



**MINUTES OF THE SPECIAL
MEETING OF THE UNIVERSITY CIVIL SERVICE MERIT BOARD –
DECEMBER 5, 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 1:03 p.m.

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

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

Members present by audio conference were: Rocky Donahue, representing Illinois State University; and James Montgomery, representing the University of Illinois.

Member absent was: Kambium Buckner, representing Chicago State University.

Also present were: Jeff Brownfield, Executive Director; David DeThorne, Legal Counsel; Teresa Rademacher, Secretary for the Merit Board; Michael Ginsburg, 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 State Universities Civil Service System (University System) 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. Barr made a motion to allow Mr. Donahue and Mr. Montgomery to participate by phone. Ms. Smart seconded Mr. Barr'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 one request to present public comments. Mr. Brownfield asked Chair Cole to delay Ms. Rollins' request until at the time of the discussion of her discharge case. Chair Cole agreed to delay Ms. Rollins' comments until later in the meeting.

Consideration of the Minutes of the 204th Meeting of the Merit Board, September 19, 2017

The minutes of the 204th Meeting of the Merit Board, September 19, 2017 had been transmitted to members of the Merit Board with the agenda materials.

Ms. Smart moved to approve the minutes of the 204th Meeting of the University Civil Service Merit Board held on September 19, 2017. Mr. Garcia seconded Ms. Smart's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Consideration of Discharge Proceedings Number UIC-17-17 filed against Tarretta Smith by the University of Illinois at Chicago

On November 16, 2017, the Secretary for the Merit Board mailed the Hearing Record for the Tarretta Smith discharge case number UIC-17-17 to each member of the Merit Board. The Merit Board was asked to review the case and be prepared to act on this matter at this meeting.

Chair Cole stated that the University System had not received any requests to present public comments in regards to this case. Chair Cole stated that the recommendation of the hearing officer was that certain areas were found to be sufficient and asked Mr. DeThorne to give an overview of the case.

Mr. DeThorne, Legal Counsel for the University System, presented an overview of the case stating that the university sought to discharge Ms. Smith who had been an employee for approximately

eight years. He stated that there was a number of instances that related to this; however, the final incident related to a Code Pink that was in effect when Ms. Smith arrived for work. He stated that in a Code Pink event the university had certain procedures that needed to be taken to ensure the child was accounted for and that employees are stopped to make sure everyone had been accounted for and that no one was absconding with the child.

He further stated that Ms. Smith was directed to make her bag available and declined to have her bag searched several times, leading to the filing of the Written Charges for Discharge. He also stated that Ms. Smith had prior disciplines and allegations of work place violence. The allegation of work place violence is one of the four counts where the hearing officer determined cause had not been shown; however, the other three counts had been proven.

Mr. Montgomery stated it was clear that Ms. Smith had already entered the building using the north door and then encountered a person stationed at the door who was able to search bags as he saw appropriate. This person felt it was not necessary to search Ms. Smith's bag as she was just entering the building. Ms. Smith resisted, as this may not have been a necessary search, as she had just entered the building. The objectives of the search were accomplished; however, other employees did not like how Ms. Smith addressed them with her religiosity and rebuking, which he further stated was not a substantial reason to fire someone. Also, the person who claimed there was a threat did not testify at the discharge hearing.

Ms. Smart noted that the first three counts of unauthorized extended lunches, continued tardiness, and not following teletracking was clear proof of these three allegations. However, the fourth count of aggravated violence was not proved and stated that the board needed to ignore this count.

Mr. Cole stated that the previous suspensions and the letter of warning that she had received had already given her three opportunities to follow the teletracking policy and as far as the Code Pink protocol she was entering the building and not already in the building.

Ms. Smart stated that Ms. Smith had already been disciplined with a suspension for the teletracking and that the Merit Board is unable to punish her again by firing her for this action unless there were additional charges.

Dr. King stated that all bags should be searched during a Code Pink and asked if the search was due to the Code Pink or if this search was a routine search. Mr. DeThorne stated that the searching of bags was due to the Code Pink and not a routine search.

