



**MINUTES OF THE TWO-HUNDRED AND EIGHTH
MEETING OF THE UNIVERSITY CIVIL SERVICE MERIT BOARD –
April 17, 2019**

**State Universities Civil Service System (University System) Office
1717 Philo Road, Suite 24
Urbana, Illinois 61802
&
(Video Conference)
University of Illinois at Chicago
Human Resources Building
Room 201D
715 South Wood Street
Chicago, Illinois**

**Southern Illinois University Edwardsville
Office of Human Resources
#6 Hairpin Drive
Rendleman Hall
Room 3210
Edwardsville, IL**

Call to Order and Roll Call

Teresa Rademacher, Secretary for the Merit Board, called the meeting to order at 1:10 p.m.

Members present at the primary meeting location were: Carney Barr, representing Governors State University; Naomi Jakobsson, representing the University of Illinois; and Stuart King, representing the University of Illinois.

Member present at the Chicago video conference location was: Sherry Eagle, representing Northeastern Illinois University.

Member present by audio conference was: Jill Smart, representing the University of Illinois.

Members absent were: John Simmons, representing Southern Illinois University; and P. J. Thompson, representing Eastern Illinois University.

Also present were: Jeff Brownfield, Executive Director; David DeThorne, Legal Counsel; Gail Schiesser, Legal Counsel; Teresa Rademacher, Secretary for the Merit Board; Jami Painter, representative of the Human Resource Directors Advisory Committee (HRDAC); and Jill Odom, Chair, State Universities Civil Service Advisory Committee (EAC). Various other university employees and State Universities Civil Service System (University System) staff were also in attendance.

Consideration of participation by other Merit Board Members not physically present at meeting site

Teresa Rademacher, Secretary for the Merit Board, asked for approval for Merit Board members not physically present to actively participate by other means in accordance with the Open Meetings Act requirements. Mr. Barr made a motion to allow Ms. Smart to participate by audio conference. Dr. King seconded Mr. Barr's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Welcome new board members – Jeff Brownfield

Mr. Brownfield welcomed three new board members to the University Civil Service Merit Board, Naomi Jakobsson, representing the University of Illinois; John Simmons, representing Southern Illinois University; and P. J. Thompson, representing Eastern Illinois University.

Merit Board Reorganization

The Merit Board conducted reorganization activities, electing its officers for calendar year 2019. Mr. Brownfield called for nominations for Chair. Ms. Smart made a motion to elect Carney Barr as Chair. Dr. King seconded Ms. Smart's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Chair Barr called for nominations for Vice Chair. Dr. King made a motion to re-elect Jill Smart as Vice Chair. Ms. Jakobsson seconded Dr. King's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Chair Barr called for nominations for the Executive Committee of the Merit Board. Chair Barr made a motion to elect Ms. Eagle and Mr. Simmons to the Executive Committee. Ms. Jakobsson

seconded Chair Barr's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

The following officers for calendar year 2019 were elected:

- *Chair: Carney Barr*
- *Vice Chair: Jill Smart*
- *Executive Committee: Sherry Eagle and John Simmons*

Mr. Brownfield stated that the Merit Board was also required to appoint a Secretary for the Merit Board. Ms. Smart made a motion to re-appoint Teresa Rademacher as Secretary for the Merit Board. Chair Barr seconded Ms. Smart's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Public Comments

Chair Barr stated that the University System had received several requests to present public comments. He stated that Michael Ginsburg, Associate Vice Chancellor for Human Resources at the University of Illinois at Chicago, requested to present public comments in regards to agenda item 13, Separate Place of Employment and requested that he speak at the time the agenda item is being discussed.

Chair Barr also stated that the University System had received requests from Aaron Woodruff, Craig Stone, and Ken Martin to present public comments in regards to agenda item 8 in regards to a proposed rule change and requested that they speak at the time the agenda item is being discussed.

Mr. Brownfield stated that the University System received a late request from Dave Beck, Nadja Robot, and Carla Gillespie to present public comments in regards to the Grant Funded agenda item.

Nadja Robot stated that the Grant Funded proposal would affect nearly 400 AFSCME members, almost 25% of the bargaining unit across 20 units at the University of Illinois at Urbana-Champaign. She stated that taking away the rights of these employees due to the funding of the position is unfair and the Merit Board should reject the proposal. The current system already allows each employer to lay off employees when funding is no longer available. The University System and the Merit Board were created to protect the rights of university employees and she urged the Merit Board to reject any proposal to reduce the rights of the employees.

Carla Gillespie, Staff Representative, AFSCME Council 31, Southern Illinois University Edwardsville, stated they also represent many employees supported by grant funded employees. The proposal to change how state universities treat grant and contract funded employees would

cause harm to members for the union. Changing the probation period to 24 months would deprive members of layoff recall, bumping rights, just cause, and job stability. It is unclear how lengthening a probation period would address the issue in a more suitable fashion. The proposal would harm the members and would not add to the function of the state universities.

