 27, 1977.)

#### E. Jury Duty

1. An eligible employee shall be granted a leave of absence without loss of pay when called for Jury Duty service.

#### F. Military Training

1. Leave of absence with pay shall be granted in accordance with the Military Leave of Absence Act (5 ILCS 325/1) to an eligible employee for military training who is a member of any reserve component of the United States Armed Forces, including the Illinois National Guard. The length of the leave with pay for training will not exceed standards established by federal or state regulations for training activities required to maintain standing in the above military units. During leaves for military training, the employee shall be eligible for compensation and benefit programs in accordance with applicable state and federal regulations.

#### G. Mobilized to Active Duty

1. Leave of absence with pay shall be granted in accordance with the Military Leave of Absence Act (5 ILCS 325/1) and Section 36g of the State Universities Civil Service Act (110 ILCS 70/36g) to an eligible employee who is a member of any reserve component of the United States Armed Forces, including the Illinois National Guard or Illinois State Militia who is mobilized to active duty. During leaves for active duty, the employee shall be eligible for compensation and benefit programs in accordance with applicable state and federal regulations.

#### H. Returning from Military Leave

In accordance with provisions of the Service Men's Employment Tenure Act, the Military Selective Service Act and the Employment and Reemployment Rights of Members of the Uniformed Services Act, an employee returning from leave for military service will be restored to the position of employment which the employee left, with the same increases in status, seniority, and wages that were earned during the term of military service by employees in like positions, or to a position of like seniority, status, and pay, unless the University's circumstances have so changed as to make it impossible or unreasonable to do so, or if the employee's position was temporary. Reemployment of Civil Service employees in provisional

Commented [LN5]: Subject to other laws. Should this be here?

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appointments will also be subject to Section 250.70(b) of the State Universities Civil Service Statute and Rules concerning conditions for provisional appointments.

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Employees returning from leave must have received a certificate or other evidence of honorable discharge or satisfactory completion of military service, and must make application for reemployment within 90 days after being relieved from military service, or from hospitalization continuing after discharge for a period of not more than one year.

Employees must be still qualified to perform the duties of the position of employment from which leave was taken. If, as a result of military service, the employee is not physically or mentally qualified to perform the duties of the former position, the employee will be restored to a position for which he or she is qualified and able to perform the duties and which will provide the similar seniority, status, and pay, or the nearest approximation thereof, consistent with the circumstances of the case. Restoral to such a position is not required if it would cause undue hardship to the University.

#### **III. Excused Absence**

1. Rules providing for excused absence with pay shall be issued by the governing board of each institution or agency or by an official to whom delegation has been made as the institution or agency determines to be in its best interest. Reasonable limitations on such excused absences shall be included.

#### **IV. TRANSFER OF BENEFIT CREDITS**

1. A current status employee within the System who is selected for employment by another institution within the System and enters on such employment without break in service will be (1) credited by the hiring institution with that amount of accumulated Sick Leave which the employee had credit on the last day of service with their previous System employer and (2) granted eligibility by the hiring institution to earn future Vacation and Personal Leave benefits based upon the employee's total continuous service to a previous System employer as computed by that employer.

#### **V. EDUCATIONAL BENEFITS**

1. Tuition and fee waiver shall be granted by each institution to an eligible employee of that institution or of any other institution or agency named in Section 36e of the Civil Service Act Statute who enrolls in courses up to the following maximal in any semester or quarter.

Commented [LN6]: Each campus has different maximums.

Full-time employee..... 6 hours or 2 courses  
3/4-time employee..... 4 hours  
1/2-time employee..... 3 hours

2. These maxima are employee benefit limitations and do not apply to enrollment in approved work-related training programs, the purpose of which is to improve University services. The fees which will be waived include registration fees and admission fees, and, in the case of an institution's own employees, no charge will be made for service type fees such as those imposed to secure revenue for bond retirement, etc. These latter (i.e., service type) fees will not be waived for an employee of another institution. Employees may enroll for class work during regular working hours for only one course and only as approved by their supervisors and then if the course is only offered during working hours. When such permission is granted the employee will make up time (1) working outside of the employee's regularly scheduled hours as approved by the employee's supervisor or (2) deducting the time spent in class from the employee's accumulated Vacation and Personal Leave. A student as defined in Rule 250.70(f)(3) is not eligible for a status appointment and may not be granted tuition or fee waivers as an employee benefit.

Commented [LN7]: Campuses typically do not waive fees.

The effective date of this Policy shall be ~~July 1, 2017~~ September 1, 2017.

Updated ~~September~~ July 1, 2017



# STATE UNIVERSITIES CIVIL SERVICE SYSTEM

Sunnycrest Center  
1717 Philo Road, Suite 24  
Urbana, Illinois 61802-6099



James D. Montgomery  
Merit Board Chair  
Jeff Brownfield  
Executive Director

DATE: March 27, 2017  
TO: Michelle Jett, Chief of Staff for Representative Carol Ammons  
FROM: David DeThorne, Legal Counsel  
SUBJECT: HB 3185 Explanation of Legislative Proposal

Listed below is a breakdown of changes to the State Universities Civil Service Act, 110 ILCS 70/0.01 et seq. This document discusses those changes reflected in Amendment 1 to House Bill 3185, found on the ILGA website.

The changes highlighted in yellow are significant changes and/or potentially controversial changes.

I would like to emphasize that, from a 'marketing' standpoint, there may appear to be significant changes in the amendment due to several sections of text apparently added and deleted. However, the majority of the strikeouts and additions are a function of an attempt to make the Act more user-friendly, and due to moving language from the general §36d, "Powers and duties of the Merit Board" to the more specific sections as applicable, such as to §36f, "Examinations" and §36j, "Promotions." Our Act needs to be organized and written in a common sense manner, and accessible to the thousands of employees subject to the Merit Board's authority.

## Page 1

Lines 14-16: Deleted as superfluous. The State Community College of East St. Louis was abolished years ago and any transitional issues needing this reference have since been resolved. *This language is the subject of other later deletions addressing this issue are not itemized in this list.*

## Page 2

Lines 4, 5: Added for linguistic consistency.

Line 11: Added for internal consistency and to reflect the Act's own directive to refer to the system as "the University System" in 110 ILCS 70/36b(1). *This inconsistency is the subject of other later deletions and additions addressing this issue are not itemized in this list.*

## Page 3

Lines 7-16: Deleted as superfluous. In 1995, the prior board system for the various agencies was dissolved and the current system was put in place. This

language is superfluous because any transitional issues needing this reference have since been resolved.

**Page 4**

Line 19:

"Executive" added to "Director" for internal consistency throughout the Act. *This inconsistency is the subject of other later deletions and additions addressing this issue are not itemized in this list. Addition of "or her" to provide gender neutrality. This correction is made elsewhere and those other additions are not itemized in this list.*

**Page 6**

Lines 7-15:

*(This language is not deleted but the System Office will seek to have this language deleted because the current amendment has moved it verbatim to page 10, lines 14-18 and lines 23-25. To clarify, this language is not marked at this time, but it has been duplicated by copying it verbatim to §36f, "Examinations." Deleting the language from §36d, "Powers and duties of the Merit Board" and instead having it within "Examinations" is recommended.)*

**Page 7**

Lines 5-6:

Deleted. Section 36j, "Promotions," also directs the Merit Board to "provide in all cases where it is practicable that vacancies will be filled by promotion." In this instance, because the language is already found in both the "Promotions" section, page 17, lines 12-13, and this "Powers and duties of the Merit Board" section, this less-specific section is deleted and the principle is kept in the section specifically concerning promotions.

Lines 6-7:

Moved verbatim to Section 36j, "Promotions," page 17, lines 13-15.

Lines 8-11:

Added language adopted from slightly modified for grammatical sense from Section 36o, "Demotion, removal, and discharge," page 20, lines 14-17, and moved here, because the need for subpoena power may arise outside of the disciplinary context, such as for investigating exemptions or seniority. The language in §36o concerning subpoena power is unchanged.

Lines 12-16:

Deleted because this section, 36d, is entitled "Powers and duties of the Merit Board," but this power as worded is exclusively that of the Executive Director, so it is not a power or duty of the Merit Board and so does not belong here. In addition, this authority to set the periods of probation, including the parameters and placing it with the Executive Director is also found in 36h(2), "Appointments," page 16, lines 13-14.

**Page 8**

Lines 4-6:

Amended to recognize that the Executive Director by tradition, practice and the quarterly meeting cycle of the Merit Board actually hires the staff.

Lines 8-11:

Amended to recognize that the "assistant resident" and "assistant" referred to in the statute has come to be known more accurately as the "Designated Employer Representative" in practice.



Lines 13-17:

Added to eliminate the legally supportable though weak argument that, by specifically allowing the Merit Board to delegate about half of the powers enumerated in the Act, the legislature meant to prohibit the delegation of the rest of those powers. This provision defeats that argument, but does not grant the Executive Director any additional authority.

Lines 24 - page 9, line 2:

**New language added to allow the Merit Board to try limited programs that may conflict with properly-promulgated rules to try new approaches to civil service issues, while preserving the rights of current civil service employees.**

#### Page 10

Lines 14-18:

Language moved verbatim from §36d(5), "Powers and duties of the Merit Board" generally and moved to this section, "Examinations," verbatim. With this amendment, this language is found in both places. *(The System Office would recommend that the language in §36d(5) be deleted and this amendment be kept so this language concerning examinations would be found in this "Examinations" section.)*

Lines 23-25:

Language also moved verbatim from §36d(5), "Powers and duties of the Merit Board" generally and moved to this section, "Examinations," verbatim. With this amendment, this language is found in both places. Note that this first sentence of this subsection (c) is not new language. The remainder of this subsection (c) is new, as discussed below.

#### Page 11

Line 1-10:

(Note that the last word on the preceding page 10, "The," is part of this language.) **New language added to allow the Merit Board to promulgate rules through JCAR relaxing the requirement that all exams for a class be identical for law enforcement and medical professionals.** Currently, the Act requires uniformity of examination for a class. This change would allow, through the JCAR process, creation of a rule that would allow for alternative assessment for a narrow group of positions/classifications. For example, a current sheriff's deputy could be placed on the Employment Register and potentially allowed to interview for a vacant police officer position at one of the university departments. There would be no requirement to place this person on the employment register or interview him/her. The envisioned rule would substitute the Sworn Officers' certification established by the Illinois Law Enforcement Training Standards Board and experience for the standard examination process which includes, a knowledge exam, physical fitness examination, oral board and other assessment tools. This could also be extended to limited, specific highly regulated medical professionals such as Medical Social Workers, Registered Nurses and possibly others. Note that this new language begins with the last word on the preceding page. Although the entire subsection (c) in the amendment is underlined, the first sentence is not new language, but the remainder is.



Line 13: Amended for grammatical correctness.

**Page 13**

Line 26 - p. 14, line 3: Language concerning active military service abbreviated and removed from this section 36g regarding veteran (post-active service) points to the following section 36g-1 which actually concerns active military service. Condensed and moved to §36g-1, page 15, lines 12-13, which preserves this right but in the more appropriate section.

**Page 14**

Lines 18-25: Amended to provide protection when activated for military service to all constituent agencies and institutions, not just universities.

**Page 15**

Lines 3, 5-6: Amends language to protect all dates of mobilization for military service.

Line 8: Amended to provide protection for activation to all employees subject to Act, not just those of universities, to coincide with amendment in page 13, line 26 through page 14, line 3.

Lines 12-13: Concept of seniority accumulation for active military service moved from previous §36g, page 13, line 26 through page 14, line 3, concerning veterans points, to this §36g-1 concerning active service. Language simplified but provides same protection.

**Page 16**

Lines 15-17: Removes potential confusion about the time of applicability. The language as worded is superfluous and potentially confusing because any transitional issues needing this reference have since been resolved.

**Page 17**

Lines 13-15: Language taken from §36d(8), page 7, lines 6-7, "Powers and duties of the Merit Board," and moved to this more specific section 36j, "Promotions" verbatim.

Lines 21 - page 18, line 1: Moved verbatim to later in section, page 18, lines 21-26, for more intuitive organization.

Lines 21-26: Moved verbatim from earlier in section, lines 21 - page 18, line 1, for more intuitive organization.

**Page 19**

Lines 18-19: Moved from later in sentence, lines 22-23, to clarify what entity conducts the hearing.

**Lines 19-22:** New language added and taken from Municipal Code to require a discharge/demotion hearing to commence but not necessarily be complete within certain notice period. The current word "Occur" implies

completion of hearing, which is not always possible, or even desired by either or both of the parties. Additionally, the proposed language is based on statutory provision found in the Illinois Municipal Code, 65 ILCS 5/10-2.1-17, that has been tested several times in various courts which allows for continuances for good cause; the current language does not make appropriate allowances.

