



**MINUTES OF THE TWO-HUNDRED AND FOURTH
MEETING OF THE UNIVERSITY CIVIL SERVICE MERIT BOARD –
SEPTEMBER 19, 2017**

**State Universities Civil Service System Office
1717 Philo Road, Suite 24
Urbana, Illinois 61802
&
(Video Conference)
University of Illinois at Chicago
Human Resource Building
Room 201D
715 South Wood Street
Chicago, Illinois**

Chair Cole called the meeting to order at 10:04 a.m.

Members present at the primary meeting location were: Randal Thomas, representing Southern Illinois University, Stuart King, representing the University of Illinois, and Daniel Caulkins, representing Eastern Illinois University.

Members present at the Chicago video conference location were: Lyneir Cole, Chair, representing Western Illinois University; Carney Barr, representing Governors State University; Kambium Buckner, representing Chicago State University; Veronica Herrero, representing Northern Illinois University; Marvin Garcia, representing Northeastern Illinois University; James Montgomery, representing the University of Illinois; and Jill Smart, representing the University of Illinois.

Member absent was: Rocky Donahue, representing Illinois State University.

Mr. Buckner and Ms. Smart arrived at 10:19 a.m.; Mr. Barr arrived at 10:30 a.m.

Also present were: Jeff Brownfield, Executive Director; David DeThorne, Legal Counsel; Teresa Rademacher, Secretary for the Merit Board; George Perich, representative of the Human Resource Directors Advisory Committee; 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

Chair Cole asked for approval for Merit Board members not physically present to actively participate by other means in accordance with the Open Meetings Act requirements. Mr. Montgomery made a motion to allow Mr. Donahue to participate by phone if he called in later in the meeting. Mr. Thomas seconded Mr. Montgomery's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Public Comments

The University System office received two requests to present public comments. Mr. Brownfield asked that these Public Comments be allowed prior to the agenda item at issue regarding the Merit Board Director's Review. Chair Cole stated that would not be a problem so the matter was delayed until later in the meeting.

Consideration of the Minutes of the 203rd Meeting of the Merit Board, June 1, 2017

The minutes of the 203rd Meeting of the Merit Board, June 1, 2017 had been transmitted to members of the Merit Board with the agenda materials.

Mr. Montgomery moved to approve the minutes of the 203rd Meeting of the University Civil Service Merit Board held on June 1, 2017. Ms. Herrero seconded Mr. Montgomery'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 Case No. MB-RD-UIUC-17-1, filed by Wendy Dawn Colwell pursuant to Section 250.130(b) of the Illinois Administrative Code (80 Ill. Adm. Code §250.130(b))

On September 5, 2017, the Secretary for the Merit Board mailed each member of the Merit Board the complete Review Decision of the Executive Director regarding this matter. The Merit Board was asked to review the case and be prepared to act on this matter at this meeting.

Chair Cole asked for a motion regarding the two requests to present comments. Mr. Montgomery made a motion to allow Ronald Langacker, Attorney for Wendy Dawn Colwell, and Craig Hofer, Attorney for the University of Illinois at Urbana-Champaign, to present public comments regarding this matter. Mr. Garcia seconded Mr. Montgomery's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Mr. Langacker presented comments asking that the Merit Board review the decision made by Executive Director. He further stated that Ms. Colwell had a possible discharge hearing in December 2016 but instead elected to sign a last chance agreement with the University of Illinois at Champaign-Urbana. The last chance agreement primarily pertains to absences, mainly related to health issues. The last change agreement had language stating that if any other absences took place she would have been considered to have resigned her position and it would constitute just cause. He stated that after Ms. Colwell signed the agreement in January 2017, Ms. Colwell was late 17 minutes in March 2017 due to forgetting her medicine at home. Ms. Colwell had leave time available and had notified her department. However, the university notified her that her employment had been terminated due to the last chance agreement. Ms. Colwell had provided a doctor's note on March 28, 2017 stating the need for the medicine.

Mr. Langacker stated that Ms. Colwell had requested that the Executive Director review the case. Mr. Langacker stated that Mr. Brownfield's Executive Review Decision stated that he had no jurisdiction as per the last chance agreement. Mr. Langacker stated that Ms. Colwell was late 17 minutes and had leave time which is not a material breach and that there was no harm done to the university, therefore this was not a material breach of the last chance agreement. He also stated, that there was waiver language that she was waiving her rights to do certain things in the past and also in the future, nothing specifically related to waiving a Merit Board discharge hearing.