Consideration of the Minutes of the 207th Meeting of the Merit Board, November 29, 2018

The minutes of the 207th Meeting of the Merit Board, November 29, 2018 had been transmitted to members of the Merit Board with the agenda materials.

Ms. Jakobsson moved to approve the minutes of the 207th Meeting of the University Civil Service Merit Board. Dr. King seconded Ms. Jakobsson's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Review of Closed Session Minutes

The Closed Session Minutes of the Merit Board, November 29, 2018, had been transmitted to members of the Merit Board at an earlier date.

Ms. Smart moved to release the Closed Session Minutes of the University Civil Service Merit Board held on November 29, 2018. Dr. King seconded Ms. Smart's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Discussion and action on proposed rulemaking to Sections 250.100 and 250.110 of the Code (80 Ill. Adm. Code 250.100 and 250.110)

Aaron Woodruff, Craig Stone, and Ken Martin, Police Chiefs from various universities, spoke in favor of the changes to Section 250.100 and what it will bring to the universities.

Police Chief Craig Stone stated that recruiting the right people is important and a challenge. Universities can currently accept lateral transfers from other universities, but that is not helping the system. The Police Chiefs would like to expand and hire laterals from municipalities that have completed probationary periods in the state of Illinois.

Police Chief Aaron Woodruff stated that the Police Chiefs have been asking for this change for a number of years. He further stated that employers are losing officers with two to five years of experience. He further stated that it takes five years to learn the job of a Police Officer, so universities are losing officers that are just becoming experienced in the field. By taking lateral

transfers universities would be able to shave off at least a year in the training process and this would help the state save money and recruit more diverse officers.

Police Chief Kent Martin stated when hiring a new Police Officer they need to attend a 14-week Police Training Academy and 12-weeks of Field training prior to being put on the street. This proposed rule change will level the playing field and allow the universities to hire experienced, knowledgeable, and certified Police Officers.

Chair Barr stated the proposed rule has three main parts to hire through this process: an officer needs to have completed two years as a sworn officer, a university cannot fill more than two positions in a five year period, and new officers serve a twelve month probation period.

Mr. Brownfield stated that also being proposed in Section 250.110 are a few changes in the discharge process; such as how subpoenas are issued, additional language relating to settlement agreements, and a change to the minimum number of days the Merit Board can issue a suspension in a discharge decision.

Ms. Jakobsson made a motion to approve the proposed rule changes to Sections 250.100 and 250.110 and to submit for the Second Notice Period. Ms. Smart seconded Ms. Jakobsson's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Report of the Human Resource Directors Advisory Committee – Jami Painter

The Merit Board heard a report from Jami Painter, representative of the Human Resources Directors Advisory Committee (HRDAC). Ms. Painter stated that the universities have been busy implementing the new exemption procedures and redesigning hiring processes and converting some PAA positions to civil service positions. Mr. Brownfield and the University System staff have partnered with HRDAC to revise rules and procedures, update, combine and/or eliminate classifications, revise testing tools and pilot innovative programs. All of these initiatives take time and resources from the University System and Human Resource staff. As university procedures are put in place we expect that the process of hiring civil service employees to improve; however at this time these procedures have increased the time it takes to hire a new employee. Some universities have had to hire additional staff to comply with the new procedures. In addition, employment provisions and benefits are also areas that are effected when converting an employee from PAA to Civil Service. The HR Directors ask for patience during this transition as we prepare for biannual and triannual cycles and audit cycles. The committee also continues to be concerned about the appeal process timeframe, and requests that extensions be considered when needed in cases where Merit Board meetings are cancelled.

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

The Merit Board heard a report from Jill Odom, Chair, State Universities Civil Service Advisory Committee (EAC). EAC cautiously supports the grant funded proposal and continues to discuss the issue. EAC also looks forward to hearing an update on the progress of conversions as a result of the new exemption procedures. Regarding Merit Board members, the committee has meet with several members and will continue to reach out to members to establish better relationships.

Update and authorization for the Executive Director to implement and administer the Merit Board Budget for FY 20.

Mr. Brownfield stated the University System is in the budget process for FY 20 which begins July 1 and that authorization is needed from the Merit Board to administer the budget according to policies and procedures.