Lines 22-23: Language moved to earlier in paragraph for clarity, lines 18-19.

Lines 23 - page 20, line 1: Deletes language in favor of current practice which is in line with increased use of arbitration which is to contact former judges and current arbitrators to serve as hearing officers.

**Page 20**

Lines 9-10: Added language to allow for something other than separation of service, particularly where remedy sought is not separation, such as demotion.

**Page 21**

**Lines 5-8:** Added language to provide protected classes consistent with Illinois Human Rights Act from current more limited list currently in our Act.

Lines 16-18: Deletes language that is superfluous given passage of time since 1995.



Rep. Carol Ammons

Filed: 3/21/2017

10000HB3185ham001

LRB100 11276 MLM 23968 a

1 AMENDMENT TO HOUSE BILL 3185

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3185 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The State Universities Civil Service Act is  
5 amended by changing Sections 36b, 36c, 36d, 36e, 36f, 36g,  
6 36g-1, 36h, 36j, 36o, 36p, and 36s as follows:

7 (110 ILCS 70/36b) (from Ch. 24 1/2, par. 38b1)

8 Sec. 36b. Creation.

9 (1) A classified civil service system to be known as the  
10 State Universities Civil Service System is hereby created, and  
11 is hereinafter referred to as the University System.

12 (2) The purpose of the University System is to establish a  
13 sound program of personnel administration for the Illinois  
14 Community College Board, ~~State Community College of East St.~~  
15 ~~Louis (abolished under Section 2-12.1 of the Public Community~~  
16 ~~College Act)~~, Southern Illinois University, Chicago State



1 University, Eastern Illinois University, Governors State  
2 University, Illinois State University, Northeastern Illinois  
3 University, Northern Illinois University, Western Illinois  
4 University, the University of Illinois, the State Universities  
5 Civil Service System, the State Universities Retirement  
6 System, the State Scholarship Commission, and the Board of  
7 Higher Education. All certificates, appointments and  
8 promotions to positions in these agencies and institutions  
9 shall be made solely on the basis of merit and fitness, to be  
10 ascertained by examination, except as specified in Section 36e.

11 (3) The University ~~State Universities Civil Service~~ System  
12 hereby created shall be a separate entity of the State of  
13 Illinois and shall be under the control of a Board to be known  
14 as the University Civil Service Merit Board, and is hereinafter  
15 referred to as the Merit Board.

16 (Source: P.A. 97-333, eff. 8-12-11.)

17 (110 ILCS 70/36c) (from Ch. 24 1/2, par. 38b2)

18 Sec. 36c. The merit board. The Merit Board shall be  
19 composed of 11 members, 3 of whom shall be members of the Board  
20 of Trustees of the University of Illinois, one of whom shall be  
21 a member of the Board of Trustees of Southern Illinois  
22 University, one of whom shall be a member of the Board of  
23 Trustees of Chicago State University, one of whom shall be a  
24 member of the Board of Trustees of Eastern Illinois University,  
25 one of whom shall be a member of the Board of Trustees of

1     Governors State University, one of whom shall be a member of  
2     the Board of Trustees of Illinois State University, one of whom  
3     shall be a member of the Board of Trustees of Northeastern  
4     Illinois University, one of whom shall be a member of the Board  
5     of Trustees of Northern Illinois University, and one of whom  
6     shall be a member of the Board of Trustees of Western Illinois  
7     University. ~~The 7 new members required to be elected to the~~  
8     ~~Merit Board by their respective Boards of Trustees shall~~  
9     ~~replace the 2 persons who, until the effective date of this~~  
10    ~~amendatory Act of 1995, served as members of the Merit Board~~  
11    ~~elected from the Board of Governors of State Colleges and~~  
12    ~~Universities and the Board of Regents; and the terms of the~~  
13    ~~members elected to the Merit Board from the Board of Governors~~  
14    ~~of State Colleges and Universities and the Board of Regents~~  
15    ~~shall terminate on the effective date of this amendatory Act of~~  
16    ~~1995.~~ The members of the Merit Board shall be elected by the  
17    respective Boards in which they hold membership and they shall  
18    serve at the pleasure of the electing Boards.

19       All members of the Merit Board shall serve without  
20    compensation but shall be reimbursed for any traveling expenses  
21    incurred in attending meetings of the Merit Board.

22       The Merit Board shall determine the number necessary for a  
23    quorum, elect its own chairman and set up an Executive  
24    Committee of its own members which shall have all of the powers  
25    of the Merit Board except as limited by the Merit Board.

26       The Merit Board shall cause to be elected a committee of

1 not less than eleven members to be made up of Civil Service  
2 Employees, six of whom shall be nominated by and from the Civil  
3 Service Employees of the University of Illinois and one of whom  
4 shall be nominated by and from the Civil Service Employees of  
5 each of the other institutions specified in Section 36e, who  
6 will function in an advisory capacity to the Merit Board on all  
7 matters pertaining to the University System. This Advisory  
8 Committee shall meet at least quarterly and members of the  
9 Committee shall be reimbursed by their respective employers for  
10 time lost from work and for expenses incurred in attending  
11 meetings of the Committee.

12 (Source: P.A. 89-4, eff. 1-1-96.)

13 (110 ILCS 70/36d) (from Ch. 24 1/2, par. 38b3)

14 Sec. 36d. Powers and duties of the Merit Board. The Merit  
15 Board shall have the power and duty:-

16 (1) To approve a classification plan prepared under its  
17 direction, assigning to each class positions of  
18 substantially similar duties. The Merit Board shall have  
19 power to delegate to its Executive Director the duty of  
20 assigning each position in the classified service to the  
21 appropriate class in the classification plan approved by  
22 the Merit Board.

23 (2) To prescribe the duties of each class of positions  
24 and the qualifications required by employment in that  
25 class.



1           (3) To prescribe the range of compensation for each  
2       class or to fix a single rate of compensation for employees  
3       in a particular class; and to establish other conditions of  
4       employment which an employer and employee representatives  
5       have agreed upon as fair and equitable. The Merit Board  
6       shall direct the payment of the "prevailing rate of wages"  
7       in those classifications in which, on January 1, 1952, any  
8       employer is paying such prevailing rate and in such other  
9       classes as the Merit Board may thereafter determine.  
10      "Prevailing rate of wages" as used herein shall be the  
11      wages paid generally in the locality in which the work is  
12      being performed to employees engaged in work of a similar  
13      character. Each employer covered by the University System  
14      shall be authorized to negotiate with representatives of  
15      employees to determine appropriate ranges or rates of  
16      compensation or other conditions of employment and may  
17      recommend to the Merit Board for establishment the rates or  
18      ranges or other conditions of employment which the employer  
19      and employee representatives have agreed upon as fair and  
20      equitable. Any rates or ranges established prior to January  
21      1, 1952, and hereafter, shall not be changed except in  
22      accordance with the procedures herein provided.

23           (4) To recommend to the institutions and agencies  
24      specified in Section 36e standards for hours of work,  
25      holidays, sick leave, overtime compensation and vacation  
26      for the purpose of improving conditions of employment

1 covered therein and for the purpose of insuring conformity  
2 with the prevailing rate principal.

3 (5) To prescribe standards of examination for each  
4 class, the examinations to be related to the duties of such  
5 class. The Merit Board shall have power to delegate to the  
6 Executive Director and his or her staff the preparation,  
7 conduct and grading of examinations. Examinations may be  
8 written, oral, by statement of training and experience, in  
9 the form of tests of knowledge, skill, capacity, intellect,  
10 aptitude; or, by any other method, which in the judgment of  
11 the Merit Board is reasonable and practical for any  
12 particular classification. Different examining procedures  
13 may be determined for the examinations in different  
14 classifications but all examinations in the same  
15 classification shall be uniform.

16 (6) To authorize the continuous recruitment of  
17 personnel and to that end, to delegate to the Executive  
18 Director and his or her staff the power and the duty to  
19 conduct open and continuous competitive examinations for  
20 all classifications of employment.

21 (7) To cause to be established, from the results of  
22 examinations, registers for each class of positions in the  
23 classified service of the University ~~State Universities~~  
24 ~~Civil Service~~ System, of the persons who shall attain the  
25 minimum mark fixed by the Merit Board for the examination;  
26 and such persons shall take rank upon the registers as

1 candidates in the order of their relative excellence as  
2 determined by examination, without reference to priority  
3 of time of examination.

4 (8) To provide by its rules for promotions in the  
5 classified service. ~~Vacancies shall be filled by promotion~~  
6 ~~whenever practicable. For the purpose of this paragraph, an~~  
7 ~~advancement in class shall constitute a promotion.~~

8 (8.5) To issue subpoenas to secure the attendance and  
9 testimony of witnesses and the production of books and  
10 papers in the course of any investigation or hearing  
11 conducted pursuant to the Act.

12 (9) (Blank). ~~To set a probationary period of employment~~  
13 ~~of no less than 6 months and no longer than 12 months for~~  
14 ~~each class of positions in the classification plan, the~~  
15 ~~length of the probationary period for each class to be~~  
16 ~~determined by the Director.~~

17 (10) To provide by its rules for employment at regular  
18 rates of compensation of persons with physical  
19 disabilities in positions in which the disability does not  
20 prevent the individual from furnishing satisfactory  
21 service.

22 (11) To make and publish rules, to carry out the  
23 purpose of the University ~~State Universities Civil Service~~  
24 System and for examination, appointments, transfers and  
25 removals and for maintaining and keeping records of the  
26 efficiency of officers and employees and groups of officers



1 and employees in accordance with the provisions of Sections  
2 36b to 36q, inclusive, and said Merit Board may from time  
3 to time make changes in such rules.

4 (12) To appoint an Executive a Director who shall  
5 appoint staff to and such assistants and other clerical and  
6 technical help as may be necessary efficiently to  
7 administer Sections 36b to 36q, inclusive. To authorize the  
8 Executive Director to appoint a Designated Employer  
9 Representative an assistant resident at the place of  
10 employment of each employer specified in Section 36e, and  
11 this Designated Employer Representative assistant may be  
12 authorized to give examinations and to certify names from  
13 the regional registers provided in Section 36k. The  
14 enumeration of specific duties and powers that the Merit  
15 Board may delegate to the Executive Director in this  
16 Section does not preclude the Merit Board from delegating  
17 other duties and powers to the Executive Director.

18 (13) To submit to the Governor of this state on or  
19 before November 1 of each year prior to the regular session  
20 of the General Assembly a report of the University System's  
21 business and an estimate of the amount of appropriation  
22 from state funds required for the purpose of administering  
23 the University System.

24 (14) To authorize the creation and use of pilot programs to  
25 further the goals of the Act, which may be inconsistent with  
26 any rules adopted by the Merit Board, provided that such

1 programs are of limited duration and do not reduce any rights  
2 or benefits of employees subject to this Act.

3 (Source: P.A. 99-143, eff. 7-27-15.)

4 (110 ILCS 70/36e) (from Ch. 24 1/2, par. 38b4)

5 Sec. 36e. Coverage. All employees of the Illinois Community  
6 College Board, ~~State Community College of East St. Louis~~  
7 ~~(abolished under Section 2-12.1 of the Public Community College~~  
8 ~~Act)~~, Southern Illinois University, Chicago State University,  
9 Eastern Illinois University, Governors State University,  
10 Illinois State University, Northeastern Illinois University,  
11 Northern Illinois University, Western Illinois University, the  
12 University of Illinois, the University State Universities  
13 ~~Civil Service~~ System, the State Universities Retirement  
14 System, the State Scholarship Commission, and the Board of  
15 Higher Education, shall be covered by the University System  
16 described in Sections 36b to 36q, inclusive, of this Act,  
17 except the following persons:

18 (1) The members and officers of the Merit Board and the  
19 board of trustees, and the commissioners of the  
20 institutions and agencies covered hereunder;

21 (2) The presidents and vice-presidents of each  
22 educational institution;

23 (3) Other principal administrative employees of each  
24 institution and agency as determined by the Merit Board;

25 (4) The teaching, research and extension faculties of

1 each institution and agency;

2 (5) Students employed under rules prescribed by the  
3 Merit Board, without examination or certification.

4 (Source: P.A. 97-333, eff. 8-12-11.)

5 (110 ILCS 70/36f) (from Ch. 24 1/2, par. 38b5)

6 Sec. 36f. Examinations.

7 (a) All examinations given under the University System  
8 shall be open to all applicants who are citizens of or  
9 residents in the State of Illinois and who can qualify by  
10 training and experience for the position for which application  
11 is made. In examinations for technical positions for which no  
12 qualified residents of this State are available the residence  
13 requirement may be waived.

