



**MINUTES OF THE ONE-HUNDRED-AND-NINETY-FOURTH
MEETING OF THE MERIT BOARD – November 19, 2014**

**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 10:00 a.m.

Member present at the primary meeting location was: Robert T. Marshall, Jr., representing Northern Illinois University.

Members present at the Chicago videoconference location were: Chair, James D. Montgomery, representing the University of Illinois; Michael Curtin, representing Chicago State University; Lyneir Cole, representing Western Illinois University; and Brian Mitchell, representing Governors State University.

Member present at the Carbondale videoconference location was: Donna Manering, representing Southern Illinois University.

Member present by audio conference was: Karen Hasara, representing the University of Illinois.

Members absent were: Marvin Garcia, representing Northeastern Illinois University; Betty Kinser, representing Illinois State University; Patricia Brown Holmes, representing the University of Illinois; and Robert D. Webb, representing Eastern Illinois 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, Ms. Hasara had 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. Cole to allow Ms. Hasara to participate by audio conference. Mr. Mitchell seconded Mr. Cole'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 three requests to present public comments at the Merit Board Meeting. A motion was made by Mr. Cole to allow Rick Atterberry, Kostas Yfantis, and Mike Bohlmann to speak before the Merit Board. Mr. Marshall seconded Mr. Cole's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried. Public comments were heard from:

- Rick Atterberry, University of Illinois, presented remarks related to the UIUC Senate Resolution SC.15.04, Resolution in Support of the Council of Illinois University Senates "Statement of Concern". Mr. Atterberry read the entire Resolution which follows:

WHEREAS the Senate Executive Committee (SEC) and the Urbana-Champaign Senate in 2011 and 2012 have affirmed and reaffirmed support for the main concerns of the Council of Academic Professionals (CAP), most recently in SC 13.06, which cited (1) the imminent risk of losing the exemption authority of the campus and (2) the trend toward classifying AP (academic professional) positions as civil service, and

WHEREAS the Merit Board of the State Universities Civil Service System (SUCSS), which is composed of trustees from the state's public universities, voted overwhelmingly on January 30, 2013 to preserve the exemption authority, and

WHEREAS the SUCSS Executive Director and staff have continued to engage in a pattern of adversarial audit activities and changes in methodology designed to achieve by audit findings what they could not obtain in an open and transparent vote of its Merit Board, and

WHEREAS the 2013 SUCSS audit of the Urbana campus alleged that more than 90% of the AP positions audited were improperly exempted and should have been civil service, a finding that is not credible, and

WHEREAS SUCSS officials have penalized the Urbana campus by imposing two nearly simultaneous audits, the 2015 biennial audit and a second special audit of every single academic professional hire made from July 1, 2014 through December 31, 2014, a burdensome and punitive action, and

WHEREAS the SUCSS Executive Director has engaged in a pattern of contending that quietly adopted changes to its procedures manual override its own governing policies, as well as its 1998 agreement with the state's universities that granted campuses the exemption authority, and

WHEREAS it is reasonably foreseeable that adversarial audit findings and such procedural changes will be used to sanction the Urbana campus with the removal of its exemption authority, with implications for other state universities, and

WHEREAS SUCSS officials have engaged in a pattern of lack of transparency and apparent violations of the Open Meetings Act, including requiring those who attend meetings to disclose their names and employers, and seating restrictions impeding public observation of its meetings;

WHEREAS the three CAP officers who spoke in public hearings all had positions targeted by the audit, and that the odds of this occurring randomly are a fraction of a percent, and

WHEREAS the Council of Illinois University Senates (CIUS), a body composed of representatives of the state's public universities, met on September 15, 2014, and subsequently adopted a "Statement of Concern" about these issues, and

WHEREAS the CIUS agreed that member schools would take the "Statement of Concern" back to their own Senate Executive Committees and/or Senates for consideration and endorsement, and

WHEREAS, the Senate Executive Committee unanimously endorsed the CIUS Statement of Concern on October 6, 2014, and

THEREFORE be it resolved that the Senate affirm its support of the CIUS Statement of Concern, which follows:

STATEMENT OF CONCERN

The Council of Illinois University Senates is gravely concerned about the actions of the Executive Director and staff of the State Universities Civil Service System (SUCSS) toward reclassifying principal administrative/academic professional positions within universities, as well as their adversarial audit activities and the threat thereof, without adequate and widespread consultation, including with the Presidents, Chancellors, Faculty leadership, and Human Resource Directors of the respective campuses. These actions strike us as both arbitrary and capricious, and lacking in the transparency we expect from our public bodies.

