



**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: April 5, 2019***

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

- 1. Welcome and Introductions**
- 2. Grant Funded Employees**
- 3. Update on Implementation of Exemption Procedures Manual**
- 4. Discussion on Discharge Hearings**
- 5. Update regarding Rule Revisions**
  - Section 250.100 of the Code (80 Ill. Adm. Code §250.100) – Public Safety Transfers
  - Section 250.110 of the Code (80 Ill. Adm. Code §250.110) – Per Merit Board Update
- 6. Report of the Executive Director – Jeff Brownfield**
  - a. Class Plan Update
  - b. Extra Help List
  - c. Governance Risk and Compliance Audit Update
  - d. Staffing Update
  - e. Legal Update
  - f. New Merit Board Members
  - g. Revised Change in Title Procedures
  - h. Update of Quarterly Reports
    - Standard Title Discussion
- 7. Calendar 2019 Meeting Dates**
  - Friday, July 26, 2019
  - Friday, October 25, 2019
- 8. Other Items as Presented**

**State Universities Civil Service Act:**

§36h, Appointments, (70/36h. Appointments)

(1) Whenever an employer covered by the University System has a position which needs to be filled, this employer shall inform the Executive Director of the Merit Board. The Executive Director shall then certify to the employer the names and addresses of the persons with the 3 highest scores on the register for the classification to which the position is assigned. The employer shall select one of these persons certified for the position and shall notify the Executive Director of the Merit Board of the selection. If less than 3 scores appear on the appropriate register, the Executive Director shall certify the names and addresses of all persons on the register.

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

(3) No person shall be appointed to any police department of any university or college covered by the University System unless he or she possesses a high school diploma or an equivalent high school education, and unless he or she is a person of good character and is not a person who has been convicted of a felony or a crime involving moral turpitude.

(4) Grant-funded appointments are defined as positions being supported by any non-state appropriated funding source. Non- state appropriated funds may include, but are not limited to, federal, trust, foundation, corporate, institutional cost recovery funds or state grants. Employees accepting these positions shall be subject to a probationary period of no more than 24 months. Employees in these positions shall not accumulate seniority or be subjected to bumping rights, or -or- be allowed discharge rights -or- be subject to bumping.

**Administrative Code: - Nonstatus Employees/Temporary Employee (250.70.)**

g) Grant-Funded Appointments (Previously -Temporary Appointments)

- 1) A grant-funded appointment may be made by an employer to any position which the employer certifies to be funded by qualified grant funds, defined as federal, trust, foundation, corporate, or state grants, for at least fifty-one (51%) percent of the total value of the employee's wages, pension costs (if any), insurance, paid time off and other benefits. The certification shall identify the grant or grants supporting the position and the total value of the employee's wages and benefits previously set forth in this part.
- 2) A grant-funded appointment shall not continue for more than 24 months. During this time, the employee shall be in a probationary status, serving their probationary period, unless the employer chooses to end the probationary period sooner. At the end of the 24-month period, the grant-funded position must be discontinued. Another grant-funded position using funds from the same or similar grant or grants or source of funds, performing the same or substantially the same duties, may not be created.
- 3) The grant-funded position may be converted to a status civil service position at the end of the 24-month probationary period, or at any time during that period. If the position is converted to a traditional status civil service position, the employee shall be granted seniority from the date of hire. If the position is converted prior to the completion of the otherwise determined probationary period, as defined by the classification specification, the employee must complete the remaining probationary period time.
  - a. A grant funded position may only be converted to a traditional status appointment if there is no available employee on the Reemployment register. If there are employee(s) listed on the reemployment register, and he/she has chosen not to accept an offered position, a signed statement must be provided to the Employer indicating so.
- ~~3)4)~~ An employer shall fill a grant-funded position by calling candidates in the same manner as for status appointments, and in accordance with Section 250.60(d). Refusal to accept, or acceptance of, a grant funded appointment by a candidate shall in no way affect the candidate's position on the register, regardless of number of refusals or acceptances.<sup>1</sup>

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<sup>1</sup> From 250.70(a)(2).

4)5) On a form provided by the Executive Director, a An employee in a grant-funded position shall be provided, in writing, a summary of the civil service rights he or she will waive by accepting the grant-funded position, ~~on a form provided by the Executive Director.~~

5)6) An employee in a grant-funded position during the probationary period does not possess seniority rights and may not bump another employee, or be bumped by another employee may not be bumped by another employee with greater seniority in the same classification.

