



**MINUTES OF THE ONE-HUNDRED-AND-NINETY-SECOND  
MEETING OF THE MERIT BOARD – May 21, 2014**

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**State Universities Civil Service System Office  
1717 Philo Road, Suite 24  
Urbana, Illinois 61802  
&  
(Video Conference)  
University of Illinois at Chicago  
College of Pharmacy  
Room 270  
833 South Wood Street  
Chicago, Illinois  
&  
(Video Conference)  
Southern Illinois University Carbondale  
Miles Hall  
Conference Room 003A  
1255 Douglas Drive  
Carbondale, IL**

Chair Montgomery called the meeting to order at 10:05 a.m.

Members present at the primary meeting location were: Karen Hasara, representing the University of Illinois; Betty Kinser, representing Illinois State University; Robert T. Marshall, Jr.; and Robert D. Webb representing Eastern Illinois University.

Members present at the Chicago videoconference location were: Chair, James D. Montgomery; Lyneir Cole, representing Western Illinois University; and Marvin Garcia, representing Northeastern Illinois University.

Member present by audio conference was: Donna Manering, representing Southern Illinois University.

Members absent were: Michael Curtin, representing Chicago State University; Patricia Brown Holmes, representing the University of Illinois; and Brian Mitchell, representing Governor's State University.

Also present were: Lewis T. (Tom) Morelock, Executive Director; Mari Martinelli, Manager, Legal Services and Legal Counsel; Teresa Rademacher, Secretary for the Merit Board; and Andy Small, Chair of the State Universities Civil Service Advisory Committee. Various other university employees and University System office staff were also in attendance.

### ***Consideration of participation by other Merit Board members, not physically present at meeting site***

Prior to the meeting, Dr. Manering requested to participate by audio conference based on one of the authorized exceptions afforded under the Open Meetings Act. A motion was made by Mr. Webb to allow Dr. Manering to participate by audio conference. Ms. Hasara seconded Mr. Webb's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

### ***Public Comments***

Prior to the meeting, the University System Office had received two requests to present public comments at the Merit Board Meeting. A motion was made by Mr. Cole to allow two individuals, who submitted requests, to speak before the Merit Board when agenda item number six was reached. Mr. Garcia seconded Mr. Cole's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried. Public comments were deferred until Agenda Item six.

- Jason Sweet, Assistant Legal Counsel for the University of Illinois at Urbana-Champaign
- Matthew Peek, Attorney for LaVonda Dorsey

### ***Consideration of the Minutes of the Special Meeting of the Merit Board, March 11, 2014***

The minutes of the Special meeting of the Merit Board, March 11, 2014 had been transmitted to members of the Merit Board with the agenda materials.

Mr. Garcia moved to approve the minutes of the Special meeting of the University Civil Service Merit Board, held on March 11, 2014. Mr. Cole seconded Mr. Garcia's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

***Consideration of the Minutes of the Closed Session of the Special Meeting of the Merit Board, March 11, 2014***

The minutes of the Closed Session of the Special meeting of the Merit Board, March 11, 2014 had been transmitted to members of the Merit Board with the agenda materials.

Mr. Marshall moved to approve the minutes of the Special meeting of the University Civil Service Merit Board, held on March 11, 2014. Mr. Cole seconded Mr. Marshall's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

***Request for Review by the Merit Board of the Executive Director's Review Decision in the LaVonda Dorsey Case, Case No. MB-RD-UIUC-14-1, filed by the University of Illinois at Urbana-Champaign, pursuant to section 250.130(b) of the Illinois Administrative Code (80 Ill. Adm. Code §250.130(b))***

On May 13, 2014, the Secretary for the Merit Board mailed to each Merit Board an internal summary report and the complete Review Decision of the Executive Director regarding this case. Mr. Morelock further clarified the procedures for the Merit Board Review Decision. The Merit Board was asked to review the case and be prepared to act on this matter at this meeting.

Chair Montgomery asked Mr. Morelock to give a summary of the case. Mr. Morelock summarized the case by stating that, on October 31, 2013, LaVonda Dorsey, an employee at the University of Illinois at Urbana-Champaign (UIUC), filed a Request for Review pursuant to section 250.130(a) of the Code. Ms. Dorsey questioned the service of the discharge notice by UIUC that prevented her from successfully requesting a discharge hearing within the designated timeframe.