Ms. Jakobsson made a motion to adopt the following Resolution authorizing the Executive Director to implement the FY 20 budget as funds become available. Ms. Smart seconded Ms. Jakobsson's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

RESOLUTION

BE IT RESOLVED THAT the Merit Board authorizes the Executive Director to administer the FY 20 agency budget, pursuant to the availability of funds and final approval by the Governor's office. Contingent upon the availability of funds, the FY 20 agency budget may include employee salary adjustments administered in accordance with applicable Merit Board Policies and Pay Administration Guidelines. The Merit Board also authorizes the Executive Director to make any other expenditures necessary for the operation of the State Universities Civil Service System and the Merit Board office, commencing July 1, 2019 and continuing until such time as the FY 20 appropriation becomes effective or the Merit Board directs otherwise.

Request for Review by the Merit Board of the Executive Director's Review Decision in Case No. MB-RD-CSU-19-1, filed by Wilbert Norey pursuant to Section 250.130(b) of the Illinois Administrative Code (80 Ill. Adm. Code 250.130(b))

Mr. Brownfield gave a brief description of how the Review Decision process works. Mr. Brownfield explained that Sergeant Norey felt his seniority was calculated incorrectly and in

addition stated that about 15 years ago he was promoted to a Lieutenant position and there was discrepancies in that also. University System staff went to Chicago State University and reviewed records and developed a seniority list in response to the Review Decision. Sergeant Norey and his attorney still have questions regarding the seniority list and brought this decision to the Merit Board in accordance with Section 250.130(b) of the Code.

Chair Barr stated that per the personnel and payroll records Sergeant Norey was never paid additional compensation or passed the probation period in the Lieutenant classification, therefore this is a dead issue. Chair Barr reminded members that if an employee is suspended they do not accrue seniority during that time. Chair Barr then went on to state that he supports the Executive Director's decision.

Ms. Smart questioned the letter in the documents showing an offer letter with his acceptance. Chair Barr stated that the probation was not passed and the Chief rescinded the promotion.

Mr. Brownfield stated that the passage of time is an obstacle in this case. When reviewing Sergeant Norey's personnel file and payroll records there were not any documents showing he was officially placed into the Lieutenant position. Sergeant Norey also could not provide any documentation confirming this. Mr. Brownfield also confirmed if Sergeant Norey had been in the position for a week he would not have been promoted but did earn seniority in the Sergeant classification.

Dr. Eagle agreed with the seniority list the University System has provided. The only information the Merit Board members has is the offer letter, nothing indicating the probationary period.

Mr. Brownfield stated that Sergeant Norey stated in a December meeting that he was removed from the position. Accepting a position in the Civil Service system according to statute and rules automatically includes the probation period for the classification.

Chair Barr stated that in the original documents Mr. Boddie (Mr. Norey's Attorney) provided included the date the Police Chief rescinded the offer. Chair Barr also stated that the length of time that had passed in this case makes investigating even more difficult and the University System should look at establishing a statute of limitations.

Ms. Smart made a motion to confirm and adopt the decision of the Executive Director as the final Decision of the Merit Board. Dr. King seconded Ms. Smart's motion.

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

Ms. SmartAye
Mr. Thompson..... Absent
Chair Barr.....Aye
Dr. Eagle..... Aye
Ms. Jakobsson..... Aye

Dr. KingAye
Mr. SimmonsAbsent

Consideration of a separate place of employment for the John Marshall Law School at the University of Illinois at Chicago.

Mr. Ginsburg stated that the John Marshall Law School (JML) will officially become part of the University of Illinois at Chicago on August 16, 2019. This will be the only public law school in Chicago after the acquisition by the university. The University of Illinois at Chicago (UIC) is requesting the temporary establishment of a separate place of employment once JML becomes part of UIC. The two main reasons for this are employment and seniority rights for JML employees that will be classified as civil service. He further stated that UIC is proposing the separate place of employment stay in place for five years, from August 16, 2019 through August 15, 2024. As of August 16, 2024 the separate place of employment for JML will be dissolved and become a full part of UIC. JML employees will come with seniority in their current classification and the process would be the same as the conversion process used to convert PAA positions to civil service positions. Reductions in staff at UIC would not affect employees at JML and vice versa. Separate employment registers will be maintained at each place of employment for the purpose of hiring and employee movement to other positions. The purpose of this request is to help ease the transition of JML employees.

Dr. Eagle asked why the five year time period. Mr. Ginsburg stated that with conversations with Mr. Brownfield, the five years mirrored an earlier situation that was approved by the Merit Board where UIUC acquired a state agency. Dr. Eagle asked if a new employee was hired at JML would they be an employee of UIC or JML. Mr. Brownfield stated that with separate places of employment the new employee would be an employee of UIC but regarding civil service rights, the employee would be part of the separate JML place of employment during this five year period.

Ms. Smart stated that this is a big transition and other components have a similar transition period such as real estate, and suggest keeping similar time frames.

Ms. Smart made a motion to approve the separate place of employment for the University of Illinois at Chicago, John Marshall Law School, for a period of five (5) years. Ms. Jakobsson seconded Ms. Smart's motion.