## **Section 250.110 Separations and Demotions**

### **Layoff**

1. 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.
2. Whenever it becomes necessary to lay off one or more employees, except as provided in subsection (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.

3. An employee in a grant-funded position may not be bumped by another employee with greater seniority in the same classification during the probationary period. (Paragraph 6 may not be allowed.)

3.4. 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



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seniority possesses the special and identified qualifications authorized for the incumbent's position.

~~4.~~5. 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.

~~5.~~6. 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.

~~6.~~7. 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.

Colleagues:

There will be a meeting on April 30, 2019 beginning at 10:00 a.m. regarding the Discharge/Demotion process. The meeting should last about an hour. You will be able to participate by either phone or video conference. The purpose of this meeting is to allow you to ask questions and make suggestions regarding revisions to our Administrative Rules related to the Discharge/Demotion process; and also allow our office the opportunity to provide you with some additional ideas based on our experience during the past 18-24 months. Please also contact your labor/employee relations staff and legal counsel to invite them because not all of them are listed in our internal HRDAC distribution list.

We will be discussing a number of topics in detail at this meeting; however, there have been a few issues that our office has experienced that needs to be addressed. We have provided a series of reference points in the sections below. These are not all inclusive and should **not** be substituted for the Act/Administrative Rules. They are only used as a general guide to key sections of the discharge/demotion process.

#### Discharge/Demotion Hearing Dates/Deadlines:

The law requires that Discharge/Demotion Hearings commence within 45 days from date of service of either the Written Charges for Discharge or the Notice of Demotion. The employee is allowed 15 days from the proof of service date to contact our office to request a hearing. So in many instances there may only be 30 days to actually conduct the hearing. Unfortunately, we have allowed a significant number of hearing extensions that could have been interpreted as violating our Act and Administrative Rules. In addition to my concern regarding the potential violation our own Act and Rules, and as I've reviewed the results for the cases where extensions were provided, there have been inefficiencies when scheduling and conducting the hearing.

Moving forward, including the current cases, we will require an appropriately compelling rationale for an extension. Please remember there are only a few narrowly defined reasons to extend the timeframe as listed in the Section 250.110 (f)(19)(b) of the Illinois Administrative Code (Code). As we have said in the past, if there are not legitimate reasons to conduct the hearing beyond the 45 days, and that deadline is missed, the Merit Board loses its authority to make a determination—***which means that the university stands the most to lose with respect to the outcome of that discharge/demotion, and assumes a high level of risk that an employee is either reinstated to employment OR a demotion action becomes invalid.***

#### Subpoenas

Our office does have subpoena power for witnesses. In cases where witnesses are university employees, they can be directed to attend a Discharge/Demotion Hearing on any given date or time. Again, if needed we will subpoena university employees and witnesses; and we have, and will continue to subpoena witnesses that may not be directly connected to the university, but may have testimony relevant to the case.

#### Charging Document:

**Employees can only be Discharged/Demoted for cause.** The Discharge/Demotion charges must be provided on the Written Charges for Discharge form and the Notice of Demotion form. We will not accept the phrase “See attachment” on the charging document. The employee, our office, the Hearing Officer and Merit Board members, should be able to review this document and generally understand the charges and cause for the discharge/demotion. There are two components: 1) what did the employee do and 2) what policy did it violate. There is always an opportunity to also provide attachments, but there needs to be sufficient detail on the Written Charges for Discharge form or the Notice of Demotion form to understand a particular charge. If the charges on the Written Charges for Discharge form or the Notice of Demotion form are unclear, we will require an “Amended” version to be provided to the parties of Record. Please note that when amending either the Written Charges for Discharge or the Notice of Demotion forms, the university should use the same date on the “Proof of Service” as what was on the original form. Employees need to have a reasonable understanding of what he/she needs to do to prepare their case as required under the Code, as well as be consistent with court cases that establish standards for discharge notices. Paying attention to these details may save the universities from having an employee legitimately ask a court to intervene. This amended document should not interfere with the timeline for the Discharge/Demotion Hearing. Please refer to Section 250.110(f)(2) of the Code.

#### Exhibits:

Please provide a sufficient number of exhibits at the hearing. The Employer-Respondent and the Employee-Petitioner should have the original document for the Hearing Officer/Court Reporter, and three additional copies for the university record, the employee, and the University System Office. It is also very helpful if the exhibits are marked as Employer Exhibit 1, Employer Exhibit 2, etc. Often at the hearing there is an attempt to share exhibits, passing them across the table to the other party, including the Hearing Officer who will rule on the admissibility, etc. By having sufficient copies, the parties can move more quickly through the hearing process in accordance with Section 250.110(f)(5)(A)(vi) of the Code.