14 (b) Examinations may be written; oral; by statement of  
15 training and experience; in the form of tests of knowledge,  
16 skill, capacity, intellect, or aptitude; or by any other method  
17 which, in the judgment of the Merit Board, is reasonable and  
18 practical for any particular classification. The examinations  
19 shall be practical and shall relate to the classification for  
20 which the examination is given. No question in any examination  
21 shall relate to political or religious affiliation or racial  
22 origins of the examinee.

23 (c) Different examining procedures may be determined for  
24 the examinations in different classifications, but all  
25 examinations in the same classification must be uniform. The



1 examination requirement for the initial appointment, entry  
2 level position only, of law enforcement personnel may be waived  
3 if an applicant has satisfied all the requirements established  
4 by the Illinois Police Training Act for appointment of law  
5 enforcement officers and if the Merit Board allows for such a  
6 waiver by rule. Additional positions may have the examination  
7 requirement waived if the occupational standards are regulated  
8 by the Department of Financial and Professional Regulation, as  
9 designated by the Merit Board and provided for in adopted  
10 rules.

11 (Source: Laws 1951, p. 1289.)

12 (110 ILCS 70/36g) (from Ch. 24 1/2, par. 38b6)

13 Sec. 36g. Appropriate ~~For the granting of appropriate~~  
14 preference in entrance examinations to qualified persons who  
15 have been members of the armed forces of the United States or  
16 to qualified persons who, while citizens of the United States,  
17 were members of the armed forces of allies of the United States  
18 in time of hostilities with a foreign country, and to certain  
19 other persons as set forth in this Section.

20 (a) As used in this Section:

21 (1) "Time of hostilities with a foreign country" means  
22 any period of time in the past, present, or future during  
23 which a declaration of war by the United States Congress  
24 has been or is in effect or during which an emergency  
25 condition has been or is in effect that is recognized by

1 the issuance of a Presidential proclamation or a  
2 Presidential executive order and in which the armed forces  
3 expeditionary medal or other campaign service medals are  
4 awarded according to Presidential executive order.

5 (2) "Armed forces of the United States" means the  
6 United States Army, Navy, Air Force, Marine Corps, Coast  
7 Guard. Service in the Merchant Marine that constitutes  
8 active duty under Section 401 of federal Public Law 95-202  
9 shall also be considered service in the Armed Forces of the  
10 United States for purposes of this Section.

11 (b) The preference granted under this Section shall be in  
12 the form of points added to the final grades of the persons if  
13 they otherwise qualify and are entitled to appear on the list  
14 of those eligible for appointments.

15 (c) A veteran is qualified for a preference of 10 points if  
16 the veteran currently holds proof of a service connected  
17 disability from the United States Department of Veterans  
18 Affairs or an allied country or if the veteran is a recipient  
19 of the Purple Heart.

20 (d) A veteran who has served during a time of hostilities  
21 with a foreign country is qualified for a preference of 5  
22 points if the veteran served under one or more of the following  
23 conditions:

24 (1) The veteran served a total of at least 6 months, or

25 (2) The veteran served for the duration of hostilities  
26 regardless of the length of engagement, or

1           (3) The veteran was discharged on the basis of  
2       hardship, or

3           (4) The veteran was released from active duty because  
4       of a service connected disability and was discharged under  
5       honorable conditions.

6           (e) A person not eligible for a preference under subsection  
7       (c) or (d) is qualified for a preference of 3 points if the  
8       person has served in the armed forces of the United States, the  
9       Illinois National Guard, or any reserve component of the armed  
10      forces of the United States and the person: (1) served for at  
11      least 6 months and has been discharged under honorable  
12      conditions or (2) has been discharged on the ground of hardship  
13      or (3) was released from active duty because of a service  
14      connected disability. An active member of the National Guard or  
15      a reserve component of the armed forces of the United States is  
16      eligible for the preference if the member meets the service  
17      requirements of this subsection (e).

18          (f) The rank order of persons entitled to a preference on  
19      eligible lists shall be determined on the basis of their  
20      augmented ratings. When the Executive Director establishes  
21      eligible lists on the basis of category ratings such as  
22      "superior", "excellent", "well-qualified", and "qualified",  
23      the veteran eligibles in each such category shall be preferred  
24      for appointment before the non-veteran eligibles in the same  
25      category.

26          (g) (Blank). ~~Employees in positions covered by this Act~~

1 ~~who, while in good standing, leave to engage in military~~  
2 ~~service during a period of hostility, shall be given credit for~~  
3 ~~seniority purposes for time served in the armed forces.~~

4 (h) A surviving unremarried spouse of a veteran who  
5 suffered a service connected death or the spouse of a veteran  
6 who suffered a service connected disability that prevents the  
7 veteran from qualifying for civil service employment shall be  
8 entitled to the same preference to which the veteran would have  
9 been entitled under this Section.

10 (i) A preference shall also be given to the following  
11 individuals: 10 points for one parent of an unmarried veteran  
12 who suffered a service connected death or a service connected  
13 disability that prevents the veteran from qualifying for civil  
14 service employment. The first parent to receive a civil service  
15 appointment shall be the parent entitled to the preference.

16 (Source: P.A. 87-796.)

17 (110 ILCS 70/36g-1) (from Ch. 24 1/2, par. 38b6.1)

18 Sec. 36g-1. Active military service. Any employee of any  
19 institution or agency subject to this Act ~~State Community~~  
20 ~~College of East St. Louis (abolished under Section 2-12.1 of~~  
21 ~~the Public Community College Act), Southern Illinois~~  
22 ~~University, the University of Illinois, any university under~~  
23 ~~the jurisdiction of the Board of Regents, or any college or~~  
24 ~~university under the jurisdiction of the Board of Governors of~~  
25 ~~State Colleges and Universities~~ who is a member of any reserve



1 component of the United States Armed Services, including the  
2 Illinois National Guard, and who is mobilized to active  
3 military duty ~~on or after August 1, 1990~~ as a result of an  
4 order of the President of the United States, shall, for each  
5 pay period beginning on or after the date of that mobilization,  
6 ~~August 1, 1990~~ continue to receive the same regular  
7 compensation that he or she receives or was receiving as an  
8 employee of that educational institution or agency at the time  
9 he or she is or was so mobilized to active military duty, plus  
10 any health insurance and other benefits he or she is or was  
11 receiving or accruing at that time, minus the amount of his or  
12 her base pay for military service, and shall be given credit  
13 for seniority purposes for the duration of his or her active  
14 military service.

15 In the event any provision of a collective bargaining  
16 agreement or any policy of the educational institution covering  
17 any employee so ordered to active duty is more generous than  
18 the provisions contained in this Section, that collective  
19 bargaining agreement or policy shall be controlling.

20 (Source: P.A. 97-333, eff. 8-12-11.)

21 (110 ILCS 70/36h) (from Ch. 24 1/2, par. 38b7)

22 Sec. 36h. Appointment.

23 (1) Whenever an employer covered by the University System  
24 has a position which needs to be filled, this employer shall  
25 inform the Executive Director of the Merit Board. The Executive

1 Director shall then certify to the employer the names and  
2 addresses of the persons with the 3 highest scores on the  
3 register for the classification to which the position is  
4 assigned. The employer shall select one of these persons  
5 certified for the position and shall notify the Executive  
6 Director of the Merit Board of the selection. If less than 3  
7 scores appear on the appropriate register, the Executive  
8 Director shall certify the names and addresses of all persons  
9 on the register.

10 (2) All appointments shall be for a probationary period of  
11 no less than 6 months and no longer than 12 months for each  
12 class of positions in the classification plan, the length of  
13 the probationary period for each class having been determined  
14 by the Executive Director, except that persons first appointed  
15 to any police department of any university or college subject  
16 to this Act ~~covered by the University System after the~~  
17 ~~effective date of this amendatory Act of 1979~~ shall be on  
18 probation for one year. The service during the probationary  
19 period shall be deemed to be a part of the examination. During  
20 the probationary period, the employee may be dismissed if the  
21 employer determines that the employee has failed to demonstrate  
22 the ability and the qualifications necessary to furnish  
23 satisfactory service. The employer shall notify the Executive  
24 Director in writing of such dismissal. If an employee is not so  
25 dismissed during his or her probationary period, his or her  
26 appointment shall be deemed complete at the end of the period.

1 (3) No person shall be appointed to any police department  
2 of any university or college covered by the University System  
3 unless he or she possesses a high school diploma or an  
4 equivalent high school education and unless he or she is a  
5 person of good character and is not a person who has been  
6 convicted of a felony or a crime involving moral turpitude.  
7 (Source: P.A. 99-72, eff. 1-1-16.)

8 (110 ILCS 70/36j) (from Ch. 24 1/2, par. 38b9)

9 Sec. 36j. Promotions.

10 (a) The Merit Board shall by rules provide for promotions  
11 on the basis of ability and experience and seniority in service  
12 and examination and to provide in all cases where it is  
13 practicable that vacancies will be filled by promotion. For the  
14 purpose of this Section, an advancement in class shall  
15 constitute a promotion.

16 (b) The Merit Board shall by rule fix lines of promotion  
17 from such several offices and places to superior offices or  
18 places in all cases where, in the judgment of the Merit Board,  
19 the duties of such several positions directly tend to fit the  
20 incumbent for a superior position.

21 ~~(c) Employees promoted in the promotional line shall have~~  
22 ~~their seniority for the highest position held on the basis of~~  
23 ~~length of service in that classification. For the next lower~~  
24 ~~classification the employee may add his seniority in the higher~~  
25 ~~classification to that in the lower to determine seniority in~~

1 ~~the lower classification.~~ Whenever a superior position in the  
2 promotional line in the classified civil service under the  
3 University System is to be filled, the Executive Director shall  
4 certify to the employer, in the order of their seniority, the  
5 names and addresses of the persons with the 3 highest scores on  
6 the promotional register for the class or grade to which said  
7 position belongs. The employer shall appoint one of those  
8 persons whose names were certified by the Executive Director.

9 (d) Appointments to superior positions in the promotional  
10 line shall be on probation for a period of no less than 6  
11 months and no longer than 12 months for each class of positions  
12 in the classification plan, the length of the probationary  
13 period having been determined by the Executive Director.  
14 Persons so appointed may be demoted at any time during the  
15 period of probation if, in the opinion of the employer, they  
16 have failed to demonstrate the ability and the qualifications  
17 necessary to furnish satisfactory service, but shall not be  
18 discharged from the superior position if they have previously  
19 completed a probationary period in an inferior position in the  
20 promotional line.

21 (e) Employees promoted in the promotional line shall have  
22 their seniority for the highest position held on the basis of  
23 length of service in that classification. For the next lower  
24 classification, the employee may add his or her seniority in  
25 the higher classification to that in the lower to determine  
26 seniority in the lower classification.



1        (f) Whenever a person is promoted to a superior position in  
2        the promotional line prior to the completion of the  
3        probationary period in any one of the positions in the  
4        classified civil service under the University System, total  
5        service in the inferior position and in all such superior  
6        positions shall be combined to establish certified status and  
7        seniority in the inferior position.

8        (Source: P.A. 99-72, eff. 1-1-16.)

9        (110 ILCS 70/36o) (from Ch. 24 1/2, par. 38b14)

10       Sec. 36o. Demotion, removal, and discharge.

11       (a) After the completion of his or her probationary period,  
12       no employee shall be demoted, removed or discharged except for  
13       just cause, upon written charges, and after an opportunity to  
14       be heard in his or her own defense if he or she makes a written  
15       request for a hearing to the Merit Board within 15 days after  
16       the serving of the written charges upon him or her.

17       (b) Upon the filing of such a request for a hearing, the  
18       Merit Board shall grant such hearing by a hearing board or  
19       hearing officer appointed by the Merit Board to commence ~~be~~  
20       ~~held~~ within 45 days from the date of the service of the  
21       demotion, removal, or discharge notice, which may be continued  
22       from time to time by a hearing board or hearing officer  
23       ~~appointed by the Merit Board. The members of the hearing board~~  
24       ~~or the hearing officer shall be selected from among the members~~  
25       ~~of a panel established by the Merit Board after consultation~~

1 ~~with the Advisory Committee provided in Section 36e.~~ The  
2 hearing board or hearing officer shall make and render findings  
3 of facts on the charges and transmit to the Merit Board a  
4 transcript of the evidence along with the hearing board's or  
5 hearing officer's findings of fact. The findings of the hearing  
6 board or hearing officer when approved by the Merit Board shall  
7 be certified to the parties ~~employer~~.

8 (c) If cause for demotion, removal, or discharge is found,  
9 the employee shall be immediately demoted, removed, or  
10 discharged ~~separated~~ from the service. If cause is not found,  
11 the employee shall forthwith be reassigned to perform the  
12 duties of a position in his or her classification without loss  
13 of compensation.

