



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

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**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  
&  
(Video Conference)  
Southern Illinois University Edwardsville  
Office of Human Resources  
Rendleman Hall, Room 3234  
#6 Hairpin Drive  
Edwardsville, IL**

**Call to Order and Roll Call**

Chair Smart called the meeting to order at 1:00 p.m.

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

Members present at the Chicago video conference location were: Jill Smart, Chair, representing the University of Illinois; John R. Butler, representing Northern Illinois University; Pedro Cevallos-Candau, representing Governors State University; Sherry Eagle, representing Northeastern Illinois University; Julie Jones, representing Illinois State University; Kisha Lang, representing Western Illinois University; and Miriam Mobley Smith, representing Chicago State University.

Member present by audio conference was: John Simmons, representing Southern Illinois University.

Member absent was: Joseph Dively, representing Eastern Illinois University.

Also present were: Jeff Brownfield, Executive Director; Gail Schiesser, Legal Counsel; Teresa Rademacher, Secretary for the Merit Board; Michael Ginsburg, 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***

Chair Smart asked for approval for Merit Board members not physically present to actively participate by other means in accordance with the Open Meetings Act requirements.

Dr. Eagle made a motion to allow Mr. Simmons to participate by audio conference. Ms. Jones seconded Dr. Eagle's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

***Welcome new Merit Board members – Jeff Brownfield***

Mr. Brownfield welcomed two new board members to the University Civil Service Merit Board. Pedro Cevallos-Candau, representing Governor State University and Kisha Lang, representing Western Illinois University each gave a brief bio and bios were also included in the agenda materials.

***Public Comments***

Mr. Brownfield stated that Ms. Underwood, an employee whose discharge case was pending on the agenda had requested to speak before the Merit Board. Mr. Brownfield stated that in the past the Merit Board had agreed to move these requests to where the agenda items was being discussed. He also stated that the attorney for the University of Illinois at Chicago had also requested to present oral arguments before the Merit Board. Chair Smart suggested that Ms. Underwood's comments be moved to the proper agenda item.

***Consideration of the Minutes of the 209<sup>th</sup> Meeting of the Merit Board, August 29, 2019***

The minutes of the 209<sup>th</sup> Meeting of the Merit Board, August 29, 2019 had been transmitted to members of the Merit Board with the agenda materials.

Ms. Jakobsson moved to approve the minutes of the 209<sup>th</sup> Meeting of the University Civil Service Merit Board. MR. Simmons seconded Ms. Jakobsson's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

***Consideration of Discharge Proceedings Number UIC-19-17 filed against Chumita Underwood by the University of Illinois at Chicago***

Chair Smart asked Ms. Schiesser to provide a brief summary of the discharge case. Ms. Schiesser stated that the University of Illinois at Chicago (UIC) filed Written Charges for Discharge against Chumita Underwood on June 11, 2019. Ms. Underwood, a Building Service Worker since September 13, 2013, made a timely request for a discharge hearing. UIC charged Ms. Underwood with job abandonment, failure to adhere to the department's order to report to work, failure to adhere to department's call in procedures, and unexcused and unauthorized absences. The Hearing Officer, Kim Kirn, found that the employer had met its burden of proof on the charges against Ms. Underwood.

Ms. Schiesser informed the Merit Board of a procedural issue regarding this case. When Ms. Underwood submitted her Closing Statement on July 25, 2019 to the University System as allowed by the rules, she also attached several additional documents that had not been presented into evidence at the discharge hearing. On July 26, 2019 UIC submitted their Closing Statement to the University System. On August 26, 2019, the Hearing Officer, Liz Simon, submitted her Findings of Fact. Ms. Simon's Findings of Fact were based in part on the documents Ms. Underwood had submitted with her Closing Statement. The University System rules require that Findings of Fact be exclusively on the evidence presented. UIC filed an Objection To and Motion to Strike Ms. Underwood's Written Closing Statement. Mr. Brownfield, Executive Director, denied the request to strike the Closing Argument provided by Ms. Underwood, but granted the objection to the documents attached to the Closing Argument. As further relief Mr. Brownfield disqualified Ms. Simon as the Hearing Officer on the basis of bias. Kim Kirn was appointed as the new Hearing Officer to provide Findings of Fact and to comply with the rules. The Hearing Record was decertified on September 3, 2019 and the Finding of Facts submitted by Hearing Officer Simon were also stricken from the record.

Ms. Underwood was asked to present comments. Mr. Simmons stated that in his previous time on the Merit Board, parties were not allowed to speak in regard to discharge cases.

Ms. Underwood stated that she hoped she would be able to keep her job and thanked the Merit Board for the time they had given her. She further stated that she had learned from her mistakes and understood she should have gone back to her building and followed through to see what needed to be done. She stated that she was coming to work sick and went to the doctor to get things corrected, but she also mentioned that she just didn't handle the situation correctly. She also stated that was currently working on her health issues and that things are getting better.

Mr. Jones, Attorney for UIC, stated that the issue was that Ms. Underwood would not let UIC know if she would be coming to work or not. He further stated that this became such an issue that the department felt it was necessary to contact Human Resources and begin the discharge process. Mr. Jones provide a brief recap of UIC's written Closing Statement.