#### Closing Arguments:

The Employer-Respondent or the Employee-Petitioner can at the conclusion of the hearing, make oral closing arguments. The Employer-Respondent may be permitted a brief rebuttal at the end of the Employee-Petitioner’s closing argument. 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 considered by the Hearing Board or Hearing Officer, unless otherwise extended by the Executive Director in accordance with Section 250.110 (f)(6)(G)(I) of the Code.

#### Transcript and Exhibits:

The employer is responsible for acquiring the services of a court reporter and for the payment of the court reporting service; along with the cost of the exhibits and transcripts. Upon conclusion of the Hearing, the court reporter should provide two copies of the transcript (original and copy), along with the original exhibits and one copy to the University System office. Upon receipt of the Transcript and Exhibits, the Secretary for the Merit Board will certify the record and send it to both parties of record, simultaneously.

#### Objections:

Upon certification of the record, either party may file objections to the form or contents of the Hearing Record, or briefs, abstracts, or excerpts from the Hearing Record, or arguments, motions, or recommendation, 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 within 14 calendar days from the date of certification of the hearing record in accordance with Section 250.110(f)(4)(D) of the Code.

#### Appearance before the Merit Board:

Each party is allowed to request an appearance before the Merit Board (MB). In recent years the MB has allowed for a brief presentation; in years past presentations were rarely allowed. As a side note and though the number continues to fluctuate, we will have at least 5-6 new MB members and 1-2 members that have only attended one meeting and have not been a part of the Discharge/Demotion process. The 'new' board may restrict presentations. (Based on BOT appointments by Governor Pritzker, many universities are waiting on him to fill positions. I believe we will only have 5-6 MB members present at the April 17<sup>th</sup> meeting.)

We look forward to discussing these topics with you on April 30th. There will also be some general discussion of the topics at the April 5<sup>th</sup> HRDAC meeting.

Best,

Jeff

#### *Notes:*

*We have hired a new attorney, Gail Schiesser, who began April 1<sup>st</sup>. Dave is staying on part-time to help her transition to her new position.*

*We will have a new Chair elected at the April 17<sup>th</sup> meeting. I will discuss with him/her the request from HRDAC to meet and discuss the overall process as requested by the group last fall.*

## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

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 |
| 250.30  | The Classification Plan                                       |
| 250.40  | Military Service Preference, Veterans Preference              |
| 250.50  | Examinations                                                  |
| 250.60  | Eligible Registers                                            |
| 250.70  | Nonstatus Appointments                                        |
| 250.80  | Status Appointments                                           |
| 250.90  | Probationary Period                                           |
| 250.100 | Reassignments and Transfers                                   |
| 250.110 | Separations and Demotions                                     |
| 250.119 | Furloughs                                                     |
| 250.120 | Seniority                                                     |
| 250.130 | Review Procedures                                             |
| 250.140 | Delegation of Authority and Responsibilities                  |
| 250.150 | Training                                                      |
| 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.

## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

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. 16302, effective December 12, 2016; amended at 41 Ill. Reg. 11576, effective August 30, 2017; amended at 42 Ill. Reg. 24268, effective December 3, 2018; amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 250.100 Reassignments and Transfers**

- a) **Reassignment within a Place of Employment-**
  - 1) An employer may reassign an employee during his/her probationary period to any position of the same class within a place of employment, subject to conditions imposed by the recognition of lesser units. An employee so reassigned shall be required to complete his/her probationary period in the class.
  - 2) An employer may reassign a status employee to another position of the same class within a place of employment, but the employee shall not be required to serve any additional probationary time in the class. Reassignment shall be without prejudice to seniority in the class or in the promotional line of which that class is a part, subject to conditions imposed by recognition of lesser units.
  - 3) All reassignments shall take precedence over any existing registers.
- b) **Temporary Downgrading and Upgrading-**
  - 1) **Temporary Downgrading.** If it is necessary to assign a status employee, on a temporary employment basis to a temporary or permanent position which is classified at a lower level, the employee's salary, at the time immediately prior to such assignment, will be maintained.
  - 2) **Temporary Upgrading.** If a status employee is assigned, on a temporary



## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

employment basis, to a temporary or permanent position of higher rate or range, the employee is entitled during the period of upgrading to receive ~~the~~<sup>such</sup> higher rate or a salary within ~~the~~<sup>such</sup> higher range provided that no employee shall suffer any reduction in salary because of ~~the~~<sup>such</sup> assignment.