14 (d) In the course of the hearing, the Executive Director of  
15 the Merit Board shall have power to administer oaths and to  
16 secure by subpoena the attendance and testimony of witnesses  
17 and the production of books and papers relevant to the inquiry.

18 (e) The provisions of the Administrative Review Law and all  
19 amendments and modification thereof, and the rules adopted  
20 pursuant thereto, shall apply to and govern all proceedings for  
21 the judicial review of final administrative decisions of the  
22 Merit Board hereby created. The term "administrative decision"  
23 is defined as in Section 3-101 of the Code of Civil Procedure.

24 (Source: P.A. 95-113, eff. 8-13-07.)

1       Sec. 36p. Nondiscrimination. In the administration of the  
2       University System, no applicant shall be denied employment by  
3       the Merit Board or by any employer subject to this Act because  
4       of race, color, sex, national origin, religious or political  
5       affiliations, ancestry, age, marital status, order of  
6       protection status, disability, military status, sexual  
7       orientation, pregnancy, or unfavorable military discharge, as  
8       defined in the Illinois Human Rights Act, except that any  
9       applicant for employment may be required as a condition of  
10      employment, to sign a valid oath attesting his loyalty to the  
11      state and the United States.

12      (Source: P.A. 78-842.)

13           (110 ILCS 70/36s) (from Ch. 24 1/2, par. 38b18)

14      Sec. 36s. Supported employees.

15           (a) The Merit Board shall develop and implement a supported  
16      employment program. ~~It shall be the goal of the program to~~  
17      ~~appoint a minimum of 10 supported employees to State University~~  
18      ~~civil service positions before June 30, 1992.~~

19           (b) The Merit Board shall designate a liaison to work with  
20      State agencies and departments, any funder or provider or both,  
21      and State universities in the implementation of a supported  
22      employment program.

23           (c) As used in this Section:

24               (1) "Supported employee" means any individual who:

25                   (A) has a severe physical or mental disability

1 which seriously limits functional capacities,  
2 including but not limited to, mobility, communication,  
3 self-care, self-direction, work tolerance or work  
4 skills, in terms of employability as defined,  
5 determined and certified by the Department of Human  
6 Services; and

7 (B) has one or more physical or mental disabilities  
8 resulting from amputation; arthritis; blindness;  
9 cancer; cerebral palsy; cystic fibrosis; deafness;  
10 heart disease; hemiplegia; respiratory or pulmonary  
11 dysfunction; an intellectual disability; mental  
12 illness; multiple sclerosis; muscular dystrophy;  
13 musculoskeletal disorders; neurological disorders,  
14 including stroke and epilepsy; paraplegia;  
15 quadriplegia and other spinal cord conditions; sickle  
16 cell anemia; and end-stage renal disease; or another  
17 disability or combination of disabilities determined  
18 on the basis of an evaluation of rehabilitation  
19 potential to cause comparable substantial functional  
20 limitation.

21 (2) "Supported employment" means competitive work in  
22 integrated work settings:

23 (A) for individuals with severe disabilities for  
24 whom competitive employment has not traditionally  
25 occurred, or

26 (B) for individuals for whom competitive



1 employment has been interrupted or intermittent as a  
2 result of a severe disability, and who because of their  
3 disability, need on-going support services to perform  
4 such work. The term includes transitional employment  
5 for individuals with chronic mental illness.

6 (3) "Participation in a supported employee program"  
7 means participation as a supported employee that is not  
8 based on the expectation that an individual will have the  
9 skills to perform all the duties in a job class, but on the  
10 assumption that with support and adaptation, or both, a job  
11 can be designed to take advantage of the supported  
12 employee's special strengths.

13 (4) "Funder" means any entity either State, local or  
14 federal, or private not-for-profit or for-profit that  
15 provides monies to programs that provide services related  
16 to supported employment.

17 (5) "Provider" means any entity either public or  
18 private that provides technical support and services to any  
19 department or agency subject to the control of the  
20 Governor, the Secretary of State or the University ~~Civil~~  
21 ~~Service~~ System.

22 (d) The Merit Board shall establish job classifications for  
23 supported employees who may be appointed into the  
24 classifications without open competitive testing requirements.  
25 Supported employees shall serve in a trial employment capacity  
26 for not less than 3 or more than 12 months.

1       (e) The Merit Board shall maintain a record of all  
2 individuals hired as supported employees. The record shall  
3 include:

4           (1) the number of supported employees initially  
5 appointed;

6           (2) the number of supported employees who successfully  
7 complete the trial employment periods; and

8           (3) the number of permanent targeted positions by  
9 titles.

10       (f) The Merit Board shall submit an annual report to the  
11 General Assembly regarding the employment progress of  
12 supported employees, with recommendations for legislative  
13 action.

14       (Source: P.A. 99-143, eff. 7-27-15.)".

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
 SUBTITLE A: MERIT EMPLOYMENT SYSTEMS  
 CHAPTER VI: STATE UNIVERSITIES CIVIL SERVICE SYSTEM

PART 250  
 STATE UNIVERSITIES CIVIL SERVICE SYSTEM

Section

- 250.5 Definitions
- 250.10 Purpose, Adoption, and Amendment of Rules
- 250.20 The State Universities Civil Service System and its Divisions
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- 250.160 Suspension of Rules

AUTHORITY: Implementing and authorized by the State Universities Civil Service Act [110 ILCS 70].

SOURCE: Rules: State Universities Civil Service System, approved January 16, 1952, effective January 1, 1952; amended at 3 Ill. Reg. 13, p. 68, effective April 1, 1979; amended at 4 Ill. Reg. 10, p. 262, effective February 25, 1980; amended at 6 Ill. Reg. 2620, effective February 22, 1982; amended at 6 Ill. Reg. 7236, effective June 3, 1982; amended at 8 Ill. Reg. 4948 and 4950, effective March 29, 1984; codified at 8 Ill. Reg. 12936; amended at 8 Ill. Reg. 24732, effective December 6, 1984; amended at 9 Ill. Reg. 17422, effective October 23, 1985; amended at 11 Ill. Reg. 8942, effective May 8, 1987; amended at 12 Ill. Reg. 3457, effective February 1, 1988; amended at 12 Ill. Reg. 17079, effective October 7, 1988; amended at 13 Ill. Reg. 7324, effective May 1, 1989; amended at 13 Ill. Reg. 19427, effective February 6, 1990; amended at 18 Ill. Reg. 1901, effective January 21, 1994; amended at 20 Ill. Reg. 4440, effective February 29, 1996; amended at 30 Ill. Reg. 17384, effective October 23, 2006; amended at 31 Ill. Reg. 15848, effective November 13, 2007; amended at 32 Ill. Reg. 17268, effective October 16, 2008; amended at 33 Ill. Reg. 11644, effective July 22, 2009; amended at 36 Ill. Reg. 6014, effective April 6, 2012; amended at 37 Ill. Reg. 419, effective December 26, 2012; amended at 39 Ill. Reg.



13504, effective December 1, 2015; amended at 40 Ill. Reg. 3105, effective January 26, 2016; emergency amendment at 40 Ill. Reg. 3772, effective March 1, 2016, for a maximum of 150 days; amended at 40 Ill. Reg. 11192, effective August 4, 2016; amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

#### Section 250.110 Separations and Demotions

a) Resignation. An employee having a nonstatus or status appointment, as described in Sections 250.70 and 250.80, may resign by presenting a signed resignation to his/her employer or by demonstrating to the employer by other means his/her intent to separate from employment. Upon receipt of a signed resignation by the employee or other evidence of intent to separate from employment, the employee will be separated from his/her employer employment. The employer shall maintain all resignations or other documentation of evidence in accordance with the employer's record retention policy. ~~The Executive Director shall be notified promptly by the employer of all resignations.~~

#### b) Leave of Absence

1) Leave of Absence for Classification Changes. A status employee who accepts a position that represents a promotion in a class outside his/her promotional line shall be granted a leave of absence from a position of his/her former class for the duration of any intern appointment, provisional appointment, and/or probationary period in the new class.

2) Leave of Absence for Disciplinary Actions. An employee placed on a Disciplinary Suspension or on a Suspension Pending Discharge shall be placed on a leave of absence from his/her position without pay.

#### 3) Leave of Absence for Disability Leave

A) If an employee is no longer able to perform the duties and responsibilities of his/her position in the class due to a disability as determined by the employer's medical and/or psychological evaluation procedures, and/or in accordance with State and federal law~~law~~, the employee will be required to take disability leave in accordance with subsection (b)(3)(B).

B) A status employee who becomes eligible for disability benefits to be paid by the employer or, as later determined, by the Illinois State retirement system to which the employee contributed, or becomes eligible for payment benefits as defined by the Workers' Compensation Act [820 ILCS 305], the Illinois Occupational



Diseases Act [820 ILCS 310], or a State self-insurance program, shall be granted a disability leave. The disability leave shall be the period for which the employee applies for such benefits, until the time of the expiration of the benefits or a final administrative decision denying or terminating the benefits, including any gap in benefit payments between the expiration of institutional benefits and those available under the approving authority.

C) The employer may require an employee to take a medical and/or psychological examination prior to returning to work after a disability leave. The examination shall be conducted by a licensed practitioner selected by the employer to determine the physical and/or mental capability to perform the essential duties of the employee's position. The employer may supply the examining practitioner with facts relating to the employee's difficulty or inability to perform the essential functions of the job and may supply additional information, including but not limited to physical and mental requirements of the employee's position, duty statement, job classification specification, and position description. The employee may also present an alternative opinion provided by a licensed practitioner to be selected and paid for by the employee. If there is a difference of opinion, a third outside practitioner shall be selected by the two physicians. The employer shall pay for all examinations, except those initiated by the employee.

D) An employee's refusal to submit to an examination as described in subsection (b)(3)(C), the unexcused failure to appear for such an examination, or the refusal to release the results of the examination may be deemed by the employer as an acknowledgement that the employee is not fit for duty and may subject the employee to termination actions as defined in subsection (c).

E) A disability leave may be revoked by the employer upon evidence that the cause for granting the leave was misrepresented.

F) At the expiration of all disability benefits, an employee shall be entitled to return to a position in his/her class without any loss of status due to the disability leave, providing that he/she returns upon the expiration of all disability benefits to which entitled.

G) Reemployment

- i) If an employee does not return to work at the expiration of all disability benefits and is terminated in accordance with subsection (c)(2), the employee may, within one year following the expiration of all disability benefits, request reinstatement and, upon approval of the Executive Director, the employee's name may be placed on the reemployment register in the class in which he/she was employed at the time the disability leave was granted and in accordance with total seniority earned.
    - ii) If, within one year following the expiration of all disability benefits, the employee requests reinstatement, but, because of his/her disability, is deemed unable to perform the duties in the class, the employee may be required to pass physical or other tests to determine employability under the University System.
  - 4) Military Leave of Absence. An employee shall be granted a Military Leave of Absence in accordance with State and federal ~~laws~~law and regulations.
  - 5) Notification
    - A) The employer may select:
      - i) ~~to notify the~~The Executive Director ~~shall be notified promptly by the employer~~ of all leaves of absence, including military, disability, or any other leave otherwise granted; or
      - ii) to maintain these records for inspection upon request by the Executive Director or designee during the on-site audit program or other specified time.
    - B) The notification shall include the beginning and ending dates of leaves that exceed 30 calendar days of non-pay status.
  - c) Termination
    - 1) An employee having a non-status appointment, as described in Section 250.70 of this Part, may be terminated by his/her employer at any time during the training period and/or upon completion of the work assignment; ~~except for those status employees eligible for a leave of absence as defined in subsection (b)(1).~~



- 2) An employee on disability leave, as defined in subsection (b)(3), who has exhausted all of his/her disability benefits and is unable to resume the duties and responsibilities of a position in his/her class may be terminated from employment in accordance with subsection (c)(5), ~~or, unless the employer and employee may agree upon~~ agree on employment in a more suitable classification. The alternative employment options shall be subject to standard civil service employment protocols.
- 3) An employee who fails to report for duty after a disability leave of absence has expired or has been denied, disapproved, revoked, or canceled by the approving authority, or any other failure to report for duty as scheduled after a disability leave of absence, may be terminated from employment in accordance with subsection (c)(5).
- 4) An employee who fails to report for duty after he or she has exhausted benefits under the Family and Medical Leave Act (FMLA) may be terminated from employment in accordance with subsection (c)(5).
- 54) Appropriate notification shall be provided to an employee, as specifically referenced in subsections (c)(2), (c)(3) and (c)(4), which will include the notification provisions outlined in this subsection (c)(5). ~~This notification and review process shall only apply to subsection (c)(2) and (c)(3).~~
  - A) The employer shall notify the employee that he/she will be terminated from the employer's service to become effective ~~715~~ 15 calendar days from the date of mailing of the notification to the employee. The notification ~~shall~~ must be sent, by ~~an~~ certified mail ~~or by~~ overnight delivery service that requires signature upon receipt, to the most recent address of the employee as shown on the employer's records.
  - B) At any time prior to the effective date of termination, the employee shall have the opportunity to provide to the employer evidence of the reason for the unauthorized absence. The employer shall revoke the termination if the employee provides satisfactory evidence of the reason for the unauthorized absence. If the employer determines that the evidence is not satisfactory, the employer shall notify the employee immediately that the termination will remain in effect.
  - C) Pursuant to Section 250.130 (Review Procedures), the employee may request a review of the employer's final notice ~~Within 15~~ calendar days from the original date of notification of termination;



the employee may request a review of the termination decision pursuant to Section 250.130 of this Part. The review is limited to a determination of whether this Section has been properly applied and whether the employer's decision is deemed arbitrary or capricious. In the event a review is not requested within the allotted timeframe, the employee's termination from service shall be effective 7 days after the original notification.