He further stated that Ms. Colwell was a public employee and therefore she have had some due process rights allowing her to have a post termination hearing with regards to this matter. Mr. Langacker asked the Merit Board to find that there was not a material breach and that Ms. Colwell be reinstated and at a minimum to have a hearing to present the evidence.

Mr. Hoefler stated that it was important to keep in mind the context in which the agreement arose. Ms. Colwell had a long history of absenteeism. The university worked through the disciplinary process and that she had been warned repeatedly and given many opportunities to rectify her tardiness issues. He further stated that the university had a proper basis and was prepared to pursue discharge; however they made the decision to work with her and her union representative to enter into a last chance agreement. He stated that Ms. Colwell acknowledged she was signing the agreement freely and voluntarily and under the terms of the agreement Ms. Colwell agreed to strictly adhere to the work expectations. Mr. Hoefler stated that the last chance agreement did in fact discuss waivers and Ms. Colwell continued to have tardiness issues during the last chance agreement and that the university initially decided to counsel her on these issues. Mr. Hoefler stated that the university finally decided to terminate Ms. Colwell's employment on March 23, 2017 after she was late for work again.

Mr. Hoefler stated that Ms. Colwell had submitted a request for review with the University System and after reviewing the request the Executive Director concluded that the University System office lacked jurisdiction and accordingly dismissed her request for a review. He further stated that the determination based on the fact that Ms. Colwell waived her statutory rights when

signing the last chance agreement and the last chance agreement in this case did not require a substantial breach and the contract stated that any violation of the expectations imposed upon the employee can result in the termination of the employee. He further stated that in light of all the acknowledgments, Ms. Colwell did have union representation through the last chance agreement process and she knowingly and voluntarily entered into the last chance agreement. Mr. Hoefler stated that the university urges the Merit Board to find that Ms. Colwell agreed to the last chance agreement and was fully aware of its benefits and its consequences and that she breached the agreement by failing to adhere to the expectations and requirements of her position after having repeated opportunities to rectify those deficiencies and asked that the Merit Board agree that the University System office did not have jurisdiction over the case.

Ms. Smart wanted confirmation that Ms. Colwell actually signed the agreement and that she continued to have the same issues. Mr. Brownfield stated the case came to the University System office as allowing for a discharge hearing or upholding the last chance agreement. The last chance agreement had been entered into by the university, the employee, and her union representative. Mr. Brownfield stated that the question to him was then if the employee was entitled to a discharge hearing since the last chance agreement had been entered into and according to the university breached by the employee and was effectively terminated by violating the agreement.

Ms. Smart asked if there was a particular reason as to why the employee was continually late. Mr. Cole stated that according to the documents the Merit Board had received that it stated fibromyalgia.

Mr. Cole stated his concern was that the last chance agreement stated she needed to bring medical documents from the doctor and that she did submit a doctor's note for the date she was terminated. Mr. Cole asked if she had had violations prior to this incident, because she had done exactly what they had requested and she had supplied the doctor's note in this instance. Mr. Cole asked if the university found this documentation sufficient or had she violated the agreement prior to this and why did the university not terminate her then.

Ms. Smart questioned if prior to this termination date and after the agreement had been signed did she continue to be late. Mr. Brownfield stated that there was always a final date and in this case this was the instance resulting in the final date.

Ms. Smart asked if the employee had breached the agreement not only on the March 23, 2017, but also other dates prior to this as well. Mr. Brownfield replied that as stated by Mr. Hoefler there were other instances in which the university counseled the employee for tardiness.

Mr. Hoefler stated that Mr. Brownfield was correct and the employee continued to display deficiencies in her attendance and arrival time. The university had counseled her regarding these issues and on the final date the employee, in addition to forgetting her medicine, she also had forgotten her keys and work badge, that were essential to her work.

After further discussion, Chair Cole 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. Montgomery made a motion to uphold the Executive Director’s Review Decision of May 22, 2017. Ms. Herrero seconded Mr. Montgomery’s motion.

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

Mr. Montgomery.....	Aye
Ms. Smart	Aye
Mr. Thomas	Aye
Mr. Barr	Aye
Mr. Buckner.....	Aye
Mr. Caulkins.....	Aye
Mr. Cole.....	Aye
Mr. Donahue	Absent
Mr. Garcia	Aye
Ms. Herrero	Aye
Dr. King.....	Abstain

Update regarding proposed rulemaking to Section 250.110 of the Illinois Administrative Code (80 Ill. Adm. Code §250.110) regarding discharges/demotions

Mr. Brownfield informed the members these the proposed changes to Section 250.110 of the Illinois Administrative Code were adopted by the Joint Committee on Administrative Rules and became effective on August 30, 2017 regarding various subsection.