Ms. Smart had concerns that if Ms. Smith was seen entering the building why was there even concern. Mr. Brownfield stated that the issue was as she continued through the building, other people did not know that Ms. Smith had just entered the building and this is where some of the confrontation came from and that the Code Pink instance was the reason for filing of the Written Charges for Discharge.

Ms. Barr stated that he did not feel that termination was appropriate. Ms. Smart stated that she also believed that this offense did not warrant termination, but a harsh suspension, as well as indicating that any other incident, no matter how minimum, would result in discharge.

After discussion, Mr. Montgomery stated that the board had three options. Mr. Brownfield updated the board in regards to the new administrative rule that went in place in August 2017 stating that a suspension could now be between 60 to 120 days. Mr. DeThorne stated that the board has the authority to suspend Ms. Smith for 120 days and as a practical matter, if the board was to hear from her again, she would then have four prior disciplines that could be considered. Mr. Cole asked if the 120-day suspension were given, would the university have the power to enter into a last chance agreement with the employee. Mr. Montgomery stated the last chance agreement would be entered into with the administration and the employee and not within the board's authorization.

Dr. King asked if any of the prior issues had placed anyone at risk and that he hated to put other people at risk. Ms. Herrero stated that the Code Pink procedures are in the training and Ms. Smith would have known them.

After further discussion, Ms. Smart made a motion to reinstate Ms. Smith following the completion of a 120-day suspension without pay. Mr. Garcia seconded Ms. Smart's motion.

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

Ms. Smart	Aye
Mr. Thomas	Aye
Mr. Barr	Aye
Mr. Buckner	Absent
Mr. Caulkins.....	No
Mr. Cole	Aye
Mr. Donahue	No
Mr. Garcia	Aye
Ms. Herrero	Aye
Dr. King.....	Aye
Mr. Montgomery.....	Aye

The following decision and order was therefore adopted.

STATE OF ILLINOIS



STATE UNIVERSITIES CIVIL SERVICE SYSTEM



TARRETTA SMITH,)	BEFORE THE UNIVERSITY CIVIL
)	SERVICE MERIT BOARD
Employee-Petitioner,)	
)	DISCHARGE PROCEEDING
v.)	
)	No. UIC-17-17
UNIVERSITY OF ILLINOIS at Chicago,)	
)	
Employer-Respondent)	

DECISION AND ORDER OF THE
UNIVERSITY CIVIL SERVICE MERIT BOARD

PROCEDURAL HISTORY

Discharge proceedings have been commenced by the **UNIVERSITY OF ILLINOIS at Chicago**, employer, against **TARRETTA SMITH**, employee, by service of Written Charges for Discharge by certified mail on July 10, 2017 and the Employee-Petitioner, **TARRETTA SMITH**, has filed a timely written request for Hearing. A Hearing has been duly convened, held on and concluded on August 24, 2017 in conformity with the procedures set forth in section 250.110(f) of the Illinois Administrative Code (Code) (80 Ill. Adm. Code §250.110(f)). The complete Hearing Record has been certified and placed on file in this cause.

FINDINGS

The University Civil Service Merit Board has examined and reviewed the Hearing Record, as supplemented, which includes the following:

1. Written Charges for Discharge, dated July 10, 2017
2. Suspension Notice Pending Discharge, dated July 10, 2017
3. Employee-Petitioner’s Request for Hearing, filed on July 18, 2017
4. Acknowledgement of Hearing Request to Employee-Petitioner, dated July 19, 2017
5. Notice of Hearing to Hearing Officer Simon, dated August 2, 2017
6. Notice of Convening of Hearing to the parties of record, dated August 2, 2017
7. University Witness & Exhibit List, received August 24, 2017
8. Transcript of Evidence and Exhibits, August 24, 2017
9. Employer-Respondent’s Closing Argument, filed on August 31, 2017



10. Employee-Petitioner's Closing Argument, filed on September 6, 2017
11. Request for Findings of Fact from Hearing Officer Simon, dated September 19, 2017
12. Findings of Fact rendered by Hearing Officer Simon, dated September 29, 2017
13. Notice of Certification of Hearing Record to the parties of record and the Certification of Hearing Record, dated October 10, 2017

