



***CLOSED MINUTES OF THE TWO-HUNDRED AND TENTH
EXECUTIVE SESSION MEETING OF THE
UNIVERSITY CIVIL SERVICE MERIT BOARD –
December 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
&
(Video Conference)
Southern Illinois University Edwardsville
Office of Human Resources
Rendleman Hall, Room 3234
#6 Hairpin Drive
Edwardsville, IL***

Chair Smart called the Executive Session to order at 1:29 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; and Teresa Rademacher, Secretary for the Merit Board.

The purpose of Executive Session was to discuss the discharge proceedings for Chumita Underwood, Discharge Case No. UIC-19-17 which is allowable under the Open Meetings Act, Section 2(c)(4), 5 ILCS 120/2(c)(4).

Dr. Mobley Smith asked if there were any policies in place regarding security for meetings when the discussion is being held in regards to matters of discharge cases. Mr. Brownfield stated that in the past if there had been any security concerns, the State Universities Civil Service System (University System) office would provide a police presence at the board meetings. He further stated that for this meeting there had not been any prior concerns.

Mr. Brownfield clarified the actions and decisions on the appointment of a new Hearing Officer for the Underwood discharge case made by the University System. A new Hearing Officer was hired to produce new Findings of Fact in regards to the Underwood discharge case. He explained to the board that the original Hearing Officer had used information that was not part of the official hearing record in their decision making in regards to the Findings of Fact. The University of Illinois at Chicago (UIC) filed a motion to strike the material that had been used and it was determined that the original Findings of Facts could not be utilized in regards to the current case. The University System then decided to hire a new Hearing Officer to look strictly at the official hearing record and to provide new Findings of Fact-based solely on the official hearing record.

Mr. Butler stated that per the record and in Ms. Underwood's presentation of comments, he felt Ms. Underwood seemed emotionally unstable causing concerns for the board members.

Mr. Butler asked why the hearing was not retried instead of merely having a new Hearing Officer review the official hearing record. Chair Smart asked if there was new evidence and why the hearing couldn't have also been held again. Ms. Schiesser stated that the board had drifted beyond the scope of the record and a decision could not have been made on the stricken documents. Dr. Eagle stated the new Hearing Officer provided a Findings of Fact based solely on the hearing record. Ms. Schiesser stated that making this change was the correct process, per administrative rules and allowance to correct errors. She further explained to the board that the employee-petitioner submitting unadmitted documents in her "Closing Statement" was the point of prejudice for the employer-respondent. This is the point where the University System made the decision to have the Findings of Fact prepared by a new Hearing Officer.

Chair Smart stated that there is no question that Ms. Underwood did not show up for work. Per the record, Ms. Underwood also had prior incidents not part of this case where she was suspended so she clearly knew the consequences. Mr. Brownfield stated that per the record Ms. Underwood also was aware of the company's policy.

Dr. King stated that per the discussions of the board, the conversation sounds like it is leading to discharge. Mr. Butler stated that he had concerns and didn't know if the employee fully understood.

Dr. Mobley Smith stated that the decision needed to be made based strictly on the hearing record; otherwise, the due process would happen at the hearing level and when the procedures are not followed correctly, the board opens itself up to future litigation.

Ms. Jakobsson stated that Ms. Underwood's statements made at the meeting today are still not part of the official hearing record and asked the board to go back to the official hearing record being the issues of job abandonment, failure to adhere to departments report to work policy, failure to adhere to call-in procedures, and unexcused and unauthorized absences. Dr. King suggested that the board move forward with the case. Dr. Eagle suggested the decision be deferred to the next meeting of the board.

Dr. Cevallos-Candau moved to go back into Open Session. Dr. Mobley Smith seconded Dr. Cevallos-Candau's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried. The Merit Board went into Open Session at 2:22 pm.

Respectfully submitted,

/s/ Teresa Rademacher

Teresa Rademacher
Secretary for the Merit Board

APPROVED:

/s/ Julie Jones

Julie Jones, Chair
University Civil Service Merit Board

May 14, 2020

Date