Discussion and action on proposed rulemaking to Section 250.119 of the Illinois Administrative Code (80 Ill. Adm. Code §250.119) furloughs

Mr. Brownfield informed the members that some basic action was needed regarding adding the furlough section as a permanent rule. He stated that the current rule would expire on September 30, 2017 and that a proposed draft had been provided in the agenda materials. He stated that the University System office had met with the HRDAC, EAC and some Union representatives and that there were opinions all over the board. Mr. Brownfield stated that furloughs could be an important tool for management and employees and it might be a better solution than layoffs to compensate for a lack of a state budget.

Chair Cole asked if there was any discussion and Ms. Smart asked what the main objections were to the current rule. Ms. Herrero asked if in the past years if furloughs were nonexistent. Mr. Brownfield stated that the University System never had a permanent furlough rule for civil service

employees and that there was an emergency rule and then the temporary rule that would expire on September 30, 2017 was put in place and that the rule process would need to start over again to make this rule permanent.

Ms. Herrero asked the earliest the rule would be approved. Mr. Brownfield stated that given the Merit Board approval at this meeting, it would need to be submitted through the JCAR process. He further stated that over the next several months there would be more formal meetings with the parties involved and hopefully at the February or May 2018 meeting there would need to be a decision on whether to move forward with the second notice period. The process would need to be wrapped up in total within one year from the initial notice or First Notice period publication in the Illinois Register

Ms. Herrero asked what the course of action would be for the universities with a short budget. Mr. Brownfield stated that we would need to have those discussions and look at the possibility of acceleration to get this rule put into place. There are still layoff rules and hiring freezes available.

Mr. Montgomery commented this would not be effective until the complete JCAR process was finished and Mr. Brownfield stated that this was correct and the Merit Board would have the final vote of approving the rule before going to the final notice period.

Ms. Smart made a motion to approve the proposed furlough rule for the First Notice Period. Mr. Montgomery seconded Ms. Smart's motion.

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

Ms. SmartAye
Mr. ThomasAye
Mr. BarrAye
Mr. BucknerAye
Mr. Caulkins.....Aye
Mr. ColeAye
Mr. DonahueAbsent
Mr. GarciaAye
Ms. HerreroAye
Dr. KingAye
Mr. MontgomeryAye

Report of the State Universities Employee Advisory Committee – Andy Small

The Merit Board heard a report from Andy Small, Chair of the State Universities Civil Service Advisory Committee (EAC). Mr. Small stated that he was a Laboratory Manager with 29 years as



a university employee and an EAC member for the last 7 years and so this is background as to what he next had to say. Bill Ramm who was a current member of EAC from the University of Illinois at Urbana-Champaign passed away untimely within the last few days and stated that his heart goes out to him and his thoughts and prayers were with this family and co-workers.

Mr. Small stated that EAC will meet on October 18 and 19, 2017 at Northern Illinois University and on October 20 will be the annual Council of Councils meeting. He thanked the universities for allowing EAC the opportunity to attend these meetings. He stated tentatively that EAC will meet on either April 14 or 21, 2018 along with the HRDAC at Illinois State University. He thanked Chair Cole for meeting with the committee regarding the principal administrative appointments and that the committee looks forward to continuing those discussions.

He further stated that EAC last meet on July 13 and 14, 2017 at Southern Illinois University Carbondale. The committee discussed the Employee Benefits Policy and stated that the committee was supportive of the University System office in their efforts. The committee also discussed the policy relating to furloughs and that EAC knows the need to continue with developing this language. EAC continues to support the policy relating to separations and demotions. He further stated that EAC supports our employee groups, but also understand that separations and demotions are beneficial to co-workers of those who are not performing their jobs and understand and support this. Ms. Small stated that he understand the need for a clearer definition of what a 36e position was and hopes that the Merit Board recognizes the need for the system and the original premise of the system as he has seen a consistent whittling away of promotional lines and that it now seems even managers and directors are being removed from the civil service system. He stated that this diminishes moral and employment.