- 3) ~~The~~<sup>Such</sup> temporary upgrading and downgrading assignments must not be for more than 30 consecutive work days duration.
  - 4) An employer makes ~~such~~ temporary downgrading assignments by assigning a status employee who meets the minimum qualifications of the class to which assignment is being made. An employer makes ~~such~~ temporary upgrading assignments by assigning status employees from active registers for the class so long as ~~those~~<sup>such</sup> registers exist. When a need for temporary upgrading assignments occurs in classes that utilize work shifts, the register requirement applies only to those status employees on the appropriate shift. Acceptance of, or refusal to accept, ~~such~~ a temporary assignment by an employee shall in no way affect the employee's position on the register, regardless of the number of acceptances or refusals.
  - 5) In the absence of a register, an employer may assign only those status employees who meet the minimum qualifications for the class to which assignment is being made.
  - 6) When ~~a temporary~~<sup>such</sup> ~~an~~ assignment has been made, seniority shall continue to be accrued in the class in which the employee has a status appointment.
- c) Transfer to Another Place of Employment:
- 1) An employer, with the approval of the employee involved, may transfer a status employee from one place of employment to a position of the same class in another place of employment within the same institution or agency, provided there are no names on the reemployment register for that class in the place of employment to which the employee is being transferred. The employee is not required to serve a second probationary period in the new place of employment.

## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

- 2) A status employee may request that his/~~her~~ name be transferred to any other place of employment within the System and be placed on the original entry register at that place of employment in the class in which he/~~she~~ has a status appointment. Upon acceptance of ~~the~~his request by the appropriate employer, his/~~her~~ name shall be placed on the original entry register in accordance with his/~~her~~ total service in the class as of date of ~~the~~his request for transfer. If this employee accepts a status appointment at the place of employment to which his/~~her~~ name was transferred, he/~~she~~ is not required to serve a second probationary period.
  - 3) An employee, whose name has been certified from the register and who has not completed ~~the~~his probationary period, may have the examination score for the class in which he/~~she~~ is employed transferred, at ~~the~~ ~~employee's~~his request, to another place of employment within the System. ~~That employee's, and his~~ name shall be placed on the original entry register for that class by score at ~~the~~sueh place of employment. He/~~she~~ must serve a full probationary period at the new place of employment.
  - 4) When a function of an institution or agency covered by the System is transferred to another institution or agency covered by the System, employees previously certified within the System who are affected by the transfer shall transfer the same accrued seniority or service as determined by their original date of certification.
- d) Transfer of a State Employee under the Personnel Code [20 ILCS 415] to Employment under the System.
- 1) The procedures for effecting the transfer of a State-~~of Illinois~~ employee from a position under the Personnel Code to a comparable position under the University System shall be the same as those ~~that~~which apply to the transfer of an employee within the System from one place of employment to another, as stated in ~~subsections~~ Section 250.100(c)(1) and (2).
  - 2) The term, "status," as used in Section 36q of the Act, third paragraph, ~~paragraph 3 of the Statute~~, shall refer to:
    - A) the employee's status under the Personnel Code as a probationary or a status employee;



## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

- B) his/her eligibility to accrue credits for vacation, sick leave, and personal leave benefits, as determined by years of consecutive service to the employer from which he/she is transferring; and
  - C) his/her eligibility for a specific pay rate where the pay rate of an employee is determined by years of service.
- 3) Seniority earned by a State ~~of Illinois~~ employee under the Personnel Code is not transferable.
- 4) When a State ~~agency of Illinois Agency~~ becomes subject to the Act ~~governing the State Universities Civil Service System~~, previously certified employees under the regular classified ~~State of Illinois~~ Personnel Code affected by the transfer shall transfer the same accrued seniority as determined by their original date of certification.
- e) Appointment of Law Enforcement Personnel Employed by Illinois Municipal Police Departments, County Sheriff's Departments or the State of Illinois
- 1) An employer may, but is not required to, place the names of applicants who are currently employed as law enforcement officers at either a municipal law enforcement agency or a county sheriff's office within the State of Illinois, or by the State of Illinois, at the applicant's request, on "transfer list", subject to the provisions of this subsection (e).
- 2) To be eligible for appointment under this subsection (e):
- A) the applicant must have:
    - i) successfully completed at least 2 years of employment as a full-time sworn and certified law enforcement officer with a municipal law enforcement agency or a county sheriff's office within the State of Illinois or with the State of Illinois; and
    - ii) satisfied the requirements established by the Illinois Law Enforcement Training and Standards Board;

## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

- B) no more than 2 positions at any place of employment may be filled and occupied under this subsection (e) in any given 5 year period; and
- C) the applicant must not have been suspended for disciplinary reasons by the current or most recent employer.
- 3) Any applicant hired pursuant to this subsection (e) must serve a probationary period of 12 months.