In this case, the Written Charges for Discharge form was mailed by United States Postal Service (USPS) Certified Mail on October 9, 2013. Fifteen (15) calendar days after this date is October 24, 2013. Under normal circumstances, Ms. Dorsey would have been unable to make a timely request for a discharge hearing after October 24, 2013. However, there was an extended lapse of time between the actual mailing date and delivery date on October 16, 2013. For some unknown reason, USPS delivery routed this mailing to New York before finally returning it to its proper local mailing address.

On February 6, 2014 after completing a thorough investigation and evaluation of the record, the Executive Director determined that the delay in delivery of the Written Charges for Discharge is inconsistent with statutory intent, and that the information provided to Ms. Dorsey regarding the request for a discharge hearing, as well as the technical defects in the Written Charges for Discharge are inconsistent with Civil Service statute, rules, and procedures. The culmination of the aforementioned circumstances and events provide the foundation to confirm that the request for a Merit Board discharge hearing by Ms. Dorsey on October 31, 2013 to be considered timely.

Mr. Sweet spoke on behalf of the University of Illinois at Urbana-Champaign. Mr. Sweet expressed that he felt the Executive Director's decision should be overturned on the basis that Ms. Dorsey had ample time to file a Discharge Hearing, and that he request was not timely.

Mr. Peek spoke on behalf of LaVonda Dorsey. Mr. Peek spoke in favor of upholding the Executive Director's Review Decision considering Ms. Dorsey's request for a Merit Board Discharge Hearing timely. Mr. Peek stated that Ms. Dorsey attempted to request a Discharge Hearing on several occasions, and that representatives from the State Universities Retirement System and the University of Illinois at Urbana-Champaign gave Ms. Dorsey detrimental information in regards to filing her request. Mr. Peek agreed with the fact that Ms. Dorsey's October 18, 2013 request for a hearing should be considered timely and valid.

After discussion, Chair Montgomery asked for a motion to either affirm the Executive Director's Review Decision as the final decision of the Merit Board or order such further review procedures. Mr. Cole made a motion to uphold the Executive Director's Decision of February 6, 2014. Mr. Garcia seconded Mr. Cole's motion.

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

Mr. Cole .....	Aye
Mr. Curtin .....	Absent
Mr. Garcia.....	Aye
Ms. Hasara.....	No
Judge Holmes .....	Absent
Mrs. Kinser .....	Abstain
Dr. Manering .....	Aye
Mr. Marshall.....	Aye
Mr. Mitchell.....	Absent
Mr. Montgomery.....	Abstain
Dr. Webb .....	No

The following decision and order was therefore adopted.

**STATE OF ILLINOIS**



**STATE UNIVERSITIES CIVIL SERVICE SYSTEM**

In re LaVonda Dorsey,	)	BEFORE THE UNIVERSITY
	)	CIVIL SERVICE MERIT BOARD
	)	
MERIT BOARD REVIEW DECISION	)	
OF THE EXECUTIVE DIRECTOR,	)	
	)	NO. MB-RD- UIUC-14-1

***DECISION AND ORDER OF THE  
UNIVERSITY CIVIL SERVICE MERIT BOARD***

**NATURE OF THE PROCEEDING**

On October 31, 2013, LaVonda Dorsey, an employee at the University of Illinois at Urbana-Champaign (UIUC), filed with the State Universities Civil Service System Office (University System Office) a request for a Review Decision of the Director questioning the service of the discharge notice by UIUC that prevented her from successfully requesting a discharge hearing within the designated timeframe. Following confirmation that Ms. Dorsey had exhausted all her administrative remedies at UIUC, the Executive Director initiated an investigation as authorized by section 250.130(a) of the Illinois Administrative Code (Code) (80 Ill. Adm. Code §250.130(a)). On February 6, 2014, the Executive Director issued a Review Decision determining that the delay in delivery of the Written Charges for Discharge is inconsistent with statutory intent, and that the information provided to Ms. Dorsey regarding the request for a discharge hearing, as well as the technical defects in the Written Charges for Discharge, are inconsistent with Civil Service statute, rules, and procedures.

