

Section 250.100 Reassignments and Transfers

- a) Reassignment within a Place of Employment.
- 1) An employer may reassign an employee during his 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 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 employment basis, to a temporary or permanent position of higher rate or range, the employee is entitled during the period of upgrading to receive such higher rate or a salary within such higher range provided that no employee shall suffer any reduction in salary because of such assignment.
 - 3) Such 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 such 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 such 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.
 - 2) A status employee may request that his 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 has a status appointment. Upon acceptance of his request by the appropriate employer, his name shall be placed on the original entry register in accordance with his total service in the class as of date of his request for transfer. If this employee accepts a status appointment at the place of employment to which his name was transferred, he 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 his probationary period, may have the examination score for the class in which he is employed transferred, at his request, to another place of employment within the System, and his name shall be placed on the original entry register for that class by score at such place of employment. He 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 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 which apply to the transfer of an employee

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within the System from one place of employment to another, as stated in Section 250.100(c)(1) and (2).

- 2) The term, "status," as used in Section 36q, paragraph 3 of the Statute, shall refer to:
 - A) the employee's status under the Personnel Code as a probationary or a status employee;
 - B) his 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 is transferring; and
 - C) his 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 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 or County Sheriff's Departments.

- 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, at the applicant's request, on the original entry register, subject to the provisions of this section (e).
- 2) To be eligible for appointment under this section:
 - A) the applicant must have successfully completed at least two years of employment as a full-time sworn and certified law enforcement officer with either a municipal law enforcement agency or a county sheriff's office within the State of Illinois, and have satisfied the requirements established by the Illinois Law Enforcement Training and Standards Board;

Commented [JB1]: Are there other departmentst that we could dr standards??

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- B) no more than fifteen percent of entry level positions at any place of employment may be filled at any time pursuant to this section and no more than two police officers may be hired using this section in any given five year period; and
- C) the applicant has not been reprimanded or otherwise disciplined by the current or most recent employer.
- 3) Any applicant hired pursuant to this section must serve a probationary period of twelve months.
- 4) The names of those placed on the register pursuant to this section shall all be considered to be the top score.

Commented [JB2]: Redefine this section to make sure that the v this should be used as 'fill in' hires.

Commented [JB3]: Do we want this to be Top Score. i.e., one of 'in addition' to the regular register?

DRAFT

Grant Funded Employment Overview

Introduction

In order to develop a new category, Grant Funded, status employee there are a series of issues that will need to be addressed over the course of the next few months.

Aspects and issues noted below have previously been directly addressed by the legislature through the Act. Therefore, any change to the hiring parameters would require a change to the Act, Administrative Rules and to some extent procedures. Currently, deviations to standard employment practices are enumerated in the Act, i.e., Temporary or Provisional employees.

The following is a DRAFT document prepared for purposes of discussion and is not attend as a formal proposal. A revised hiring protocol would permit universities/agencies to employ staff with alternative, rights and when those employees are performing work activities that directly in support a specific funding source/grant. These actions and proposals are being consider in light of limitations that result from an increased reliance on grant funding and the continued reduction in general revenue funds to support higher education.

It is necessary for the universities/agencies to identify *specifically* what those limitations are. In addition, this would ensure that the goal is what is understood and identified clearly and publicly. -It is appropriate to reiterate that the law provides a number of rights to employees, including three that might be at issue here:

- a. the right to bump within classification/promotional line when layoffs occur (§36i);
- b. the right to accrue seniority based on employment location as defined by the Merit Board.(§36i); and
- c. the right to be discharged only for cause (§36o).

The issues raised by the universities/agencies are three-fold:

1. bumping employees involved in grant-funding either somehow jeopardizes that funding or unduly disrupts that grant-funded work;
2. hiring for grant-funded positions sometimes requires hiring from out-of-state; and
3. hiring for grant-funded positions must occur quickly and civil service procedures are viewed as lengthy and cannot be achieved through traditional civil service procedures.

Commented [DD1]: What is measurable negative impact on the development of a new category of employee? We will need to provide some data on this category of employee.

Commented [JB2]: To reiterate neither the employers nor the employees should unilaterally deny those employee rights.