(Source: Amended at 43 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. The employer shall maintain all resignations or other documentation of evidence in accordance with the employer's record retention policy.
- 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.
  - 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

## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

determined by the employer's medical and/or psychological evaluation procedures, and/or in accordance with State and federal laws, 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



## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

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 and regulations.
- 5) Notification
  - A) The employer may select:
    - i) to notify the Executive Director of all leaves of absence, including military, disability, or any other leave otherwise

## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

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.
- 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 the employer and employee may agree upon 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).
- 5) 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).
  - A) The employer shall notify the employee that he/she will be terminated from the employer's service to become effective 7 calendar days from the date of mailing of the notification to the



## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

employee. The notification shall be sent, 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.

- 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 of termination. 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.

d) Layoff

- 1) 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.
- 2) Whenever it becomes necessary to lay off one or more employees, except as provided in subsection (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.

## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

- 3) 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.
  - 4) 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.
  - 5) 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.
  - 6) 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.
- e) 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 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.



## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

- 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 (f)(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).

f) 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 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

## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

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 (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 (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 (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



## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

subsection (e) or some lesser penalty.

- C) An employee who has been served with an employer's notification as provided in subsection (f)(1)(A) may be placed on excused absence with pay during all or any part of the period covered by this subsection (f)(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 and attach a document that contains 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 (f)(1)(B) or as appropriate to the circumstances. The exhibits shall not be attached to the Written Charges for Discharge form.
- B) The Written Charges for Discharge form shall be accompanied by a certification by the employer that all procedures set forth in subsection (f)(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 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 proof of service with the Merit

## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

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 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 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 proof of service with the Merit Board/University System office.
  - D) An employee who has been served with Written Charges for Discharge in accordance with subsections (f)(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 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



## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

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 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 acknowledge receipt of the request for a hearing and notify the employer that the employee has filed for a hearing. Thereafter, further proceedings shall be as provided in this subsection (f) 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 (f)(~~2019~~)(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

## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

hearings in no more than 3 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 hearing.

- 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



## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

filed.

- D) Upon certification by the Executive Director, the Secretary for the Merit Board shall, by an 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 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 overnight delivery service of the certified 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

## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

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

## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

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



## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

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.
- 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.

## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

- 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 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 5 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. [A subpoena may be served by personal](#)

## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

delivery of an executed original to the individual, or by leaving an executed original at the individual's usual place of abode, with some person of the family who is age 13 years or older, provided the server also sends a copy of the subpoena, postage prepaid, addressed to the individual at the individual's usual place of abode. 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 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



## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

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

## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

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

## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

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 (f), 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. 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



## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

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) Settlement Agreements. Following the request for a hearing by the employee set forth in subsection (f)(3)(A), the employer and the employee may enter into a Settlement Agreement that may include a suspension of no more than 120 days. Such a suspension is only permissible if the employer files with the Secretary for the Merit Board the terms of that suspension, which must include a signed waiver of the rights provided by Section 360 of the Act. The employer is otherwise limited to a suspension of no more than 30 calendar days as set forth in subsection (e).

17+6) 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 (f)(17+6) 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:

## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

- 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 ~~360~~ days to a maximum of 120 days 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 suspension, any time served while on suspension pending discharge will be applied towards the fulfillment of the suspension. The Merit Board shall not order a reinstatement with a suspension past the day of the action taken by the Merit Board.

~~18+7~~) 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 an overnight delivery service that requires signature upon receipt.

~~19+8~~) 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.

~~20+9~~) 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 (f) 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,



## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

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 (f), except for the 15-day period set forth in subsection (f)(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 (f), except for the 15-day period set forth in subsection (f)(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.
- 2120) 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



## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

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.

~~2224~~) 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.