Now being fully advised of the matters contained in the Hearing Record, as supplemented, and based solely on the matters contained in the Hearing Record, as supplemented, the University Civil Service Merit Board makes the following jurisdictional and factual findings and issues the following Decision and Order:

1. That this discharge proceeding has been commenced and conducted in compliance with section 250.110(f) of the Code and all applicable State and Federal Laws and that the University Civil Service Merit Board has jurisdiction of the parties and subject matter thereof.
2. That the Hearing Record, as supplemented, does not support and sustain one or more of the charges of the employer, **UNIVERSITY OF ILLINOIS at Chicago**, against the employee, **TARRETTA SMITH**, and/or the charges as proven by said employer fail to establish just cause for discharge.

DECISION AND ORDER

WHEREFORE, IT IS HEREBY ORDERED:

1. The Findings of Fact of the Hearing Officer, attached hereto, are approved and certified to the employer, **UNIVERSITY OF ILLINOIS at Chicago**, to the extent not inconsistent with the findings made herein.
2. The employee, **TARRETTA SMITH**, shall be reassigned to perform the duties in a position in her classification following the completion of a 120-day suspension without pay. Any time served while on a Suspension Notice Pending Discharge shall be applied towards the fulfillment of this suspension.

DATED AND ENTERED this 5th day of December, 2017.

UNIVERSITY CIVIL SERVICE MERIT BOARD

By: /s/ Lyneir R. Cole
Lyneir R. Cole, Chair

ATTEST:

/s/ Teresa M. Rademacher
Teresa M. Rademacher
Secretary for the Merit Board

Consideration of Discharge Proceedings Number UIC-17-21 filed against Lashon Rollins by the University of Illinois at Chicago

On November 16, 2017, the Secretary for the Merit Board mailed the Hearing Record for the Lashon Rollins discharge case number UIC-17-21 to each member of the Merit Board. The Merit Board was asked to review the case and be prepared to act on this matter at this meeting.

Chair Cole stated the board had received a request to present public comments in regards to this matter. Mr. Brownfield stated that Ms. Rollins was in attendance and advised Ms. Rollins of the Merit Board's policy regarding the five minute time limit to present her comments. He also stated that the university also had a representative that would like to present public comments.

Ms. Rollins stated that she was under duress at the time of signing the paperwork. She has been stressed, had had mental issues, and personal women issues and was at this meeting to ask for a second chance and to do whatever was necessary to get her job back.

Mr. Katz, Associate University Counsel for the University of Illinois at Chicago, stated that the proceedings relating to an employee that reports to work under the influence are normal. The procedures are designed to achieve success with the employee in terms of being treated and overcoming substance abuse problems. The original incident had occurred in February of 2016 and the ultimate disposition was in August of 2017, a long period of time where Ms. Rollins was receiving treatment and then it was brought back to the disciplinary stage. The arrangements over the years had been worked out in advance with the labor organization, which represented Ms. Rollins, and was to obtain the employee's cooperation and a one year of random screenings. He stated that in the serious nature of the offense and if a positive test came back, then the employee would be discharged. He stated that Ms. Rollins' test came back positive and that the terms of the last chance agreement must be enforced, therefore resulting in the termination of Ms. Rollins.

Ms. Smart questioned the timing, noting that the first suspension did not relate to a positive screening in October 2011. In April there was a suspension due to a positive screening, along with a positive screening in February 2016 and July 2017. Mr. Katz confirmed there was a positive test in February 2016 and the next positive test of note was when Ms. Rollins reported back to work in July 2017. He further stated that Ms. Rollins was not suspended in February 2016 and that she was not allowed to report back to work and that she then went back into a treatment program. The processing of the discipline in the spring of 2017 is when written charges to discharge were initiated. Ms. Rollins had been on administrative leave from the February 2016 incident, when the last chance agreement was signed, to April 2017. Mr. Rollins was able to come back to work in April 2016, but instead she went on a non-related FMLA leave. When she did return from her FMLA leave that is when she had a drug screening to return to work and that is the test she failed, resulting in the discharge process.

Mr. Caulkins asked when the last screening Ms. Rollins had. Mr. Katz clarified the timeline and stated when Ms. Rollins reported back to work in July 2017 is when she went to University Health Services to get a finding for fitness for duty and received a positive drug and alcohol screening.