Commented [JB3]: Hiring timeframe, University System issue

Discussion Points / Issues to Review and Resolve:

1. What processes do we use to obtain assurances that your administration and government relations employees will support changes to the Act and Administrative Rule? How do we 'prove' the necessity for the program to members of General Assembly, JCAR, union representatives?
2. Results of the UIC Pilot Program – review the results and discuss pro/con.
3. Provide the positive impact of this Act/Rule change:
 - a. In order to reduce the number of Extra Help or PAA appointments. In some instances this will allow these employees to earn benefits, SURS, etc.
4. Definition of a grant funded position.
 - a. Traditional Grants, Federal and State
 - b. Private donation, foundation
5. How do we assure that we are targeting and hiring for a specific -grant or grant funded project?
6. Do we restrict 'bumping' both in-and-out of the grant funded positions; do we allow bumping 'inside the project'?
7. Do we restrict hiring to specific dedicated classifications, i.e., would we eliminate classes that are not part of the program such as Food Service, BSW, Crafts, etc.?
8. Examination requirements, Hire from register, meet MAQ's, Veterans Preference?
9. Not allow for 'all' positions to be part of the program
 - a. Restrictions such as must be at least 70% of the funding coming from grant funds.
10. Where do we get support, before moving too far down this path what political and other support can we expect? We may need a request from university administrators requesting that we pursue this program.

Commented [LN4]: We don't have all of that information today average time in appointment, etc. We'll need to think internally

Act/Rule Revisions:

§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) Appointments to grant-funded positions, defined as XXXXXXXX, shall be subject to a probationary period of no more than 24 months. Employees in those positions shall not accumulate seniority, be allowed discharge rights or be subject to bumping.

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

g) Grant-funded Appointments ([Previous Temporary Appointments](#))

Commented [JB5]: Please note this is a **rewrite** of the current aspects of the current Temporary Rule?

- 1) A grant-funded appointment may be made by an employer to any position which the employer certifies to be funded by grant funds, defined as XXXXXXXX, for at least seventy 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 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 grant or grants, 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 civil service position, the employee shall be granted seniority from the date of hire.
- 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 temporary appointment by a candidate shall in no way affect the candidate's position on the register, regardless of number of refusals or acceptances.¹
- 5) 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.
- 6) 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.

Commented [DD6]: This is a significant concern and violation happens. However, when it does, a civil service employee with seniority; in that event, the Act clearly fails to achieve a stated goal.

¹ From 250.70(a)(2).

Procedural Ideas/Discussion Points

Procedure Document - Grant Funded Appointments.

1. A Grant Funded Appointment is the employment of a limited funding source position which is not a regular and continuing function of the University and which has an established probable date of termination.
 - A. Qualified funding sources for these appointments include federal, trust, foundation, corporate, or state grants.
 - B. No individual appointment in a project position can exceed two years. The duration of the project position itself cannot exceed two years from the date of the first appointment of a position to the project.
 - C. Employees who are appointed under this employment category shall sign an offer letter or other written agreement outlining the stipulations of the project term appointment.
 - D. Rates of pay shall be established which take into account both the salary range currently established for the appropriate class and rates applicable in the community where the work is being performed.
 - E. Persons appointed to project positions may be permanent or temporary project employees and may be dismissed at any time within their employment period. Project employees receive all fringe benefits, rights, and privileges given to non-represented permanent employees within their assigned classification, except that project employees do not have the right to achieve permanent status in class, appeal the termination of a project appointment, collect layoff benefits, or receive layoff, reinstatement, restoration or bumping rights to any other position.
 - F. Seniority shall only be established on the basis of funding source in which the work is being performed and is not transferrable to any future status position appointments.

Commented [JB7]: Fund source that could qualify for Grant F specific definitions.

- NEW BILLS -

RETIREMENT

H-5937 PEN CD-EMPLOYER CONTRIBUTIONS N. Finnie

Amends the Downstate Teachers and State Universities Articles of the Illinois Pension Code. Requires an employer to make an additional employer contribution for a participant whose earnings for any academic year used to determine the final rate of earnings exceed the amount of his or her earnings with the same employer for the previous academic year by more than 6% (instead of 3%). Makes conforming changes. Effective immediately.

Last Action: 8/2/2018 – First Chamber, Filed with the Clerk

S-3622 PEN CD-EMPLOYER CONTRIBUTIONS D. Fowler

Amends the Downstate Teachers and State Universities Articles of the Illinois Pension Code. Requires an employer to make an additional employer contribution for a participant whose earnings for any academic year used to determine the final rate of earnings exceed the amount of his or her earnings with the same employer for the previous academic year by more than 6% (instead of 3%). Makes conforming changes. Effective immediately.

Last Action: 7/25/2018 – First Chamber, in Assignments