- 5) The employer shall notify the Executive Director promptly of all terminations of employment, setting forth the reason for the termination.

d) Job Abandonment (No Call/No Show)

- 1) An employee who fails to report to work for 3 consecutive regularly scheduled work days will be placed in a no call/no show status and may be terminated at any point following the third day of failing to report to work pursuant to an employer making a reasonable attempt, with supporting documentation, to make contact with the employee using the employee's last known address, phone contact, email or any similar contact information.

- 2) Pursuant to Section 250.130, the employee may request a review of the employer's final notice of termination. The review is limited to a determination of whether this subsection (d) has been properly applied and whether the employer's decision is deemed arbitrary or capricious. In the event a review is not requested within the allotted timeframe, the employee's termination from service shall be effective 7 days after the original notification.

ed) Layoff

- 1) A layoff is defined as a stoppage of work required by management, a discontinuance of employment, or the permanent termination of employment of an employee for business reasons, such as the decision that certain positions are no longer necessary or a business slow-down or interruption in work has occurred.

- 2+) The Executive Director shall be notified promptly of all employees on layoff status, together with the dates of the beginning of layoff and of return to employment from layoff status, when the layoff exceeds 30 consecutive work days. A status employee shall receive a written notice, at least 30 calendar days in advance of the effective date of layoff, when the layoff exceeds 30 consecutive work days; however, the effective date



of layoff may be extended up to 15 days without the requirement of further notice.

32) Whenever it becomes necessary to lay off one or more employees, except as provided in subsection (e)(4)(d)(3), the employee who has the least amount of service in the class shall be laid off first, and additional layoffs shall be made in the ascending order of the place of the employee on the service and seniority lists for that class.

43) An employee who is the incumbent of a position for which the Executive Director has authorized specialized certification under Section 250.60(d)(9), or who is the incumbent of a position that has previously been identified as requiring specialized training or experience as required by the position in accordance with minimum acceptable qualifications for the class, may not be bumped by another employee with greater seniority unless the employee with greater seniority possesses the special and identified qualifications authorized for the incumbent's position.

54) Whenever it becomes necessary to reemploy one or more employees in a class, the employee last laid off by seniority shall be reemployed first, and further reemployment shall be made in the order of seniority until the reemployment register for that class is exhausted. Work of short duration requiring reemployment of one or more employees will not require a new written 15 day advance notice of layoff if the work period is to be 5 consecutive working days or less and the work is emergent in nature.

65) A status employee who is subject to layoff from a part-time position may bump an employee in a full-time status position, providing the part-time employee's equivalent full-time accrued seniority based on hours in pay status is greater than that of the least senior employee in a full-time position. A full-time status employee who is subject to layoff may bump the least senior full-time employee, who then may bump the part-time employee having the highest percent-time appointment, providing the full-time employee has more accrued seniority.

76) Names of employees laid off during their probationary periods shall be returned to the register from which they were certified to their position in accordance with service in a status appointment earned as of the date of layoff.

fe) Disciplinary Suspension. An employer may suspend an employee as a disciplinary measure for not more than 30 calendar days.

- 1) The employer will discuss the specific problem pertaining to contemplated suspension with the employee and the Campus Human Resource Director or his/her designee before a suspension notice is served. The employee will be told at that time that suspension is being considered.
- 2) In imposing a disciplinary suspension, the employer shall serve a written suspension notice on the employee showing reason for the suspension, and shall immediately report the suspension to the Executive Director and shall send a copy of the notice served on the employee, along with proof of service, to the Executive Director.
- 3) Causes justifying suspension, not for discharge as provided for in subsection (gf)(2), shall include, but are not limited to: unauthorized and unexcused absence; leaving work without authority; failure to ring in or out on time card; habitual lateness; punching other time cards; key duplication and/or unauthorized possession of keys; misrepresentation of absence; falsification of records; refusal to do work assigned; failure to follow work schedules; failure to follow time schedules; insolence; failure to adhere to departmental regulations of appearance; smoking in prohibited areas; disregard of safety regulations; careless workmanship resulting in spoilage, waste, or delay; unauthorized use of institutional property; gambling on institutional property; creating or contributing to unsanitary conditions; horseplay or scuffling; fighting; sleeping during working hours; unauthorized visiting; and "loafing on the job".

AGENCY NOTE: It is to be noted that an employee's allegation that a Disciplinary Suspension was unfairly imposed is subject to the grievance procedure established by the employing institution, but is not reviewable by the State Universities Civil Service System (University System).

gf) Discharge Proceedings and Effective Date of Discharge

- 1) Pre-discharge Proceedings
  - A) Prior to initiating any proceedings before the Merit Board for the discharge of an employee, the employer shall notify the employee in writing, served upon the employee in person if the employee is present on the job or, otherwise, ~~by certified mail or by an~~ overnight delivery service that requires signature upon receipt to the most recent address of the employee as shown on the employer's records, of the employer's intention to initiate the proceedings. The notification shall advise the employee of the substance of the charges proposed to be filed in sufficient detail to

inform the employee of the nature of the conduct on which the proposed charges are based. The notification shall also advise the employee that either or both of the following options are available to the employee:

- i) within 3 work days after service of the employer's notification, the employee may notify the employer of his/her decision to require the employer to hold a conference with the employee or his/her representative for the purposes of responding to the matters contained in the notification and of attempting to achieve a reconciliation or understanding; and
- ii) within 3 work days after service of notification, the employee may deliver to the employer a written response to the matters contained in the employer's notification; provided that, if the employee elects to require the conference identified in subsection (g~~f~~)(1)(A)(i), at that conference the employee may request and receive an opportunity to respond further in writing within 3 work days after the conclusion of the conference.

B) Employer's Decision

- i) Within 7 work days after compliance with the provisions of subsection (g~~f~~)(1)(A), the employer shall either:
  - notify the employee that no further action will be taken to initiate discharge proceedings with the Merit Board against the employee based solely on the matters contained in the employer's notification; or
  - initiate proceedings before the Merit Board under this subsection (g~~f~~) seeking discharge of the employee based solely on the matters contained in the employer's notification.
- ii) The employer's election not to initiate discharge proceedings with the Merit Board shall not preclude the employer from imposing a suspension in accordance with subsection (~~f~~e) or some lesser penalty.



- C) An employee who has been served with an employer's notification as provided in subsection (gf)(1)(A) may be placed on excused absence with pay during all or any part of the period covered by this subsection (gf)(1) to provide the employer an opportunity to investigate serious charges.

2) Actual Discharge Proceedings

- A) Proceedings before the Merit Board seeking the discharge of an employee shall be initiated by the employer by completing and filing a Written Charges for Discharge form with the Merit Board/University System, employee, legal counsel for employer, and employer, setting forth the causes for discharge in sufficient detail to inform the employee of the nature of the conduct on which the charges are based. The Written Charges for Discharge form shall be set forth in separately numbered charges. Also, the employer shall develop a document that contains The Written Charges for Discharge shall contain the dates, names of persons, places, and facts necessary to properly allege the cause for discharge. If a breach of duty, statute, or rule of the employer is alleged, the statute, law, or rule shall be cited in connection with the charge. Any and all exhibits that the employer plans to present at the time of the hearing shall be submitted in accordance with subsection (g)(11)(B) or as appropriate to the circumstances.
- B) The Written Charges for Discharge form shall be accompanied by with a certification by the employer that all procedures set forth in subsection (gf)(1) have been followed and that there has been full compliance with any options elected by the employee. At the time the Written Charges for Discharge form and the certification are filed with the Merit Board/University System office, the employer shall serve copies upon the employee in person if the employee is present on the job; otherwise, service shall be by certified mail or by an overnight delivery service that requires signature upon receipt to the most recent address of the employee as shown on the employer's records, and the employer shall file a proof of the service with the Merit Board/University System office.
- C) At any time prior to commencement of the hearing, the Executive Director may direct or authorize the Written Charges for Discharge to be amended to correct technical defects or to set forth additional facts or allegations related to the subject matter of the original charges. The amendments shall relate back to the original proof of



~~service date of service~~ of the Written Charges for Discharge form.  
The employer shall serve copies of the Amended Written Charges  
for Discharge form upon the employee in person if the employee is  
present on the job; otherwise, service shall be ~~by certified mail or~~  
by an overnight delivery service that requires signature upon  
receipt to the most recent address of the employee as shown on the  
employer's records, and the employer shall file a proof of the  
service with the Merit Board/University System office.

- D) An employee who has been served with Written Charges for  
Discharge in accordance with subsections (g)(2)(A) and (B) may  
be suspended without pay by the employer during all or any part of  
the period that the discharge proceeding is pending, and until final  
disposition, if the employer is of the opinion that the employee's  
presence on the job might constitute a substantial risk of injury to  
life or property, or might cause a disruptive effect on employer's  
operations. Any suspension without pay shall become effective on  
the date the employer serves the Suspension Notice Pending  
Discharge upon the employee, which may be served with the  
Written Charges for Discharge or on any date thereafter. Service  
shall be upon the employee in person if the employee is present on  
the job; otherwise, service shall be ~~by certified mail or by an~~  
overnight delivery service that requires signature upon receipt to  
the most recent address of the employee as shown on the  
employer's records, and the employer shall file with the Merit  
Board/University System office a copy of the Suspension Notice  
Pending Discharge and proof of service.

### 3) Hearing Request

- A) An employee who has been served with Written Charges for  
Discharge may request a hearing by filing a written request for  
hearing with the Secretary for the Merit Board within 15 calendar  
days from the "Proof of Service on Employee" section on the  
Written Charges for Discharge form that is after the date of either  
personal delivery or mailing of the Written Charges for Discharge  
form to the employee. The Secretary for the Merit Board shall  
immediately notify the employer ~~that of the employee has filed for~~  
a hearing filing of the written request by the employee. Thereafter,  
further proceedings shall be as provided in this subsection (g) and  
any discharge shall be effective on the date of the discharge order  
of the Merit Board, unless otherwise expressly stated in the order.

B) If the employee does not file a written request for hearing with the Secretary for the Merit Board within 15 calendar days from the date specified in the Proof of Service on Employee section on the Written Charges for Discharge form, the employee's discharge shall become effective at the end of the 15-day period without further action by the Merit Board. The Secretary for the Merit Board shall promptly notify the employer of the employee's failure to file a timely written request for hearing.

4) Hearing Proceedings

A) Upon receipt of the employee's written request for hearing on the Written Charges for Discharge, the Merit Board/University System office shall promptly appoint a Hearing Board or Hearing Officer to hear the charges and the employee's response. All hearings relating to discharge proceedings shall be convened by and conducted under the control of the Executive Director or his/her authorized representative. The Executive Director, the Hearing Board or Hearing Officer, the employee and the employer shall all make good faith efforts to commence the hearing within 10 calendar days after receipt of the employee's written request for hearing, but in no event shall the hearing commence later than 45 days after service of the Written Charges for Discharge, unless a continuance is granted pursuant to subsection (g)(19)(B). Dilatory tactics or actions will not be permitted and the Executive Director, the Hearing Board or Hearing Officer, the employee and the employer shall all make good faith efforts to conduct the hearings in no more than three hearing days, unless justice, due process, and fundamental fairness require otherwise. All hearings shall be open to the public unless, upon motion of either party, the Hearing Board or Hearing Officer finds it necessary to close the hearing or parts of the hearing in instances where personal safety is of concern or when confidential testimony/exhibits are to be referenced or revealed. There shall be a presumption that hearings will be closed only under extraordinary circumstances. A transcript of the hearing, including exhibits, shall be made and shall be filed with the Secretary for the Merit Board as soon as possible following the conclusion of the hearinghearings.