He stated that EAC would like to see the promotional lines continue in the civil service system and EAC has been cooperative and flexible in their support of such things as the Rule of 3, out of state recruiting, implementation of the furlough policy, and demotion and separation policy and that these initiatives show determination that EAC has to help revise the decade old system and help universities to recruit and obtain the best and the brightest and that it will be extremely difficult to get a one size fits all rule and everyone must let the University System do their job in advising and auditing. Mr. Small stated that EAC encourages the Merit Board to support the University System office and help the universities keep the promotional opportunities intact for the employees and that EAC believes there is about a 90% agreement and asked for support of the University System office in auditing the rule and making sure there is compliance to the rule.

Report of the Human Resource Directors Advisory Committee – George Perich

The Merit Board heard a report from George Perich, representative of the Human Resource Directors Advisory Committee (HRDAC). Mr. Perich stated that he has seen a drastic improvement in the operation of the University System office and staff and how collaborative they have been at all levels with all interest groups. The Merit Board and University System office

should be commended for following a path of such improvement over such a short time. He further stated that not that everyone agrees on everything, but everyone now feel that there is a legitimate say in the process.

Mr. Perich stated that HRDAC meet with Mr. Brownfield and staff on July 28, 2017 and discussed the benefit policy, received an update on the furlough rule, discharge and layoff procedures, and the audit process going forward, along with a discussion of seniority positions related to grant and soft funded money.

The primary discussion was the development of a rule related to the definition for Principal Administrative Employees. He stated that HRDAC had been successful at marrying the issues and had met with Chair Cole on two occasions and HRDAC had also met among themselves three times to find some resolution. He stated that although a final product has not yet been reached, given time, everyone might be able to find a solution acceptable to those directly involved in the process. He also stated that HRDAC appreciated the effort and involvement of Chair Cole and the University System staff to reach out to everyone for input. The HRDAC understands the pressure on the University System office and Merit Board to do something and the HRDAC does not necessarily oppose a rule if shown to be absolutely necessary. The rule should better define a long existing interpretation and not be designed to drastically change the meaning of the term principle administrative employee, thereby causing serious disruptions to the campus operations; this is a time universities and the University System office are facing continuous reductions in funding and financial burdens. He also stated that potential disruptions could result from a rule change and could have a significant impact on the finances and operations of the universities and that Higher Education would be experiencing changes over the next years and needed to be able to control cost, recruit the best talent to organizations that often can't be measured by an exam. He stated that the universities should not be limited even further than the market difficulties they already face and that universities need to have increase freedom to react to challenges facing the state of Illinois and Higher Education as a whole. Mr. Perich stated that drafting more regulations to further restrict universities abilities to operate in a fiscally responsible way would not be prudent and the committee needed more time to work with the chair and the University System office to further develop a reasonable and flexible rule. The HRDAC asked that if the Merit Board needed to vote on any action at this meeting concerning agenda item 10, then to vote to continue the discussions currently underway and not pursue an action on the rule in its current form.

External Investigation/Rulemaking

Mr. Brownfield stated that in June, 2017 the Merit Board had requested that the University System office begin creating a working document regarding the OEIG investigation. The University System had been in discussions with EAC and the HRDAC groups meeting at various times. The HRDAC group submitted edits to the proposed documents and the staff at the University System office have begun reviewing the draft proposal.

Ms. Smart noted her comments had not yet been added to the HRDAC edited version. Mr. Brownfield commented that due to time constraints that the comments had not yet been added to the HRDAC revised version.

Mr. Cole stated that this issue had been going on for a very long time and that he would like to have a meeting to discuss this issue specifically only to bring all the Merit Board members up to speed. The meetings with the HRDAC, EAC, University System office and himself have been very successful and that he would all parties involved to come to a common ground. He also stated that ultimately this falls back to the members of the Merit Board; however, if the Merit Board tried to put something together that incorporates everybody opinions and was effective then the Merit Board can hold people accountable. At this time, the University System office needs to take Ms. Smart's comments and incorporate them so everyone can come up with a policy the University System office can hold universities accountable to the identification of positions, clarifying who is PAA, and who is civil service. The University of Illinois at Chicago had a good policy and he asked the HRDAC to review that policy because the University of Illinois at Chicago got hit really hard and they have turned the issue around therefore everyone may want to look at the system they used. Mr. Cole asked that the Merit Board make a motion to continue meeting so that everyone could continue working on the issue and that Mr. DeThorne put all the documents together to show the OEIG that the Merit Board is making formal progress. Mr. Cole further stated Merit Board has missed two meetings so the Merit Board needed to show the OEIG that the board is in agreement and making progress.