THEREFORE BE IT FURTHER RESOLVED that this resolution, along with the CIUS Statement of concern, be distributed to the University of Illinois Board of Trustees, the SUCSS Merit Board, the authorized representatives of the CIUS, the University Senates Conference, President Robert Easter, the chancellors of all three campuses, the council of Academic Deans, the University Professional Personnel Advisory committee, and the Council of Academic Professionals.

Senate Executive Committee

Roy Campbell, Chair
Kim Graber, Vice-
Chair
Abbas Aminmansour
Nicholas Burbules
John Hart
Matthew Hill
Prasanta Kalita
Calvin Lear

Melissa Madsen
William Maher
Mary Mallory
Gay Miller
David O'Brien
Michael Sandretto
Kevin Seymour
Joyce Tolliver

- Kostas Yfantis, University of Illinois presented remarks related to his perspective on the history of audits, the audit process, and exemption authority. Mr. Yfantis stated that from personal observation, more time should be allowed between audits, that the standards, processes, and how sample sizes of audits are determined should be shared with the public, and that the State Universities Civil Service System should be periodically audited by an outside source. Mr. Yfantis also expressed concern over the increased number of positions that were audited at the University of Illinois at Urbana-Champaign during the last audit cycle. Mr. Yfantis stated that all universities have seen an increase in audit findings in

recent years, and they also feel an increased concern regarding the audit process. Mr. Yfantis thanked the Merit Board for the opportunity to present comments.

- Mike Bohlmann, University of Illinois presented remarks regarding specific aspects of the Illinois Open Meetings Act and the statute regarding ex parte communications. Mr. Bohlmann stated that he feels that being required to sign in for videoing and attending Merit Board meetings violates the Open Meetings Act. He also stated that he felt that the seating arrangements provided by the University System office are inadequate and also a violation of the Open Meetings Act, due to impeded viewing and observing of meetings by the public. Mr. Bohlmann also went on to state that an official agenda of the Merit Board retreat, held on August 8, 2014 at the I-Hotel was not posted. Mr. Bohlmann also argued that the University Civil Service Merit Board is not required to comply with the specific Illinois law that adjudicatory activities, due to the fact that the Merit Board is not specifically listed in that statute.

Consideration of the Minutes of the 193rd Meeting of the Merit Board, August 20, 2014

The minutes of the 193rd meeting of the Merit Board, August 20, 2014 had been transmitted to members of the Merit Board with the agenda materials.

After discussion, Mr. Cole moved to approve the minutes of the 193rd meeting of the University Civil Service Merit Board held on August 20, 2014. Mr. Marshall seconded Mr. Cole'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 – Maureen Parks

The Merit Board heard a report from Maureen Parks, representative of the Human Resource Directors Advisory Committee (HRDAC). Ms. Parks stated that she was speaking on behalf of all the state universities, not just the University of Illinois. Ms. Parks then allowed many of the Human Resource Directors present at the meeting to introduce themselves to the Merit Board and stated that all of the Human Resource Directors are united in the statements included in her report. Ms. Parks stated that at the May 2014 Merit Board meeting, Chair Montgomery asked the Human Resource Directors group to come up with recommendations that they felt would improve the civil service operations. Ms. Parks stated that many of the items had been on the committee's agenda for the last five years. Ms. Parks further stated that the group made these requests available to Mr. Morelock, but the committee did not feel that these changes have been implemented. Ms. Parks also stated that the Human Resource Directors group came up with five recommendations to present to the Merit Board. The recommendations are:

- *lengthening the time between civil service audits;*
- *continue to implement the 'Rule of Three' changes;*
- *change the civil service rules to allow for out-of-state recruiting;*
- *allow universities to approve more of their own specialty factors; and*
- *stop the proposed changes to the Exemption Procedures Manual immediately.*

Mr. Morelock commented that several actions have been taken on each of these topics over the last few years, so the characterization by Ms. Parks was somewhat inaccurate. Mr. Morelock stated that changing the Statute requires a significant amount of time and that research and analysis had to be collected in order to effectively make this sort of change. In this respect, Mr. Morelock also referenced the Demonstration Project that was developed several years ago by the Merit Board, regarding the 'Rule of Three'. Mr. Morelock further stated that the University System office has been working on changing the Statute for residency requirements and that this proposed change will be heard at this meeting. Mr. Morelock indicated his surprise at the request to stop the discussions with the HRDAC regarding the revision to the Exemption Procedures Manual, since the University System office has been collaborating with the Human Resource Directors group over the last year on this project. Mr. Morelock further emphasized that publically forwarding the notion that no progress has been made on such initiatives is inaccurate. Ms. Parks stated that there had been some progress made on certain initiatives, but that the amount of time that this has taken is unsatisfactory with the group.

Chair Montgomery stated that he was appointing a sub-committee of the Merit Board to address some of these issues. He indicated that the sub-committee will be chaired by Karen Hasara and two other committee members, Lyneir Cole and Marvin Garcia. Dr. Manering also expressed interest in providing input to this committee. Chair Montgomery further stated that if anyone else had interest in participating and providing input to this sub-committee, they were welcome to participate. Chair Montgomery asked Ms. Martinelli to advise the Merit Board regarding the obligations and requirements for this sub-committee under the Open Meetings Act and the Freedom of Information Act.

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 (EAC). Mr. Small reported that EAC had last met on October 15 and 16, 2014 at Southern Illinois University Carbondale. Dr. Manering, SIU Board of Trustee member, had also attended the October meeting. Mr. Small stated that EAC fully supports the current proposed changes to the Exemption Procedures Manual and that the group believes this Manual will be very helpful to universities to determine whether an employee is civil service or an academic professional. Mr. Small also stated that EAC supports the 'Rule of Three' Demonstration Project. In conclusion, Mr. Small stated that a majority of EAC members

support the concept of allowing out-of-state applicants to be considered for civil service positions, but that a few members still had concerns with this.

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 November 5, 2014. Mr. Morelock reported that Chair Montgomery had also attended the meeting. Mr. Morelock stated that the highlights of the meeting were a review of the revisions to the Exemptions Procedures Manual, update on the Police Series Assessment Center Revisions, an update on the proposed rule change to section 250.50 of the Illinois Administrative Code (80 Ill. Adm. Code §250.50) regarding residency requirements, a review of the ‘Rule of Three’ Demonstration Project, budget and staffing update, classification plan update, audit program update, and an update to legal matters.

Update and Review of ‘Rule of Three’ Demonstration Project

Mr. Morelock gave a brief review regarding the ‘Rule of Three’ Demonstration project. The ‘Rule of Three’ demonstration project was approved by the Merit Board in March 2012, and will remain active through July 2015. This project provides a different interpretation of the statutory ‘Rule of Three’ obligations, specifically moving from an employment register referral of the top three people to a referral of the top three scores for certain vacant positions. The University System office has been collecting data for this project and its limited scope, most specifically related to applicant pools and the employment/selection of candidates subject to the defined project parameters. The Merit Board was provided statistics regarding the ongoing analysis of the project. Preliminary analysis indicates that this change will provide additional opportunities for minorities, women, and veterans. The statistics and subsequent analysis provides a legitimate foundation for a possible statutory change.