## g) Demotion

1) Any of the actions described in this subsection (g)(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 (g)(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

## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

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 (g)(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 an 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 the Notice of Demotion form. 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 (f).) 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.
- h) Dismissal

## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

- 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 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 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



Section 3 – Change-In-Title

*(Reference 110 ILCS 70/36d and 80 Ill. Adm. Code §250.30)*

**3.1 CHANGE-IN-TITLE PROCEDURES**

**General Overview**

The State Universities Civil Service Act (Act) (110 ILCS 70/36b *et seq.*) has generally been interpreted to require that whenever an employee is appointed to a different class, the employee must take and pass the civil service examination for that class, regardless of whether the transaction involves the reclassification or reallocation of the employee's present position, or whether the employee fills a vacant position. However, there are certain occasions when it is administratively desirable, and operationally necessary, for an employee to change classes without examination *providing the spirit and intent of the Act is not violated*, such as in a Change-In-Title (CIT) transaction. Section 36d of the Act (110 ILCS 36/d) authorizes the Executive Director to implement and maintain a classification plan, which includes properly assigning positions to the appropriate classification based on an analysis of the position description, defining the respective duties and responsibilities associated to each classification based on current occupational trends, and the development of appropriate employment protocols for each classification. This statutory authority therefore requires a routine system wide review and update of various components related to this complex classification plan.

Accordingly, there may be occasions when positions are subject to CIT procedures, and subsequent personnel transactions will be implemented for incumbents in those positions. Such personnel transactions, as required and authorized by the University System Office, shall take precedence should there be some perceived conflict with other designated procedural elements. For example, through routine classification plan revisions and CIT procedures, positions may be moved to classifications with lower pay potential than the current classification. The application of the demotion procedures to this statutorily authorized classification revision, and subsequent use of the CIT procedure, would therefore be inappropriate and not applicable. The demotion procedures would not supersede the statutorily authorized classification plan revision and could not be applied in this instance.

Further, through classification plan revisions and CIT procedures, positions will routinely be assigned to new/revised classifications/classification series. This may also include new or revised promotional lines. Seniority from the previous classification/classification series must be captured in the new or revised promotional line. See the Final Status Notice for the classification/classification series.

Based on CIT actions, employees on the Reemployment Register must have the accumulated seniority transferred and placed on the Reemployment Register for the new/revised classification/classification series. Following the CIT action, a current employee or a former employee, based on accumulated seniority, has the right to any vacancy in the new/revised

Section 3 – Change-In-Title

*(Reference 110 ILCS 70/36d and 80 Ill. Adm. Code §250.30)*

classification/classification series using standard Reemployment processes. The CIT action does not afford a current or a former employee the opportunity to displace a current employee.

Section 3 – Change-In-Title

*(Reference 110 ILCS 70/36d and 80 Ill. Adm. Code §250.30)*

**3.3 IMPLEMENTATION OF CHANGE-IN-TITLE PROCEDURES AND ACTIONS**

Employers are required to submit formal written requests before utilizing any CIT procedure, providing detailed justification for each action. The University System's Executive Director or designee must approve and authorize all Change-In-Title requests prior to implementation.

In all instances, personnel transactions in accordance with CIT procedures are required and considered statutory. The following guidelines shall apply to all incumbents affected by the implementation of CIT procedures, and corresponding personnel actions:

- a. Movement or transition to a 'new' classification is considered to be at a comparable level, irrespective of the salary range or other compensation components.
- b. Seniority accrued in the 'old' class is transferred to the 'new' class on the effective date of the transaction.
- c. The incumbent's employment status (provisional or certified) in the 'old' class is carried over to the 'new' class.
- d. The incumbent's probationary period status is carried over to the 'new' class.
- e. The incumbent's salary must be maintained at the current level.
- f. Pay rate/range approval for the 'new' classification(s) must be obtained prior to implementation of CIT procedures and actions.
- g. A Notice of Employment or similar documentation shall be issued to all incumbents whose positions are changed by CIT procedures with the notation: "Change-In-Title – Policy # \_\_\_\_".

*Please note: The CIT action does not afford a current or a former employee the opportunity to displace an employee who is working within the designated classification which was effected by the CIT process.*



Section 4 – Other Employment Transactions

*(Reference 80 Ill. Adm. Code §250.110(d) and §250.110(e and h))*

**4.7 LAYOFF**

A layoff is a stoppage of work, required by management, because of reduction in the amount of work, discontinuance of a particular kind of work, lack of available funds, lack of available space for the execution of work planned, interruptions caused by unfavorable weather, an emergency or catastrophic situation.