Ms. Herrero asked Chair Cole if he wanted a separate meeting to update all new members and Chair responded yes. Chair Cole stated that all new Merit Board members needed to be aware of exactly what is going on and understand the issue.

Mr. Montgomery stated that there are two separate requests. The first to get together and bring everyone up to speed and the second that the motion to continue to meeting and accelerate the process to come to some conclusion to respond to the OEIG.

Mr. Caulkins asked why Ms. Smart's comments were not distributed. Mr. Brownfield stated that the University System had been coming back to see what direction the group wanted to go. Ms. Smart provided comments on Thursday, September 14 and the meeting with Chair Cole, HRDAC and EAC was on Friday, September 15 and this now being Tuesday, September 19 it was impossible to include Ms. Smart's comments with the time restrictions.

Mr. Montgomery stated that Ms. Smart has a long history in the business of human resources. Ms. Smart suggested setting a date for resolution and a have sense of urgency. Chair Cole agreed and would like to have two more meetings with the HRDAC and EAC groups and would like to finalize and present something to the Merit Board at the next meeting. Mr. Brownfield commented that the University System office would be sending out information to reschedule the next Merit Board meeting due to the new members on the board. Ms. Smart would like to

see a resolution by end of the calendar year. Chair Cole asked for a motion to continue conversations with HRDAC.

After further discussions, Ms. Smart made a motion to move forward with conversations with the HRDAC. Mr. Garcia seconded Ms. Smart’s motion.

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

Ms. SmartAye
Mr. ThomasAye
Mr. BarrAye
Mr. BucknerAye
Mr. Caulkins.....Aye
Mr. ColeAye
Mr. DonahueAbsent
Mr. GarciaAye
Ms. HerreroAye
Dr. KingAye
Mr. MontgomeryAye

Mr. Thomas confirmed conversations would also continue with the EAC group. Chair Cole confirmed these conversations would also include EAC.

Consideration of the FY 19 Budget Recommendation for the State Universities Civil Service System Office

Mr. Brownfield stated that the University System will present the FY 19 budget to the Illinois Board of Higher Education (IBHE) in early October. For FY 18, the University System received a severe cut of 10%. Mr. Brownfield stated that the agency was requesting an increase of approximately \$165,000 for FY 19 or the same request as submitted to IBHE for FY 18 and that the agency would be required to go through the normal budget process along with testifying in the House and the Senate in the spring of 2018. Mr. Brownfield recommended that the Merit Board approved the request of \$1,223,200 as a going in request for FY 19.

Mr. Montgomery made a motion to approve the FY 19 budget request of \$1,223,200. Mr. Caulkins seconded Mr. Montgomery’s motion.

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

Mr. MontgomeryAye
Ms. SmartAye
Mr. ThomasAye

Mr. BarrAye
Mr. BucknerAye
Mr. Caulkins.....Aye
Mr. ColeAye
Mr. DonahueAbsent
Mr. GarciaAye
Ms. HerreroAye
Dr. KingAye

Legislative Agenda

Mr. Brownfield stated that HB3185 was still pending before the Senate. The University System office had discussions with a local Senator to get this moved through during the veto session; however, if this does not happen, it will come back up in January 2018 and the agency hopes to get the legislation passed in the spring 2018 session. Mr. Brownfield stated that the University System would also be asking for additional changes to the statute going forward.

Governance, Risk, and Compliance Audit Program Activities

Ms. Neitzel presented an update to the Merit Board regarding audit activities. With a budget in place for FY 18, the agency has now resumed the audit program, using the new protocols and audit charter that was passed in August 2016. Some audits are still carry overs from the old process to the new process. On-site visits for Southern Illinois University Edwardsville and the University of Illinois at Chicago are scheduled and finalized audit reports are posted on the University System’s website.

Discussion and action on proposed changes to the “Merit Board Policy Relating to Employee Benefits”

Ms. Neitzel stated that the modifications presented have been discussed with the working group related to cleaning up outdated language, eliminating provisions no longer needed, updating leave of absence provisions, tuition benefits, along with the current vacation and sick leave schedules. No changes were made to the accrual rate. Language was updated for funeral and bereavement leave to stay consistent with current federal and state laws. Ms. Neitzel also added that additional language was added related to military leave. With respect to the educational benefits, the University System has allowed for language to be included that would otherwise establish policies at each institution. The University System office wants to ensure to provide and promote educational opportunities for all civil service employees.