Mr. Marshall made a motion to approve the proposed statutory change regarding the ‘Rule of Three’ to be submitted in the spring 2015 legislative session. Mr. Cole seconded Mr. Marshall’s motion. A roll call vote was taken and the motion was approved with the following vote:

Mr. Marshall.....Aye
Mr. Mitchell.....Aye
Mr. Montgomery.....Aye
Dr. WebbAbsent
Mr. Cole.....Aye
Mr. CurtinAye
Mr. Garcia.....Absent
Ms. Hasara.....Aye

Judge HolmesAbsent
Ms. KinserAbsent
Dr. ManeringAye

Update and Action on proposed rule change to section 250.50 – Examinations of the Illinois Administrative Code (80 Ill. Adm. Code §250.50)

Mr. Morelock updated the Merit Board on the proposed changes to section 250.50 of the Illinois Administrative Code (Code) regarding Illinois residency requirements. A proposed rule change to section 250.50 of the Code was included in the agenda materials. The primary changes to this rule would be an attempt to allow an expanded pool of candidates for professional positions, consistent with the current employment and occupational trends associated with certain positions, while still requiring specific residency components to be met upon placement into one of these positions. The proposed change will allow the universities and agencies to consider applicants outside of the state of Illinois for professional, semi-professional, and managerial classifications.

Mr. Mitchell made a motion to submit the proposed rule change for circulation and publication in the Illinois Register. Mr. Marshall seconded Mr. Mitchell’s motion. A roll call vote was taken and the motion was approved with the following vote:

Mr. Mitchell.....Aye
Mr. Montgomery.....Aye
Dr. WebbAbsent
Mr. Cole.....Absent
Mr. CurtinAye
Mr. Garcia.....Absent
Ms. Hasara.....Aye
Judge HolmesAbsent
Ms. KinserAbsent
Dr. ManeringAye
Mr. Marshall.....Aye

Update on the review and revisions to the Exemption Procedures Manual

Due to the amount of discussion previously held in the meeting regarding the Exemption Procedures Manual, Chair Montgomery and Mr. Morelock found it appropriate to touch just briefly on this agenda item. The HRDAC and the University System office have been working on this revision for about a year through various committee processes. Another meeting for this purpose was scheduled for December 12, 2014. However, now that a new Merit Board sub-committee was formed for this purpose, this activity may be delayed.

Consideration of the 2015 Schedule of the Meetings of the Merit Board

The Merit Board was presented four dates for the 2015 meeting schedule: February 18, 2015, May 20, 2015, August 19, 2015, and November 18, 2015. After discussion by the Merit Board regarding the February 2015 meeting date, Mr. Cole made a motion to approve the following meeting dates for 2015:

- *Wednesday, February 25, 2015*
- *Wednesday, May 20, 2015*
- *Wednesday, August 19, 2015*
- *Wednesday, November 18, 2015*

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

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:

- Northeastern Illinois University
- Southern Illinois University Carbondale
- Western Illinois University
- Illinois Student Assistance Commission

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:

- *New Staffing* - The Merit Board was updated on staffing changes at the University System office; two employees were hired on October 1, 2014 in Operations and Audit Division – Gavin Earp and Tonya Koets, both Human Resource Associates.

- *FY 14 Annual Report* - The 63rd Annual Report of the University System was mailed to the Governor on October 28, 2014. A copy was also mailed to each Merit Board member on October 28, 2014.
- *FY2015 and FY2016 Budget Updates* – Current year-to-date expenditures/obligations for FY2015 were include in the agenda materials which are above the 90% levels; FY2016 budget was approved by the Merit Board at the last meeting and the University System office staff will be meeting with the Illinois Board of Higher Education on December 3, 2014.
- *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.

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 during FY2015 there have been 23 Written Charges for Discharge served on employees at the various universities and agencies. Eight employees have requested a hearing. Ms. Martinelli further updated the Merit Board stating that there are no administrative review cases pending at this time.

Other Items as Presented

The next meeting of the Merit Board will be held on Wednesday, February 25, 2015.

Mr. Cole made a motion to adjourn the meeting. Mr. Mitchell seconded Mr. Cole's motion. A voice vote was taken and approved. The meeting adjourned at 11:25 a.m.

Respectfully submitted,

/s/ Teresa M. Rademacher

Teresa M. Rademacher
Secretary for the Merit Board

APPROVED:

/s/ James Montgomery

University Civil Service Merit Board

February 25, 2015

Date