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

Ms. SmartAye
Mr. Thompson..... Absent
Chair Barr.....Aye
Dr. Eagle..... Aye

Ms. Jakobsson..... Aye
Dr. KingAye
Mr. SimmonsAbsent

Consideration to increase the fee for Hearing Officers for service on Discharge/Demotion Hearings

Mr. Brownfield stated that the fee for Hearing Officers had not been increased in a long time. Currently Hearing Officers are paid \$550 per day and the University System is recommending the fee to increase to \$650 per day. Hearing Officers are usually attorneys making significantly more money in their profession. We ask them to be available for a hearing for the entire day, review transcripts and write up the Findings of Fact for the Merit Board to review.

Dr. Eagle made a motion to approve the new daily rate of \$650 for Hearing Officers for all hearings held after April 17, 2019 and for payments to Hearing Officers when hearings are canceled or resolved within five work days or less of the scheduled hearing date. Ms. Smart seconded Dr. Eagle’s motion.

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

Dr. Eagle..... Aye
Ms. Jakobsson..... Aye
Dr. KingAye
Ms. SmartAye
Mr. SimmonsAbsent
Mr. Thompson..... Absent
Chair Barr.....Aye

Annual Ethics Training for Merit Board Members and Staff

Ms. Rademacher stated on April 11, 2019 a letter had been sent to Merit Board members requesting that each member complete the 2019 Annual Ethics Training. New Merit Board Members recently appointed have already received Ethics Training. Training needed to be completed by May 31, 2019. University System staff will be completing training online June 3 through July 3, 2019.

General Discussion regarding Principal Administrative Appointment Appeals/Communications

Mr. Brownfield stated the agency had received an OEIG review and investigation relating to positions that should be civil service rather than exempt from the ACT, including PAA appointments, faculty, student appointments and others. We have gone through a long process of updating the Exemption Procedures that went into effect back in October 2018. The universities are working on reviewing and converting positions due to the revised procedures and this will continue to be an ongoing process. In addition, we are starting the audit program back up and the PAA designation is part of the audit process. One of the parts of the procedures is the appeal process, if the University System feels a position needs to be converted to civil service, the position will need to be converted; however, if the university or agency disagrees they can appeal the decision and then it will be brought to the Merit Board for a final decision.

Governance, Risk, and Compliance Audit Program – Review of Recent Activities

Ms. Neitzel stated that the audit program will start back up and a visit to Northern Illinois University will be the next location for the audit program.

Report of the Executive Director – Jeff Brownfield

Mr. Brownfield stated that the Governor's budget proposal recommended \$1,114,700, this includes a small increase over the FY 19 appropriation. The University system continues to work with the House and Senate staffs to get funding back to previous levels. In the past, we were able to purchase an Errors and Omissions policy, however this is a large expense. We have not had a policy for several years so will be difficult to retain again and the fact the insurance needs to be paid within 30 days and the state is not paying in 30 days causing additional problems.

He further stated that the office is working on updating classifications and several custom classes as a result of the revised Exemption Procedures. When reviewing classifications more and more will be requiring a Bachelor's degree, but only when the degree makes sense.

Mr. Brownfield introduced Gail Schiesser as the new Legal Counsel for the University System. Also, Lauren Harris, Human Resource Officer, and Stacey Norton, Human Resource Assistant were also hired. Mr. Brownfield gave thanks to Tanya Flynn for her years of service as she is retiring on April 30, 2019.

Mr. Brownfield spoke about the Grant Funded positions possibility and stated there are real concerns with this proposal and several areas need to be addressed before bringing anything for approval. As discussed during public comments, unions have serious concerns with this proposal. Going forward we will meet with HRDAC, EAC, and union representatives to see if we can come to an agreement or if we cannot come to an agreement if we proceed forward or not based on the decision of the Merit Board.

Report of the Legal Counsel – David DeThorne and Gail Schiesser

Mr. DeThorne stated that 41 Written Charges for Discharge have been served on employees, only 13 of those employees had requested a hearing. Of the 13 cases, seven cases are currently pending, which is unusual for the large number.

Mr. DeThorne stated that the Administrative Review Case, Colwell vs. Merit Board/Brownfield, is still pending. The Merit Board is represented by the Attorney General in this case and that there has been no action for approximately 10 months.

Other Items as Presented

The next meeting is scheduled for Thursday, August 29, 2019.

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

The meeting adjourned at 2:50 p.m.

Respectfully submitted,

/s/ Teresa Rademacher

Teresa Rademacher
Secretary for the Merit Board

APPROVED:

/s/ Jill Smart

Chair
University Civil Service Merit Board

August 29, 2019

Date