Ms. Smart asked if there needed to be some clarification of “a child” and suggested using the word “dependent.”

Ms. Smart made a motion to approve the policy with an additional change to amend and add the word “dependent” in front of the word “child” in section E, Bereavement Leave. Ms. Herrero seconded Ms. Smart’s motion.

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

Ms. SmartAye
Mr. ThomasAye
Mr. BarrAye
Mr. Buckner.....Aye
Mr. Caulkins.....Aye
Mr. ColeAye
Mr. DonahueAbsent
Mr. GarciaAye
Ms. HerreroAye
Dr. KingAye
Mr. MontgomeryAye

Update on the Public Officials Errors and Omissions Insurance Policy for the period of July 1, 2017 through June 30, 2018

Mr. Brownfield stated that the University System office had received a quote for the Errors and Omissions for FY 18; however, at this time with the budget cut, the University System office was unable to afford the policy for FY 18.

Report of the Executive Director – Jeff Brownfield

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

- ***Budget Updates FY 17 and FY 18*** – Mr. Brownfield stated that in addition to the budget cut the agency had also received a line item budget for FY 18, restricting the agency that much further in the way the agency could manage funds. All invoices for FY 17 have been processed for payment; however, the agency is currently 15 months behind on the payment of the lease. The vouchers have been processed and awaiting payment by the Comptroller’s office. The agency is also unsure of the prompt payment interests that will be owed for FY 17; which actually results in another budget cut for the agency.

- Classification/Examination Update – Mr. Brownfield mentioned that the agency continues to work on updating classes and that there had been some concerns about the classification of “Legal Assistant” at the last PAA meeting and stated that this classification would be deleted from the Classification Plan in January 2018.

Report of Legal Counsel – David DeThorne, Manager, Legal Services and Legal Counsel

Mr. DeThorne updated the Merit Board regarding various legal issues. He stated that currently there are possibly two discharge cases that will up for review at the next Merit Board meeting.

Mr. DeThorne also stated that there is currently one Administrative Review Case, Deborah Willis, a former employee from the University of Illinois at Chicago who was discharged by the Merit Board. Ms. Willis is procedurally following the course as it should be. The Attorney General’s office is representing the Merit Board as this case moves forward.

Mr. DeThorne also stated that he had been reviewing the Merit Board Bylaws and has several issues that are problematic with the Open Meeting Act and would be bringing the changes to the Merit Board for possible changes. The proposed revisions will address these issues and will shorten the rules a bit, clarify the powers of the Executive Committee, and making recommendation on how a quorum is defined.

Mr. Montgomery asked as stated earlier in the meeting that if the Merit Board does meet on November 3, 2017 to discuss the PAA issues would it be considered an open meeting. Mr. DeThorne responded that the Merit Board can have an informational meeting; however, once the Merit Board talks amongst themselves it would turn into policy development and that it would trigger the Open Meetings Act. Ms. Smart asked if the Merit Board could call an Executive Session. Mr. DeThorne responded that there needed to be a basis to close the meeting and go into Executive Session. Chair Cole suggested giving the 48 hour public notice and continue with the meeting. Chair Cole also stated that the Merit Board needed to provide information and bring new board members up to speed. The public would need to petition if they would like to speak. Ms. Smart commented that the Merit Board needed an education and a discussion amongst board members, not a debate between Merit Board members and other parties at this particular meeting. Mr. DeThorne mentioned that public speaking would be allowed per our rules. The Merit Board rules do not mention anything about public participation at Special Meetings. Mr. DeThorne stated that the safest thing from a legal perspective would be to give the 30 minutes for public comments. Mr. Caulkins asked that at the time when the rule would be formalized that everyone should meet at one location and in person.

Ms. Herrero asked when the quorum aspect would be addressed. Mr. DeThorne commented that the legislators have given the Merit Board the authority to decide what the quorum should be; however, the quorum must be physically present.

Other Items as Presented

The next meeting of the Merit Board will be scheduled by the University System office and the agency would be sending information to schedule the meeting.

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

The meeting adjourned at 11:50 a.m.

Respectfully submitted,

/s/ Teresa Rademacher

Teresa Rademacher
Secretary for the Merit Board

APPROVED:

/s/ Lyneir Cole

Lyneir Cole, Chair
University Civil Service Merit Board

December 5, 2017

Date