Layoff order is determined first by status and then by service and seniority. In cases of identical service or seniority, an employee with a lower examination score shall be laid off first. If tie scores exist, the person with the least amount of years of service at the place of employment shall be laid off first. If identical years of service appear, the person with the latest date of application for the examination for the class subject to layoff shall be laid off first. Employees shall be laid off by class in the following order:

- a. Employees on Temporary Appointments. *(terminate)*
- b. Employees on temporary upgrading assignments. *(terminate)*
- c. Provisional employees. *(terminate)*
- d. Employees serving probationary period.
- e. Status employees.

If an employee is subject to layoff and has not completed a probationary period in any class at the place of employment, complete the following steps:

- a. Notify the employee in writing of the pending action. Place a copy in the employee's file for historical tracking. (Not necessarily the formal Layoff Notice form.)
- b. Offer the employee the position of the employee who has the least amount of service in the class.
- c. If the employee has the least amount of service of any other employee in the class, place the employee on official layoff by issuing the Layoff Notice form (when such layoff will exceed 30 consecutive work days) and distribute copies as required. **Notify the *University System Office*.** See Example 4.7a.

Section 4 – Other Employment Transactions

*(Reference 80 Ill. Adm. Code §250.110(d) and §250.110(e and h))*

- d. Place an employee on the Restoral register for the class in which the employee has accrued service (Original Entry or Promotional register as appropriate), indicating total service within the class as earned up to date of layoff. In cases where layoffs are made by lesser units in accordance with Merit Board approval, indicate proper designation of lesser unit. (The Employer may accomplish this through use of seniority list.)
- e. Enter appropriate information in employment records.
- f. Issue a new notice of employment upon return to work in the class from which laid off, indicating "Return from Layoff". **Notify the University System Office.**

If an employee in a probationary period is subject to layoff and has completed a probationary period in a prior class, complete the following steps:

- a. Notify the employee in writing of the pending action at least 30 calendar days in advance of the effective date of layoff. Note: the effective date of layoff may be extended (or delayed) up to 15 calendar days at a time without the need to give the employee another layoff notice. However, the employee should receive written notification of each such extension which shall include the new effective date of layoff. Place a copy in the employee's file for historical tracking. (Not necessarily the formal Layoff Notice form.)
- b. If a vacant position in the employee's job classification exists, offer the position to the employee.
- c. If a vacant position does not exist, offer the employee the position of the employee who has the least amount of service in the class.
- d. If the employee has the least amount of service of any employee in the class, place the employee on the Restoral register for that class with accumulated service and offer the employee the position of the employee who has the least amount of service or seniority in the next lower level in the promotional line, if the employee has more seniority in that class.
- e. If the employee has the least amount of service and/or seniority in the next lower class in the promotional line, continue the process for the remaining classes (by ranked levels in descending order) in the promotional line.
- f. If the employee has the least amount of service and/or seniority of any other employee in the promotional line, place the employee on official layoff by issuing the Layoff Notice form (when

Section 4 – Other Employment Transactions

*(Reference 80 Ill. Adm. Code §250.110(d) and §250.110(e and h))*

such layoff will exceed 30 consecutive work days) and distribute copies as required. **Notify the University System Office.** See Example 4.7a.

- g. Place the employee on the Restoral or Reemployment register for all classes in which the employee has accrued service and/or seniority (Original Entry or Promotional registers as appropriate) indicating total seniority or service within the class as earned up to date of layoff. In cases where layoffs are made by lesser units in accordance with Merit Board approval, indicate proper designation of lesser unit. (The Employer may accomplish this through use of a seniority list.)
- h. Enter appropriate information in employment records.
- i. Issue a new notice of employment to employee upon return to work in the class from which laid off, indicating "Return from Layoff". **Notify the System Office.**

If an employee is subject to layoff and has completed a probationary period in the class prior to layoff, complete the following steps:

- a. Notify the employee in writing of the pending action at least 30 calendar days in advance of the effective date of layoff. Note: the effective date of layoff may be extended (or delayed) up to 15 calendar days at a time without the need to give the employee another layoff notice. However, the employee should receive written notification of each such extension which shall include the new effective date of layoff. Place a copy in the employee's file for historical tracking. (Not necessarily the formal Layoff Notice form.)
- b. If a vacant position in the employee's job classification exists, offer the position to the employee.
- c. If a vacant position does not exist, offer the laid off employee the position of the least senior employee in the class.
- d. If the employee is the least senior, place the employee on the Reemployment register with accumulated seniority and offer the employee the position of the least senior employee in the next lower class in the promotional line, if the employee has more seniority (i.e., is not the least senior) in that class.
- e. If the employee is the least senior in the next lower class in the promotional line, continue the process for the remaining classes (by ranked level in descending order) in the promotional line and place on Reemployment register.