Mr. Montgomery made a motion to discharge Ms. Rollins. Dr. King 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	Abstain
Mr. Thomas	No
Mr. Barr	Aye
Mr. Buckner	Absent
Mr. Caulkins.....	No
Mr. Cole	No
Mr. Donahue	Yes
Mr. Garcia	No
Ms. Herrero	Aye
Dr. King.....	Aye

The following decision and order was therefore adopted.

STATE OF ILLINOIS



STATE UNIVERSITIES CIVIL SERVICE SYSTEM



LASHON ROLLINS,)	BEFORE THE UNIVERSITY CIVIL
)	SERVICE MERIT BOARD
Employee-Petitioner,)	
)	DISCHARGE PROCEEDING
v.)	
)	No. UIC-17-21
UNIVERSITY OF ILLINOIS at Chicago,)	
)	
Employer-Respondent)	

DECISION AND ORDER OF THE
UNIVERSITY CIVIL SERVICE MERIT BOARD

PROCEDURAL HISTORY

Discharge proceedings have been commenced by the **UNIVERSITY OF ILLINOIS at Chicago**, employer, against **LASHON ROLLINS**, employee, by service of Written Charges for Discharge by certified mail on August 17, 2017 and the Employee-Petitioner, **LASHON ROLLINS**, has filed a timely written request for Hearing. A Hearing has been duly convened, held on and concluded on October 6, 2017 in conformity with the procedures set forth in section 250.110(f) of the Illinois Administrative Code (Code) (80 Ill. Adm. Code §250.110(f)). The complete Hearing Record has been certified and placed on file in this cause.

FINDINGS

The University Civil Service Merit Board has examined and reviewed the Hearing Record, as supplemented, which includes the following:

1. Written Charges for Discharge, dated August 17, 2017
2. Suspension Notice Pending Discharge, dated August 17, 2017
3. Employee-Petitioner’s Request for Hearing, filed on August 30, 2017
4. Acknowledgement of Hearing Request to Employee-Petitioner, dated September 5, 2017
5. Employee-Petitioner’s Request for a Continuance, filed on September 12, 2017
6. Notice of Hearing to Hearing Officer Navarro, dated September 28, 2017
7. Notice of Convening of Hearing to the parties of record, dated September 28, 2017
8. University Pre-Hearing Witness and Exhibit List, filed on October 3, 2017



9. Transcript of Evidence and Exhibits, October 6, 2017
10. Employee-Petitioner's Closing Argument/Appeal, filed on October 15, 2017
11. Employer-Respondent's Closing Argument, filed on October 16, 2017
12. Request for Findings of Fact from Hearing Officer Navarro, dated October 26, 2017
13. Follow-up email to Hearing Officer Navarro regarding Employee-Petitioner's Closing Argument/Appeal, dated November 1, 2017
14. Findings of Fact rendered by Hearing Officer Navarro, dated November 2, 2017
15. Notice of Certification of Hearing Record to the parties of record and the Certification of Hearing Record, dated November 7, 2017

Now being fully advised of the matters contained in the Hearing Record, as supplemented, and based solely on the matters contained in the Hearing Record, as supplemented, the University Civil Service Merit Board makes the following jurisdictional and factual findings and issues the following Decision and Order:

1. That this discharge proceeding has been commenced and conducted in compliance with section 250.110(f) of the Code and all applicable State and Federal Laws and that the University Civil Service Merit Board has jurisdiction of the parties and subject matter thereof.
2. That the Hearing Record, as supplemented, supports and sustains one or more of the following charges of the employer, **UNIVERSITY OF ILLINOIS at Chicago**, against the employee, **LASHON ROLLINS**, and establishes just cause for discharge, as follows:
 - a. Violation of a signed agreement;
 - b. Continued unfit to perform duties as a result of positive drug/alcohol screening; and
 - c. Unexcused absence(s).

DECISION AND ORDER

WHEREFORE, IT IS HEREBY ORDERED:

1. The Findings of Fact of the Hearing Officer, attached hereto, are approved and certified to the employer, **UNIVERSITY OF ILLINOIS at Chicago**, to the extent not inconsistent with the findings made herein.