B) Within 15 calendar days after receipt of the transcript from the Secretary for the Merit Board, the Hearing Board or Hearing Officer shall file its findings of fact and any other recommendations with the Secretary for the Merit Board, unless



that time is extended by the Executive Director for good cause shown. For the purpose of this Section, good cause shall include, but not be limited to: sickness, attendance at court proceedings, death, weather conditions that prevent the members from meeting. If by that time the findings of fact have not been received by the Secretary for the Merit Board, the Executive Director will either appoint another approved Hearing Board or Hearing Officer that will then review the record and submit findings of fact within 10 calendar days after the appointment, or the Executive Director will give written notice to all Hearing Board members or the Hearing Officer and to all parties to the proceeding that he or she will, within 10 calendar days, discontinue the hearing and commence a new hearing and the present Hearing Board or Hearing Officer will be dismissed without pay. Within this 10-day period following the Executive Director's notice, the Hearing Board or Hearing Officer can appeal to the Executive Director by showing cause why time should be extended.

- C) The Executive Director shall certify as the Hearing Record the Written Charges for Discharge, the Suspension Notice Pending Discharge, the employee's request for hearing, the transcript and exhibits, the Hearing Board's or Hearing Officer's findings of fact and other recommendations, and other documents that have been filed.
- D) Upon certification by the Executive Director, the Secretary for the Merit Board ~~shall, by an~~ shall, by certified mail or by overnight delivery service that requires signature upon receipt, immediately forward a copy of the Hearing Record, along with notice that the Hearing Record has been certified, to all parties of record. Any objections to the form or contents of the Hearing Record, or briefs, abstracts, or excerpts from the Hearing Record, or arguments, motions, or recommendations, relating to the hearing proceedings or the Hearing Record, or requests for further hearing or for permission to supplement further the Hearing Record by other evidence, must be filed with the Secretary for the Merit Board within 14 calendar days after the date of the postmark of the ~~certified mail notice or the mailing date of the overnight delivery~~ service that the Hearing Record has been certified, with proof of service on all parties. No answer or reply briefs and arguments in response to these filings will be permitted unless expressly authorized by the Executive Director or the Merit Board or its Chair.

E) A party requesting oral argument before the Merit Board in cases of discharge must file an appropriate motion with the Secretary for the Merit Board with notice to all parties within 14 calendar days after the date of the postmark of the certified mail notice or the mailing date of the overnight delivery service of the certified Hearing Record~~hearing record~~, with proof of service on all parties. The motion must specifically state the issues and any relevant law that will be the subject of argument. The Merit Board will grant or deny the motion at the Merit Board meeting at which oral argument is requested. Oral argument in cases of discharge will generally not be allowed unless novel or precedent setting questions of law or policy are at issue.

5) Conduct of Hearing

A) Pre-hearing Conference. In all hearings, it is recommended that the Hearing Board or Hearing Officer hold a pre-hearing conference immediately preceding the hearing on the first day of the hearing. The Hearing Board or Hearing Officer will give the parties an opportunity to discuss issues and share information at the pre-hearing conference that will allow them to present their cases in a fair, efficient, and timely manner. Generally, the Hearing Board or Hearing Officer will conduct the pre-hearing conference for the purpose of achieving one or more of the following points, as determined by the Hearing Board or Hearing Officer on a case by case basis:

- i) defining and simplification of the issues;
- ii) negotiating admissions or stipulations of fact to avoid unnecessary proof;
- iii) reviewing each party's witness and exhibit list;
- iv) limiting redundant witness testimony or duplication of evidentiary material, if necessary;
- v) determining the length of time each party will need to present its case;
- vi) exchanging exhibits; and



vii) discussing any matter that may aid in the efficient and timely disposition of the case.

B) Following the Pre-hearing Conference. The Hearing Board or Hearing Officer shall enter into the record any action taken and any agreements made by the parties as to the matters considered. The length and scope of the pre-hearing conference is at the discretion of the Hearing Board or Hearing Officer, but should generally be concluded within a one hour timeframe.

6) Order of Hearing

A) The Executive Director, or authorized representative, shall open and convene the hearing.

B) The Executive Director, or authorized representative, shall request all persons who have been asked to serve as witnesses, other than a party or employer representative, to be excluded from the hearing room while the hearing is in process, except during their own testimony and cross-examination. Except as he/she might intervene, or be requested to intervene, the Executive Director, or authorized representative, shall empower the Hearing Board or Hearing Officer to proceed with the hearing in such a manner as to provide the employer and the employee a full opportunity to present their positions to the Hearing Board or Hearing Officer.

C) The parties may make a brief opening statement at the beginning of the hearing. The employer will proceed first, followed by the employee. Opening statements may be waived or may be reserved and presented at the commencement of the party's case-in-chief.

D) The employer shall first present its case-in-chief, with an opportunity for the employee to cross-examine the employer's witnesses. The employee may be called as an adverse witness during the course of the hearing.

E) The employee shall then present his/her case-in-chief, with an opportunity for the employer to cross-examine the employee's witnesses.

F) Each party may call rebuttal witnesses if found to be necessary by the Hearing Board or Hearing Officer.

- G) At the conclusion of the hearing, each party may make an oral closing argument. The employer may be permitted a brief rebuttal at the end of the employee's closing argument.
- H) The hearing shall be closed when the employer and the employee have had a fair and reasonable opportunity to present their positions to the Hearing Board or Hearing Officer.
- I) In addition, each party may submit written arguments, summary statements, and/or briefs within 10 calendar days after conclusion of the hearing. A copy of the written closing arguments must be provided to all parties of record and filed with the Executive Director, with proof of service included. Only written materials submitted within the 10 calendar day timeframe will be forwarded with the transcript of evidence and exhibits and considered by the Hearing Board or Hearing Officer, unless otherwise extended by the Executive Director.

7) Evidence and Motions

- A) As a general matter, the rules of evidence and privilege as applied in civil cases in the circuit courts of the State of Illinois shall be followed. However, evidence not admissible under those rules may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the investigation and conduct of serious matters of this nature. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.
- B) All testimony shall be presented under oath or affirmation. Objections to testimony or evidentiary offers shall be noted in the record. Consistent with these requirements and in order to expedite the hearing, any part of the evidence may be received in written form, provided the interests of the parties are not jeopardized.
- C) The standard of proof applied by the Hearing Board or Hearing Officer when evaluating the charges will be the preponderance of the evidence.
- D) The Hearing Board or Hearing Officer may, on its own motion or upon motion of one of the parties, take notice of matters of which the circuit courts of the State of Illinois take judicial notice.

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- E) The Hearing Board or Hearing Officer has the authority to rule on all motions that do not dispose of the proceedings. Examples of motions that can be ruled on by the Hearing Board or Hearing Officer are motions in limine or motions to suppress evidence. Motions directed at the Hearing Board or Hearing Officer shall be presented at the pre-hearing conference, if possible, and actions taken by the Hearing Board or Hearing Officer shall be entered into the record.
  - F) Motions that dispose of the proceedings must be directed to the Merit Board. Examples of motions that are to be directed to the Merit Board are motions to dismiss, motions to decide a proceeding on the merits, or motions claiming lack of jurisdiction. Motions must be filed with the Secretary for the Merit Board within 14 calendar days after the date of the overnight delivery service of the postmark of the certified Hearing Record. Motions will be ruled on by the Merit Board at the Merit Board meeting in which the case is being considered. The filing of a motion of this nature shall not be allowed to cause any delay in the proceedings.
  - G) Performance records of the employee or past disciplinary records are admissible and relevant for the purpose of mitigation or aggravation, except if otherwise excluded by a local employer policy or collective bargaining agreement.
  - 8) Stipulations. Parties may agree by stipulation upon any facts involved in the hearing. The facts stipulated shall be considered as evidence in the hearing. It is the policy of the Merit Board to encourage stipulation of facts whenever practicable.
  - 9) Evidence Depositions. Upon request to the Executive Director and upon good cause shown (which shall include, but is not restricted to, potential unavailability of a witness at the time the hearing is scheduled, scheduling or travel arrangement considerations, or agreement of the parties) any party may request a deposition of any witness to be taken for evidence in a hearing. If desired, subpoenas may be requested upon application to the Executive Director in a manner consistent with this Part. The deposition shall proceed in the manner provided by law for depositions in civil actions in the circuit courts of the State of Illinois.
  - 10) Subpoenas. Requests for subpoenas shall be directed to the Executive Director at least five work days before the scheduled hearing, unless an



exception is granted by the Executive Director. Subpoena requests may be granted if reasonably designed to produce or lead to the production of evidence related to the alleged charges and the terms of compliance are reasonable given the time frames and other circumstances. The party requesting the subpoenas shall be responsible for service and costs related to the subpoena of a witness. The fees of the witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts of the State of Illinois. Subpoenas are effective throughout the course of the proceedings. Requests for subpoenas must be submitted in writing and include the following:

- A) The name and address of the witnesses sought;
- B) Any specific documents the witnesses will be required to bring; and
- C) A brief statement of the relevant facts or testimony that the witnesses will be providing.

11) Request for Documents. At least 3 working days prior~~Prior~~ to the hearing, each party shall serve upon the other party and file a copy with the Secretary for the Merit Board, to be submitted to the Hearing Board or Hearing Officer, the following information, to the extent available at that time:

- A) A list of the names and addresses of the witnesses the party proposes to call; and
- B) All documents the party proposes to offer in its case-in-chief.

12) Failure to Appear. Failure of a party to appear on the date set for hearing may result in findings of fact unfavorable to that party and may result in a loss of rights by default.

A) Failure to Appear by Employee

- i) A Notice of Convening of Hearing will be sent to all parties of record confirming the date, time and place of the hearing. If an employee or his/her representative is not present on the designated hearing date, the employer will try to make reasonable contact with the employee or his/her representative immediately. If, within a reasonable time on



the hearing date, the employer is unable to contact the employee, the hearing will commence.

- ii) The Executive Director or his/her authorized representative will commence the hearing with an opening statement. At the conclusion of the opening statement, if the employee or his/her representative has still failed to appear, the hearing will be suspended for 3 work days. During this 3 work day period, the Executive Director or his/her authorized representative will try to make contact with the employee or his/her representative using the last known address, phone, email or any similar method as shown on the Written Charges for Discharge form.
- iii) If the employee or his/her representative cannot be reached within 3 work days or if the employee is unable to produce a reasonable explanation for failure to attend the hearing, the hearing will be closed and the employee's discharge shall become effective at the end of the 15-day period of the date on the Proof of Service on Employee, as found on the Written Charges for Discharge form, without further action by the Merit Board. The Merit Board/University System office shall notify the parties of record immediately of the action.
- iv) If the employee or his/her representative has a reasonable explanation for not attending the hearing, the Executive Director or his/her authorized representative shall schedule a new hearing date. A new Notice of Convening of Hearing will be issued to the parties of record and the Executive Director or his/her authorized representative will appoint either the same Hearing Board or Hearing Officer or appoint a new Hearing Board or Hearing Officer to conduct the hearing.
- v) Reasonable explanations can include, but are not limited to: injury on the day or preceding day of the scheduled hearing, traffic accident, death or significant injury of a family member, or other cause that is deemed reasonable by the Executive Director or his/her authorized representative. In any event, the employee is required to demonstrate that there was reasonable effort made to

contact the employer or the Merit Board/University System office.

B) Failure to Appear by Employer. If the employer fails to appear without reasonable cause, as determined by the Executive Director or his/her authorized representative, the employee will be reinstated to his/her position without loss of compensation as of the Proof of Service on Employee date on the Written Charges for Discharge form.

13) Disqualification of Assigned Hearing Board or Hearing Officer. A Hearing Board or Hearing Officer may be disqualified on grounds of bias or conflict of interest. An adverse ruling, or the fact that a Hearing Board or Hearing Officer has had contact with the University System, by itself, shall not constitute bias or conflict of interest. Whenever any party believes a Hearing Board or Hearing Officer should be disqualified from conducting an assigned proceeding, that party may file a request with the Executive Director to disqualify the Hearing Board or Hearing Officer, setting forth by affidavit the alleged grounds for disqualification, with proof of service on all parties. The Executive Director shall rule and make the final determination on all requests for disqualification.

14) Ex Parte Communications

A) Except in the disposition of matters they are authorized by law to entertain or dispose of on an ex parte basis, the Merit Board, the Executive Director, employees of the University System Office, and the assigned Hearing Board or Hearing Officer shall not, after the Notice of Convening of Hearing has been issued to the parties of record, communicate, directly or indirectly, with any party or the party's representative regarding any issue of fact or with any person or party in connection with any other issue regarding the case, except upon notice and opportunity for all parties to participate. However, the Merit Board, the Executive Director, employees of the University System, and the Hearing Board or Hearing Officer may communicate with each other. Also, members of the Merit Board and the Hearing Board or Hearing Officer may have the aid and advice of one or more personal assistants.