**DECISION AND ORDER**

Now being fully advised of the matters contained in the Review Decision Record, the University Civil Service Merit Board finds that this review proceeding has been commenced and conducted in compliance with section 250.130(b) of the Code (80 Ill. Adm. Code § 250.130(b)) and that the University Civil Service Merit Board has jurisdiction of the parties and subject matter thereof and issues the following Decision and Order:

***The Executive Director's Review Decision rendered in this matter on February 6, 2014 is affirmed and adopted as the Final Decision and Order of the Merit Board. A copy of said Review Decision is attached hereto, and by reference incorporated herein.***

**DATED AND ENTERED** this 21<sup>st</sup> day of May, 2014.

**UNIVERSITY CIVIL SERVICE MERIT BOARD**

By: \_\_\_\_\_  
James D. Montgomery  
Chair, University Civil Service Merit Board

ATTEST:

\_\_\_\_\_  
Teresa M. Rademacher  
Secretary for the Merit Board



***Report of the Human Resource Directors Advisory Committee – Maureen Parks***

The Merit Board heard a report from Maureen Parks, representative of the Human Resource Directors Advisory Committee. Ms. Parks stated that she feels there is a lack of true collaboration between the universities and the University System Office. Ms. Parks stated that the revisions that are being suggested to the Exemption Procedures Manual do not meet the needs of the state universities, despite the Human Resource Directors' concerns and suggestions. Ms. Parks stated that the Rule of 3, residency requirements, specialty factors, hourly appointments, and the diversity of applicant pools are old issues that continue to hold universities back from using the most efficient employment practices. Ms. Parks stated that she feels that the Merit Board has the authority to insist that the University System Office dialogue with universities regarding their priorities and expectations, and make sure results are seen within a timely manner.

Chair Montgomery stated that he felt the Board has heard the same concerns repetitively over the course of the last few years. Chair Montgomery stated that the tension between the University System Office and the universities also puts Merit Board Members in direct conflict with the universities that they serve.

Dr. Webb suggested that representatives from universities should come forward with positive suggestions in regard to fixing problems, rather than providing only criticism, in regards to rules and procedures.

Mr. Morelock stated that he felt some of these differences are not a matter of interpretation of the procedures or rules. He stated that some of the desired changes mentioned require changing statute. Mr. Morelock stated that the University System Office has addressed some of these concerns in smaller steps. Mr. Morelock stated that he felt that the Exemption Procedures Group was collaborative, and felt disturbed that Ms. Parks felt that it was not.

***Report of the State Universities Civil Service Advisory Committee – Andy Small, Chair***

The Merit Board heard a report from Andy Small, Chair of the State Universities Civil Service Advisory Committee. Mr. Small spoke about Pension Reform and the effects that it has had on state universities. Mr. Small stated that he felt the hiring process for civil service employees should be expedited due to the fact that many university departments are highly understaffed due to mass retirements.

Mr. Small stated that the EAC group felt there were a lot of positive changes in the suggested changes to the Exemption Procedures Manual. Mr. Small stated that he would like if the University Systems Office and Human Resource Directors use the EAC group as a resource regarding civil service procedures.

**Report of the Administrative Advisory Committee – Tom Morelock**

The Merit Board heard a report from Mr. Morelock regarding the Administrative Advisory Committee. The committee last met on May 7, 2014. Mr. Morelock reported that Mr. Montgomery attended that meeting as well. Mr. Morelock stated that the highlights of the meeting were a review of the Police Series Assessment Center Revisions as well as an update on the proposed changes to the Exemption Procedures Manual. Mr. Montgomery added that attending this meeting enabled him to better understand some of the issues that come up frequently at various meetings.

**Update and authorization for the Executive Director to implement and administer the Merit Board Budget for FY 2015**

Mr. Morelock updated the Merit Board on the status of the FY 2015 operating budget. Mr. Morelock stated that several House and Senate Bills had been introduced over the last several months and the University System Office met with the House Higher Education Appropriations Committee on April 9 and the Senate Appropriations II Committee on April 3. Mr. Morelock presented a Resolution to expend funds and manage the budget for FY 2015.

Chair Montgomery requested a motion on the Resolution presented by Executive Director at the meeting. Dr. Webb made a motion to adopt the following Resolution.

**RESOLUTION**

*BE IT RESOLVED THAT contingent upon the availability of funds and final approval by the Governor's office, the Merit Board authorizes the Executive Director to administer the FY 2015 budget, including the possible implementation of a salary increase for agency employees, incorporating a merit-based component administered in accordance with applicable Merit Board Policies and Pay Administration Guidelines, and with a corresponding proportionate salary increase for the Executive Director, contingent upon the availability of funds. 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, 2014 and continuing until such time as the FY 2015 appropriation becomes effective or the Merit Board directs otherwise*

Mr. Marshall seconded Dr. Webb's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.