Section 4 – Other Employment Transactions

*(Reference 80 Ill. Adm. Code §250.110(d) and §250.110(e and h))*

- f. If the employee is least senior for *all* classes in the promotional line, and if the employee has served in one or more promotional lines or classes, the retreat path shall be in descending order and reversing the chronological employment history, starting with the current (or most recent) promotional line first. After moving through the current promotional line, then the employee would move to next promotional line, working their way down.

**Example:** *Employee Jones has the following chronological employment history.*

1/1/80 - 12/31/83..... Typing Clerk I\*  
1/1/84 - 12/31/84..... Secretary II  
1/1/85 - 12/31/91..... Secretary III  
1/1/92 - 12/31/93..... Chief Clerk  
1/1/94 - 12/31/95..... Administrative Clerk  
1/1/95 - date of layoff ..... Administrative Assistant I

*If Employee Jones has more seniority than the least senior Administrative Clerk, Jones would "bump" that employee. If not and if Jones has more seniority than the least senior Staff Clerk, Jones "bumps" that employee. If not and if Jones has more seniority than the least senior Chief Clerk, Jones "bumps" that employee, etc., down the Clerk promotional line. If not, and if Jones has more seniority than the least senior Secretary III, Jones "bumps" that employee, etc. down the Secretary promotional line (Jones would "bump" downward in the Clerk and Secretary promotional lines even though Jones has not actually served in all the classifications, i.e., Staff Clerk, Clerk\*, Clerical Assistant\* or Secretary I, in accordance with **Section 250.120(e) of the Illinois Administrative Code**.*

*\*Typing Clerk Series merged into Clerk Series, effective 9/5/00.*

If an employee cannot exercise any of the possible bumping rights or be placed in another position as outlined above:

- a. Issue a Layoff Notice and distribute copies as required. **Notify the University System Office.** See Example 4.7a.
- b. Enter appropriate information in employment records.
- c. Issue a new notice of employment to employee upon return to work in the class from which laid off, indicating "Return from Layoff". **Notify the University System Office.**

Section 4 – Other Employment Transactions

*(Reference 80 Ill. Adm. Code §250.110(d) and §250.110(e and h))*

If an employee chooses not to exercise bumping rights obtain a signed statement from the employee indicating such and place the employee on the appropriate register. The employee may refuse two additional offers of employment in the class and then shall be removed from the Reemployment or Restoral register.

If an employee resigns while on layoff, indicate on resignation that employee did not return from layoff and give the effective date of resignation. **Notify the University System Office.**

Retention of pay of an employee who has exercised bumping rights.

- a. When laid off employee accepts a position in the same class (through bumping rights), the salary of the laid off employee shall be unaffected.
- b. If a laid off employee's salary exceeds the maximum of the range of the class in which the employee accepts a position as a result of exercising bumping rights, the laid off employee's new salary shall not exceed the rate of the maximum range for the new class.

Layoff of employees in less than 100%-time appointments: In regard to the "bumping" of and/or by employees in positions of less than 100%-time, the following example is given:

**EXAMPLE:**

Seniority List for Class Z

Employee A  
Employee B  
Employee C  
Employee D  
Employee E  
Employee F

If C's position is 100%-time and is subject to deletion due to lack of funds or other reasons and F's position is 75%-time, then C may bump E (least senior in 100% position). E may then bump F.

F may then exercise bumping rights in other classes.

**NOTE: Should employees choose not to exercise their bumping rights they shall be placed on the Reemployment register.**

Section 4 – Other Employment Transactions

*(Reference 80 Ill. Adm. Code §250.110(d) and §250.110(e and h))*

No available employee shall be on the Reemployment register who has greater seniority than an employee working in the same class or in lower classes in which the employee has accrued seniority, unless the employee has chosen not to exercise bumping rights and has provided a signed statement to the Employer indicating so. **This policy does not apply when a position(s) is subject to standard Change-In-Title procedures, see Classification Plan Management Procedures Manual, Sections 3.1 – 3.4.**

At the point an employee who is on disability leave becomes subject to layoff, the employee shall be placed on layoff. When recalled from layoff, the employee may return to duty or disability leave status. Since employees on disability leave accrue seniority, the disability leave is interrupted to prevent unfair accumulation or seniority to pass other employees on the seniority list.

**Note on Specialization and Bumping: Individuals employed with a defined area of specialization cannot be displaced in the layoff process by someone who does not possess the defined area of specialization.**