B) Communications regarding procedure, including interpretation and application of Section 360 of the Act, subsection (gf), and related procedures, are not considered ex parte communications.

- 15) Role and Responsibilities of the Hearing Board or Hearing Officer. The Hearing Board or Hearing Officer shall be responsible for the following activities:
- A) Conduct the pre-hearing conference;
  - B) Facilitate the timely completion of the hearing process, taking necessary steps to avoid delay;
  - C) Establish reasonable limits on the duration of witness testimony;
  - D) Limit repetitive or cumulative testimony;
  - E) Rule on motions, objections or evidentiary questions;
  - F) Hear evidence as presented at the hearing by the employer and the employee on behalf of their respective positions (the evidence may include matters in aggravation, mitigation and justification, which may pertain to the question of "just cause" for discharge);
  - G) Direct questions to witnesses at any time, but restrict questioning to the clarification of the testimony already presented;
  - H) Prepare and transmit to the Merit Board a signed findings of fact within 15 calendar days after receipt of the transcript and exhibits of the hearing proceedings ~~to be transmitted to the Merit Board~~. The findings of fact shall set forth each of the written charges alleged in the Written Charges for Discharge, including an evaluation of the facts presented by the employer and employee with respect to each charge, and based on this evaluation, a determination as to whether the charges are sufficiently supported by the evidence presented. The findings of fact shall be based exclusively on the evidence and on matters officially noticed. The findings of fact presented by the Hearing Board or Hearing Officer are advisory only to the Merit Board. It is not the role of the Hearing Board or Hearing Officer to determine whether just cause for discharge exists. The determination of just cause is the sole province of the Merit Board; and
  - I) Enter any order that further carries out the purpose of this Section.
- 16) Final Decision of the Merit Board. In the course of reaching its decision,



the Merit Board may request the Executive Director to make recommendations that he/she deems appropriate with respect to the discharge proceedings. Nothing in ~~this subsection~~ subsections (gf)(16)(A) and (B) is intended to eliminate or limit the Merit Board's discretion to determine the appropriate disposition on a case-by-case basis. The Merit Board shall enter findings of fact and shall order the following decision and order or any other decision and order it deems appropriate:

- A) Discharge, if just cause is found to exist. No employee shall be discharged except for just cause. Just cause is defined as some substantial shortcoming that renders the employee's continuance in his/her position in some way detrimental to the discipline and efficiency of the service and that the law and sound public opinion recognize as good cause for the employee no longer holding the position; or
- B) Reinstatement, if just cause for discharge is found not to exist. An employee shall be reinstated as follows:
  - i) Reinstatement with no loss of compensation when none of the significant charges are proven.
  - ii) Reinstatement with an unpaid suspension of a minimum of 60 days to a maximum of 120 days ~~day suspension~~ when the proven charges do not rise to the level of just cause for discharge, but some disciplinary action is justified based on the severity of the proven charges. If the Merit Board orders reinstatement with a ~~60-day suspension~~, any time served while on suspension pending discharge will be applied towards the fulfillment of the ~~60-day suspension~~. The Merit Board shall not order a reinstatement with a suspension past the day of the action taken by the Merit Board.

17) Final Decision and Order of the Merit Board. The Secretary for the Merit Board shall immediately forward copies of all Merit Board orders to the employer and the employee ~~by certified mail or by~~ an overnight delivery service that requires signature upon receipt.

18) Administrative Review. All final decisions of the Merit Board shall be subject to appeal by the parties to the proceedings under the Administrative Review Law [735 ILCS 5/Art. III]. A complaint for administrative review must be filed and summons issued within 35 days after the date that a copy of the final Merit Board decision has been served



upon the party affected. A final decision of the Merit Board shall be deemed served either when personally delivered or when deposited in the United States mail in a sealed envelope or package, with postage paid, addressed to the party affected by the decision at his/her last known residence or place of business.

19) Time Period Proceedings

A) On the motion of either party with notice to the other party, or by independent action of the Chair of the Merit Board or the Executive Director communicated to both parties, any time period set forth in this subsection (gf) may be extended by the Chair of the Merit Board or by the Executive Director for good cause shown.

B) No extension may be beyond a period established by statute, except for cases in which a written motion for continuance of a scheduled hearing is filed with the Secretary for the Merit Board at least 48 hours prior to the time scheduled for hearing, unless an exception is granted by the Executive Director. The moving party must set forth emergency grounds for a continuance, which are limited to unforeseen, unavoidable or uncontrollable circumstances, such as an Act of God; the sudden illness or death of the movant, a member of his or her immediate family, or his/her legal counsel; or if the movant is able to demonstrate some other real and compelling need for additional time. If there is an arrest or criminal indictment of any employee that resulted from an employee's conduct in the course of employment duties, the Executive Director, at the request of the employee, may grant a continuance of hearing pending some resolution of the criminal charges. Requests for continuances must be preceded by contacting the opposing party and asking for agreement to the continuance.

C) The time periods set forth in this subsection (gf), except for the 15-day period set forth in subsection (gf)(3)(B) and except for any time period provided for seeking administrative review of a final decision of the Merit Board, shall be deemed directory and not mandatory; and no failure to comply with any of the time periods set forth in this subsection (gf), except for the 15-day period set forth in subsection (gf)(3)(B) of this Section and except for any time period provided for seeking administrative review of a final decision of the Merit Board, shall cause the Merit Board to lose

jurisdiction of any matter.

D) If the last date for filing falls on a weekend or legal holiday, the last date for filing is the first business day following that weekend or legal holiday.

20) Reason for Discharge. Causes justifying discharge and any suspension during the discharge proceedings shall include, but are not limited to: all those listed as cause for suspension if they become recurring offenses; and, in addition, theft; drinking intoxicating liquors on institutional time or property; inability to perform satisfactorily assigned duties as a result of drinking alcoholic beverages; malicious damage to property, tools, or equipment; immoral or indecent conduct that violates common decency or morality; conviction of an offense involving moral turpitude; illegal or excessive use of drugs, narcotics, and/or intoxicants.

21) Hearing Expenses. All customary and reasonable court reporter and copying expenses incident to the preparation of the Hearing Record and providing copies to parties to the proceedings shall be paid by the employer. The Merit Board shall pay all expenses of the Hearing Board or Hearing Officer and any legal expenses incurred by a Hearing Board or Hearing Officer, to the extent that those expenses have been approved by the Merit Board or its Executive Director.

hg) Demotion

1) Any of the actions described in this subsection (hg)(1) is considered to be a demotion when that action has been initiated by the employer. A demotion may occur when a status employee:

A) is subject to a reduction in salary in his/her current position, or in a position of the same class to which he/she has been reassigned, except when the reduction in pay results from an overall reduction in pay to persons employed in the same class and/or when the Merit Board, on the basis of supporting evidence, determines that the pay potential should be lowered for a class;

B) is subject to a reduction in percentage of time worked;

C) is appointed to a position in a lower class in a promotional line;

D) is appointed to a position in a class outside a promotional line with a lower pay potential;



E) is given a nonstatus appointment.

2) None of the actions described in subsection (~~hg~~)(1) are considered to be a demotion when the action has been initiated, or willingly accepted, by the employee.

A) Evidence of initiation by, or willing acceptance by, an employee shall be: a statement signed by the employee (to be filed by the employer with the notice of employment) indicating that the new appointment is at his/her request and/or is acceptable to him/her, or the employee applied for, and took, the Civil Service examination, upon the results of which the new appointment is based, after the date of certification to his/her most recent position.

B) Without the evidence indicated in subsection (~~hg~~)(2)(A), the action will be considered to have been initiated by the employer and, therefore, will be considered to be a demotion.

3) Any classification plan changes authorized and implemented by the University System and/or the Merit Board that may result in a lower pay potential will not be considered a demotion.

4) An employer may effectuate a demotion by filing a Notice of Demotion form with the Merit Board and serving a copy of the Notice of Demotion on the employee by ~~aneertified mail~~, by overnight delivery service that requires signature upon receipt, or by personally serving the employee. The Notice of Demotion form shall designate the position and class to which the employee has been demoted and shall factually state the causes justifying demotion. The effective date of the demotion shall be the Proof of Service on Employee date on date of service of the Notice of Demotion form upon the employee. A demotion shall be subject to the same hearing and review procedures as are provided an employee in the case of a discharge. (See subsection (~~gf~~).) During any hearing and review proceedings, the employee shall be paid the approved rate for the class of the position to which he/she has been demoted, as set forth in the Notice of Demotion form.

5) A status employee who is demoted to a position in a class in which he/she has never been employed on a status appointment may qualify for the position to which he/she is demoted, if his/her name is not already on an eligible register for that class, by taking the examination given to all other applicants for this class as promptly as possible following demotion to the

class. The employee must pass the examination as a condition to retaining his/her appointment.

iH) Dismissal

- 1) An employer may dismiss an employee whose name has been certified and who has been subsequently employed in a status position at any time during the probationary period of employment in a class, if the employer determines, pursuant to ~~conditions of~~ Section 250.90(a), that the employee has failed to demonstrate the ability and the qualifications necessary to furnish satisfactory service.
- 2) The employer shall notify the Executive Director promptly of dismissals, setting forth the reasons for the dismissal.

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## **Compensation Rates/Ranges and Policies**

### **2.1 Setting and Adjusting Open Range Salary Schedule**

Employers shall establish a schedule of salary ranges for all Open Range classes. A salary range for each class shall be submitted to the University System Office for approval. The schedule of salary ranges may be organized and incorporated into a table of salary grades and may be submitted as verification of university/agency rate/range. Following are general guidelines when submitting salary ranges through the University System Office Salary Data System:

- Range minimums and maximums which exceed 80% difference may require additional justification prior to approval by the University System.

## **INTRODUCTION**

As a matter of operating policy, the Merit Board has historically interpreted Section 36d(3) of the State Universities Civil Service Act (Act) to require the payment of wages to all employees which are generally comparable to the wages paid in the locality, or recruiting area, to employees engaged in work of a similar character. This interpretation, which might be referred to as the “prevailing wage principle”, is not to be confused with the term “prevailing rate”, which is one of four methods the Merit Board has recognized in the establishment of rates and ranges. These four methods are:

- a. **Open range** - Ranges recommended by the employer based upon one, or a combination, of the following:
  - ◆ comparisons of ranges in effect for the same class by other employers within the University System;
  - ◆ pay surveys for like jobs in the recruiting area; and/or
  - ◆ comparative skill, effort, responsibility and working conditions with other classes utilized by the employer.
- b. **Negotiated rate or range** - A rate or range determined in accordance with a collective bargaining agreement between the employer and an employee group represented by a bargaining agent or committee, under the provision of Section 36d(3) of the Act and other applicable laws.
- c. **Prevailing rate** - A rate of pay generally established in accordance with a local multi-employer craft and trade agreement, or as otherwise determined by the Merit Board.
- d. **Established rate or range** - A rate or range based on a direct tie or relationship to a negotiated or prevailing rate, or to reflect a local market condition unlike that represented by the Open Range salary structure of the Employer.

*Prior to implementation by an employer, all rates or ranges must be submitted to the University System Office, with substantiation, for approval.*

All requests to *establish, revise, correct, or delete* pay rates or ranges shall be submitted for approval on-line via a secure web site (see Example 1.1a). The on-line system will eliminate the need to submit any supporting paper documents in the approval of pay rates and ranges so long as those documents can be submitted within the salary data system ; e.g., collective bargaining agreements. Certain basic processing details to be followed when submitting salary requests will remain unchanged; such as:

- When it becomes necessary to correct a current rate or range (e.g., an approved salary range contained a typographical error), the *correction must be retroactive*; i.e., the effective date of the corrected range must be the same as the effective date of the “incorrect” range.

- No rates or ranges may be deleted if there are current incumbents in the class or if there are employees on leave from positions currently assigned to the class.
- On occasions when classes move from “open range” to “negotiated”, please submit a copy of the Certification of Representation form upon receipt from the IELRB. However, do not submit a new salary request changing the rate type from “open range” to “negotiated” until such time as rates have been negotiated between the Employer and the exclusive representative.



## 2.1 SETTING AND ADJUSTING OPEN RANGE SALARY SCHEDULE

Employers shall establish a schedule of salary ranges for all Open Range classes. A salary range for each class shall be submitted to the University System Office for approval. The schedule of salary ranges may be organized and incorporated into a table of salary grades and may be submitted as verification of university/agency rate/range. Following are general guidelines when submitting salary ranges through the University System Office Salary Data System:

- Range minimums and maximums which exceed 80% difference may require additional justification prior to approval by the University System;
- Employers are required to submit range updates in the Salary Data System at the time where there is a change to the previously approved rate/range or at least once every four (4) years;
- To avoid rounding issues within the Salary Data System, the actual dollar amount of the range should be submitted;
- Current salary ranges are subject to review during the biennial audit;
- When an employer has two ranges for the same classification, i.e., negotiated and open range, the widest range will be submitted in order to capture what is actually compensated for the applicable classification;
- When an employer has two ranges for the same classification, i.e., negotiated and open range, select the Rate Type based on the predominate number of employees;
- Across-the-board adjustments for all classes shall not require substantiation of individual range changes, other than a statement such as “3% across-the-board adjustment” or “2.5% fiscal year adjustment”.