***Consideration of Public Officials Errors and Omissions Insurance – July 1, 2014 through June 30, 2015***

Mr. Morelock updated the Merit Board on the Public Officials Errors and Omissions Insurance Policy for FY 2015. University System staff is still researching this policy. Mr. Cole made a motion that the University System staff investigate and purchase, based on budgetary discretion, a Public Officials Insurance Policy. Mr. Marshall seconded Mr. Cole's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

***Update of the Revision to the Exemption Procedures Manual***

A sub-committee of the Human Resource Directors Advisory Committee (HRDAC) was formed to assist the University System Office in its review and update of the current Exemption Procedures Manual. The sub-committee has met on several occasions over the last few months and several proposed changes have been suggested and incorporated into the current Exemption Procedures Manual. Following are two copies of the most current draft of the proposed Exemption Procedures Manual, one with the changes highlighted and the other a clean version of the proposed manual.

The Employee Advisory Committee, the HRDAC, and the Administrative Advisory Committee were recently provided copies of this draft proposal. The HRDAC has asked to further discuss these proposed changes. The University System office has scheduled another meeting with the entire HRDAC to further review the proposed changes. The final proposed changes will be presented to the Merit Board for approval, most likely, at the August 2014 meeting.

***Consideration of Demonstration Project for the "Sponsored Programs"***

The University of Illinois at Chicago and the University of Illinois at Chicago Medical Center have worked closely with the University System office to prepare a new Demonstration Project regarding an alternative option in the management of positions in 'soft-funded' programs. A copy of the proposed project was distributed to Merit Board members.

The Merit Board was asked to approve the "Sponsored Programs Demonstration Project or Pilot/Study Program" for a period of three years (July 1, 2014 – June 30, 2017).

***Update of the Police Series Assessment Center Revisions***

Mr. Morelock stated that at the last University Police Chief's meeting, which was held November 21, 2013, the Police Chiefs agreed to financially cover the cost of revising two examinations in the Police Series at a cost of \$40,920. Each university utilizing police officers and/or police sergeants would be assessed a cost for this based on their police FTE value.

Mr. Morelock reported that all universities, except for Eastern Illinois University have signed the agreement and indicated their acceptance of this development process.

### ***Annual Ethics Training for Merit Board Members and Staff***

Ms. Martinelli reminded the Merit Board on the annual Ethics Training for the Board which is due by June 2, 2014. All board members must complete annual ethics training, as well as the University System staff. Staff training will be held electronically during the period of May 13, 2014 through June 11, 2014.

### ***Biennial Audit Program – Review of Recent Activities***

Mr. Morelock updated the Merit Board on the Final Audit Reports that had been released since the last Merit Board meeting. The following audits have been completed and are posted on the University System office website:

- University of Illinois at Springfield (Re-Issued 4/10/2014)

A copy of the audit schedule was also provided in the agenda materials.

### ***Report of the Executive Director – Tom Morelock***

Mr. Morelock provided an agency report which included the following items:

- *FY 2014 and FY 2015 Budget Updates* – Current year-to-date expenditures/obligations for FY 2014 are at the 95% level. Currently in the legislative process for the FY 2015 budget.
- *Classification/Examination Update* – The Merit Board was updated on several revisions to the various class specifications and examinations.
- *University/Agency Visits* – The Merit Board was updated on various university and agency visits by the University System office.
- *Staffing Changes*– The Merit Board was updated on staffing changes at the State Universities Civil Service System Office. Torre Walls resigned on February 28, 2014 and

Gail Hankins will be retiring on May 31, 2014. The agency's current graduate student, Mengyang Cao will also be leaving and will be replaced by Rachel Amrhein in June.

### ***Report of Legal Counsel – Mari Martinelli, Manager, Legal Services and Legal Counsel***

Ms. Martinelli updated the Merit Board on some outstanding legal matters. Thus far in FY 2014 there have been 34 Written Charges for Discharge served on employees at the various universities and agencies. Seven employees have requested a hearing.

Ms. Martinelli further updated the Merit Board stating that there are no administrative review cases pending at this time.

### ***Executive Session***

Mr. Cole made a motion to go into Executive Session at 11:49 a.m. Mr. Garcia seconded Mr. Cole's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried. The Merit Board formally adjourned to Executive Session to discuss personnel matters. Section 2(c)(1) of the Open Meetings Act provides an exception to allow for this action.

Ms. Hasara made a motion to reopen the meeting. Mr. Cole seconded Ms. Hasara's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried. The meeting reopened at 12:05 a.m. Chair Montgomery reported that no action was taken during the closed session.

### ***Other Items as Presented***

The next meeting of the Merit Board will be held on August 20, 2014.

Respectfully submitted,

*/s/ Teresa M. Rademacher*

Teresa M. Rademacher  
Secretary for the Merit Board

APPROVED:

*/s/ James Montgomery*

University Civil Service Merit Board

August 20, 2014

Date