Ms. Smart requested that the Merit Board go into Closed Session to discuss the discharge case.

Ms. Jones moved to go into Executive Session. Ms. Jakobsson seconded Ms. Jones's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried. The Merit Board went into Closed Session at 1:27 pm.

The Merit Board returned from Executive Session at 2:23 pm. After short discussion, Mr. Cevallos-Candau made a motion to defer the discharge decision for Ms. Underwood until the next meeting of the Merit Board. Dr. Eagle seconded Mr. Cevallos-Candau'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 – Michael Ginsburg***

The Merit Board heard a report from Michael Ginsburg on behalf of Amelia Hartnett, representative of the Human Resource Directors Advisory Committee (HRDAC). Mr. Ginsburg stated that the Human Resource members are happy to have received the new revised and published audit schedule. A continued point of focus for the committee is to comply with the new exemption procedures and an interest to see the outcome of the first audits conducted with the new procedures that are now in place. The committee is also excited about the improvements to the proposed discharge rule and they remain interested on what the Merit Board members are looking for in discharge cases. In addition, resolving the employment issues relating to the Grant Funded position is still of high importance to the committee.

#### ***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 last met in October for the quarterly meeting and the annual Council of Council meeting. The ongoing topic of Grant Funded positions was discussed. EAC believes that

the employment rights need to be consistent, defined and equal to current civil service employees, but understands there are a number a variables that still need to be vetted. EAC also supports the proposed changes to the November 5, 2019 draft of the discharge rule.

***Discussion and action on proposed rulemaking to Section 250.110 of the Code (80 Ill. Adm. Code §250.110) regarding changes to the discharge/demotion rule for publication in the Illinois Register for the First Notice period***

Ms. Schiesser provided an update to the proposed changes Section 250.110 of the Illinois Administrative Code. She stated that several modifications have been made to the justifications for suspensions; information was added related to exparte communications, specifically regarding discharge matters; and he written Closing Arguments section is being deleted.

There was discussion regarding oral arguments and public comments. Ms. Scheisser stated there is not a process to stop persons from presenting comments during the public comments section nor limiting the topic of conversation.

Ms. Jakobsson made a motion to submit the proposed rule revisions for the First Notice Period. Dr. King seconded Ms. Jakobsson’s motion.

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

- Ms. Jakobsson .....Aye
- Ms. Jones.....Aye
- Dr. King .....Aye
- Dr. Mobley Smith .....Aye
- Mr. Simmons .....Aye
- Chair Smart.....Aye
- Mr. Butler .....Aye
- Dr. Cevallos-Candaus.....Aye
- Mr. Dively.....Absent
- Dr. Eagle ..... Aye

***Discussion and action on changes to the list of Hearing Officers in discharge/demotion cases***

Mr. Brownfield gave an overview of the criteria the University System had been using and what the University System would like to use when considering the qualifications of Hearing Officers to be utilized in discharge/demotion hearings.

Dr. Mobley-Smith moved to approve criteria to be used in expanding the list of Hearing Officer. Ms. Jakobsson seconded Dr. Mobley-Smith's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

***Discussion and consideration of extending the Demonstration Project for the "Student Employment Pathway Program"***

Mr. Brownfield gave an overview of the "Student Employment Pathway Program" stating that the program allows employers to hire students into standard civil service positions. He further stated that the program had very modest utilization and the University System was asking for an extension to the program for an additional two years to see if it could be reinvigorated now that budgets are not as tight and universities are beginning to hire more positions.

Dr. Eagle moved to extend the Student Employment Pathway Program through December 31, 2021. Mr. Butler seconded Dr. Eagle's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

***Governance, Risk, and Compliance Audit Program review of recent activities***

Ms. Neitzel stated that the new and revised audit schedule has been published.

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

Mr. Brownfield stated that IBHE approved a 5.5% increase in the budget for FY21. The System Office is in the process of eliminating or freezing several classifications as a result of the new Exemption Procedures Manual that is in place. Grant Funded Employee positions continues to be a topic we are working on. EAC, HRDAC and unions are all providing input. Ms. Smart provided an overview of the purpose of grant funded employees.

***Report of the Legal Counsel – Gail Schiesser***

Ms. Schiesser stated that there has not been any change in the Coldwell case, this is still in general continuance in Circuit Court in Champaign County.

Mr. Bates allegedly cheated on an electricians test at SIUE and the Madison County State's Attorney Office is currently working on a plea deal.

The Attorney General is representing the Merit Board in the Stipe case and has filed the hearing record.

**Consideration of the 2020 Schedule of Meetings of the Merit Board**

Ms. Smart also asked for the next meeting be held in January to attend to the Underwood Discharge matter.

**Other Items as Presented**

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

The meeting adjourned at 3:20 p.m.

Respectfully submitted,

*/s/ Teresa Rademacher*

Teresa Rademacher  
Secretary for the Merit Board

APPROVED:

*/s/ Julie Jones*

Chair  
University Civil Service Merit Board

January 17, 2020

Date