In accordance with Section 36(d)(3) of the State Universities Civil Service Act, the employer shall identify and analyze valid salary data of wages paid for similar work by other employers within the appropriate recruitment area. Employers are encouraged to utilize one of the following methods to collect valid salary data.

- a. Statistically valid wage data may be obtained through surveys conducted by the employer or through independent sources, such as agencies, consulting firms, professional associations, and local employer groups. A valid survey is one that is current and geographically applicable, contains data on a sufficient number of employees and employers to be a representative sampling of the appropriate market, provides sufficient definition of each job category to assure equitable comparison, and provides median and/or weighted average salaries for each job class.
- b. In the absence of any available valid salary survey data, the University System Office shall consider proposals based on one of the following mathematical calculations:
  1. *averaging the minimums of current ranges for the class of all University System employers, and assigning the class to the salary range with the minimum closest to the average; or*
  2. *averaging the midpoints of current ranges for the class of all University System employers, and assigning the class to the salary range with the midpoint closest to the average.*

**NOTE:** *Ranges used in the above calculation shall have been approved within the preceding 12 months, and the class shall have one or more persons employed at the time of the survey. If method 1 or 2 above is used in developing salary ranges, it shall be the exclusive calculation method used by the employer; i.e., only one method may be used by an employer to determine pay ranges when utilizing this option.*

Significant variations in ranges by employers may indicate differences in application of classes, and shall be discussed with the appropriate employer(s) to verify accuracy of comparisons. When range proposals are submitted, the University System Office may take the following into account:

- Directly related classes which require substantially similar skill, effort, responsibility and working conditions.
- Comparisons may be made with lower and/or higher level classifications in the same series or with those to/from which employees in the proposed class would normally progress.

Note: Whenever possible, the above attachments can be submitted in the Wage Addendum section which allows you to either attach a document, or specify a URL.

***Salary proposals returned to the employer without approval will include the reason(s) for non-approval as well as directive action if appropriate.***

## Occupational Area Classification

### History - Occupational Area Line

The Occupational Areas List- groups the classes included in the Index of Classes according to broad categories (such as Professional or Managerial). Developed mainly to help classifiers locate all current classifications in a particular occupational area when they are trying to classify a position. Classifications are assigned to only one occupational area.

Currently there are 16 occupational area groups.

01- Professional

02- Semi-Professional (there are 3762 employees in 232 position in this area)

03- Managerial

Clerical

Stores

Aeronautical

Agricultural

Custodial Services

Domestic Services

Food Services

Power, Heat, and Light Services

Medical Services

Protective Services

Skilled Trades

Semi-Skilled Trades

Unskilled Trades

Occupational Areas- Primary Focus is on the (02) Semi-Professional Area

1. Researched CMS- Illinois Department of Central Management Services- Looked up all U.S. Equal Employment Opportunity Commission (EEOC) categories:
  - Officials and Managers
  - Professionals
  - Technicians
  - Protective Service Workers
  - Para-Professionals
  - Office and Clerical
  - Skilled Craft Workers
  - Service-Maintenance, etc.
2. Researched how economist classifies thousands of occupations into (BLS) U.S. Bureau of Labor Statistics Major Occupation Groups (MOGs)
3. Followed up with U.S. Equal Employment Commission (EEO) analyzing maps of (SOC) Standard Occupational Classifications, job titles and codes. Surveying their ten (10) job categories.
  - (i.e., Professionals, Technicians, Administrative Support,)



4. Researched and Analyzed all EEO -Description of the Categories i.e., Professional, Administrative Support Workers, Craft Workers, etc.

5. Proposed occupational line area categories:

New

Professional/Healthcare Professional  
*Restructured*  
Managerial  
Office and Administrative Support Workers  
Operatives  
Technicians  
Service Workers  
  
Craft Workers  
Labors and Helpers  
Sales

Old

Professional  
Semi-Professional  
Managerial  
Clerical, Stores  
Heat, Light, Power  
Semi-Skilled, Medical  
Food, Custodial, Domestic, Medical, Protective  
Services  
Skilled Trades, Aeronautical  
Unskilled Trades, Agricultural

6. Developed definitions for each proposed Occ. Line area
7. Researched all the Class Specs in the (02) Semi-Professional area; according to education and experience, including any special licenses or certifications requirement, scope of responsibilities, then matched up the classification according to the occupational line category according to the definition.

### **Professional**

Positions require a bachelor's or other advanced degrees or highly specialized training which may include professional certification(s).

#### **General Classification Characteristics:**

Positions/incumbents have a significant impact on a department's operations including effect on the finances of multiple work areas.

Positions/incumbents are required to have an understanding of policies and procedures and generally accepted principles. Resolves unique problems by collecting and interpreting information. Solutions may include modifying procedures and methods to address new conditions. Receives advice and input as needed from supervisor.

Positions/incumbents interview, provide orientation, training, work assignment and review, input into performance appraisal for temporary, students, volunteers entry or mid-level staff.

**Examples:** accountants; internal auditors; architects; computer programmers; designers; dietitians; editors; engineers; librarians; scientists; business/grant professionals; nurses; teachers.

### **Managerial**

Most jobs in this category require a bachelor's degree or equivalent work experience. A considerable amount of work-related skill, knowledge, or experience is needed for these occupations. Job training in these occupations need several years of work-related experience, on-the-job training, and/or vocational training.

Individuals who serve as managers overseeing the delivery of products, services or functions at group or divisional levels or organizations. Also, individuals who report directly to middle managers. They implement policies, programs and directives of executive/senior management through subordinate managers and within the parameters set by executive/senior level management.

**General Classification Characteristics:**

Position/incumbent results of actions may have a significant impact on a department's operations. They also may affect the finances of multiple work areas.

Position/incumbent consists of broad responsibilities requiring the application of policies to dynamic and complex conditions. Problems generally require significant analysis and judgment. Solutions may include adapting existing policies and systems to address unique situations.

Position/incumbent, interview and select, staff provide orientation, training, work assignment and review, performance appraisal, and recommendations for various personnel actions including promotion, discipline and similar job actions.

Position/incumbent prepares and monitors budget, analyzes requisitions for conformance to budget, and compliance with specific requirements (such as for grants, gifts, gov't regulations) and recommends for approval.

**Examples:** HR, marketing or operations; team/unit managers; purchasing and transportation managers, etc.

**Office and Administrative  
Support Workers**

Most jobs in this category require training from vocational schools, related on-the-job experience, or an associate's degree. Previous work-related skill, knowledge, or experience is required for these occupations. Employees in these occupations usually need one or two years of training involving both on-the-job experience and informal training with experienced workers. These jobs involve non-managerial tasks providing administrative and support assistance, primarily in office settings.

**Examples:** office and administrative support workers; clerks; dispatchers; desktop publishers; admissions and records; customer service.

**General Classification Characteristics:**

Position/incumbent routinely answers questions and provides information and data requested by individuals within or outside of work area. Questions that require interpretation or are not easily resolved are referred to Supervisor.

Compiles and tabulates budgetary data, calculates figures and checks for accuracy. Authorized to sign for storeroom supplies and petty cash.



### **Technicians**

Jobs in this category include activities that require basic or applied scientific skills, usually obtained by post-secondary education (such as is offered in many technical institutes and junior colleges, or through equivalent on-the-job training) of varying lengths, depending on the particular occupation, recognizing that in some instances additional training, certification, or comparable experience is required.

**Examples:** Drafters; emergency medical technicians; chemical technicians; and broadcast and sound engineering technicians.

### **Sales Workers**

These jobs include non-managerial activities that wholly and primarily involve direct sales.

**Examples:** advertising sales agents; insurance sale agents; real estate brokers and sales agents; wholesale representatives; securities commodities, and financial services sales agents; telemarketers; demonstrators; retail salespersons; counter and rental clerks; and cashiers.

### **Service Workers**

Jobs in this category include food service, cleaning service, personal service, and protective service activities. Skill may be required through formal training, job-related training or direct experience.

**Examples:** Cooks; culinary workers; medical assistants; healthcare support positions; ushers; transportation attendants; cleaners; janitors; porters; transit and railroad police; firefighters; guards; private detectives and investigators.

### **Craft Workers**

Manual workers of relatively high skill level having a thorough and comprehensive knowledge of the processes involved in their work. Exercise considerable independent judgment and usually receive an extensive period of training.

**Examples:** Building trades, mechanics and repairers, skilled machining occupations, compositors and typesetters, electricians, engravers, job setters (metal), motion picture projectionists, pattern and model makers, stationary engineers, automotive repairers, millwrights, etc.

### **Operatives**

Most jobs in this category include intermediated skilled occupations and include workers who operate machines or factory-related processing equipment. It also includes occupations of generally intermediate skill levels that are concerned with operating and controlling equipment to facilitate the movement of people or materials. Most of these occupations can be mastered in a few weeks require only limited training (several months)

**Examples:** Laundry workers, Printing and Press i.e. Bindery Workers, Copy Center Operators, Duplicating Machine Operators, Offset Press Technician, photographic process workers, electrical and electronic equipment assemblers, bakers. Drivers, forklift operators, parking lot attendants, etc.

### **Laborers and Helpers**

Jobs in this category include workers with more limited skills who require only brief training (learned in a few days) to perform tasks that require little or no independent judgment

**Examples:** Construction labors; laboratory helpers;

## Demonstration Project Update - Handout

- Sponsored Programs – University of Illinois Chicago

Approved at the May 2014 Merit Board Meeting for the period of **July 1, 2014 – June 30, 2017**, the project provides the university with a method to employ qualified candidates through the use of “qualified funds.” Qualified funds may include federal, trust, foundation, corporate, or state grants. To ensure that funding is utilized to its fullest, filling open positions were needed to take place as quickly as possible. If not used during the assigned timeframe of the grant, substantial funds may be required to be returned to the funding source, jeopardizing research and staffing.

Regulatory guidelines and procedures have been temporarily adjusted to provide for an expanded interpretation of subsection 250.80(b)(1) of the Illinois Administrative Code to include the exclusive use of the Civil Service “Contract Appointment”. This appointment restricts the employment relationship by funding source by limiting seniority and bumping rights to the funding source, as well as allow for position elimination due to funding limitations.

The program is due to expire June 30<sup>th</sup>. Monthly data reports are currently being requested and compiled for analysis to validate compliance with the provisions outlined in the Demonstration Project. This analysis will help determine what future rule revisions may be afforded to the University System to provide for additional Civil Service employment flexibilities.

- Electronic Position Description System (EPDS) – University of Illinois at Urbana-Champaign

Approved at the August 2016 Merit Board Meeting for the period of **September 1, 2016 – August 31, 2018**, the project provides the university with an electronic position description platform in which they may be authenticated by supervisors and employees for Civil Service positions in the College of ACES. The goal of this program is to expedite the development and authentication of position descriptions utilizing electronic means.

No regulatory guidelines or procedures have been adjusted to provide for the implementation of this project. It is merely a test of the efficiencies of electronic job description development and update, consistent with requirements that already exist in the Classification Plan Management Procedures Manual, Section 2.2.

The program is due to expire August 31, 2018. Quarterly data reports are currently being requested and compiled for analysis to validate compliance with the provisions outlined in the Demonstration Project.

- Student Employment Pathway Program (SEPP)

Approved at the August 2016 Merit Board Meeting for the period of ***January 1, 2017 – December 31, 2019***, the project allows for university/agency employers and employing departments to consult with faculty and academic/placement counselors to place students and recent alumni in specific positions within the University System utilizing a modified Intern Appointment. In doing so, the program provides an opportunity to hire recent graduates or continue relationships with current student workers with the intent of further honing their skills in the Professional, Semi-Professional, Managerial, or Medical Services occupational areas.

Regulatory guidelines and procedures have been temporarily adjusted to provide for an expanded interpretation of subsection 250.70 of the Illinois Administrative Code to include the exclusive use of the Non-Status Civil Service “Intern Appointment”. Specific emphasis for this project will be placed on hiring staff that are within one semester of graduation or recently graduated from formalized educational and training programs that include broad banded knowledge within the occupation designated.

The program expires December 31, 2019. Quarterly data reports are currently being requested and compiled for analysis to validate compliance with the provisions outlined in the Demonstration Project. Users of this program include the University of Illinois Chicago, Illinois State University, Western Illinois University, and Eastern Illinois University.