2. The employee, **LASHON ROLLINS** is hereby separated from the service of her employer, **UNIVERSITY OF ILLINOIS at Chicago**, and that the effective date of her discharge shall be as of December 5, 2017.

DATED AND ENTERED this 5th day of December, 2017.

UNIVERSITY CIVIL SERVICE MERIT BOARD

By: /s/ Lyneir R. Cole
Lyneir R. Cole, Chair

ATTEST:

/s/ Teresa M. Rademacher
Teresa M. Rademacher
Secretary for the Merit Board

Discussion and action on proposed change to the Merit Board Policy Relating to Employee Benefits

Mr. Brownfield stated that at the September 2017 board meeting, the Merit Board approved changes to the Merit Board Policy Relating to Employee Benefits. After that meeting, staff discovered that one of changes made needed further clarification. He stated that the proposed wording of a dependent child needed to be revised and that the new proposed language had been pulled from the Bereavement ACT of the State Statute.

Mr. Garcia made a motion to approve the proposed changes as submitted in the agenda material regarding the Merit Board Policy Relating to Employee Benefits. Ms. Smart seconded Mr. Garcia's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

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 he would be stepping down as Chair of the EAC at the January 2018 meeting due to the opportunity to retire in February 2018. The EAC group would like to thank Chair Cole for his time in meeting with the EAC group on the PAA/OEIG topic.

In addition, he also thanked the University System and HRDAC for the time that everyone had put in regarding this topic. The PAA procedures will set the ground rules for the University System going forward. The system is designed to hire the best and the brightest and retain them by providing job security, good benefits, good wages, and allowing for promotional opportunities. He further stated that the ability for an employee to stay within the system provides job security once an employee has passed their probationary period, whereas PAA positions have one year contracts. He also stated the civil service employees have promotional lines and that these needed to be retained in the system, providing the opportunity for employees to be promoted and to move forward in their careers. EAC encouraged the board to talk about an administrative rule and that a procedure only talks about what should be done and not the details that are needed. He further stated that the procedures are not always followed. He stated that having a rule in place would allow everyone to know exactly what needed to be done and where everyone stand. Mr. Small stated that the Merit Board needs to continue to back the University System and the University System is the agency that is in place to enforce the rules.

Report of the Human Resource Directors Advisory Committee – Michael Ginsburg

The Merit Board heard a report from Michael Ginsburg, representative of the Human Resource Directors Advisory Committee (HRDAC). Mr. Ginsburg stated the HRDAC had had several meetings as a group with the University System and Chair Cole relating to the PAA process and the OEIG investigation.

Mr. Ginsburg summarized the past several meetings. He stated in late August 2017, HRDAC shared concerns with Chair Cole of creating a new administrative rule. Chair Cole then allowed HRDAC to draft a proposed definition of Principal Administration Appointments. Additional follow up meetings with Chair Cole and the University System were held in September and early November 2017. Prior to and after each meeting, HRDAC meet to draft a proposal. The University System also drafted their own version of a proposal. HRDAC and the University System compared proposals, reaching some agreements and also identifying differences. After the early November meeting, Mr. Brownfield indicated the University System would develop a single document, incorporating the HRDAC version, and then send back to the HRDAC group to schedule a meeting to review the document prior to December board meeting. He stated that the HRDAC was not provided with that document and HRDAC has not met with the University System since the November 3, 2017. HRDAC strongly believes that the OIEG complaint did not stipulate that the Merit Board define the term PAA. The OEIG complaint requested that the Merit Board take action involving a disagreement between the University of Illinois at Urbana-Champaign and the University System office regarding proper exemptions. Since the OEIG did not ask for a definition, the HRDAC group believes the existing rule, Section 250.30 of the Code, to sufficiently address exemptions. This rule states that the classification plan shall include all classes as approved and from time to time amended by the University System except those exempted by Section 36e of the State University Civil Service System Act (Act). Exemptions under Section 36e of the Act shall be by position, when approved by the Merit Board and shall remain exempt until the exemption

is terminated by the Merit Board. The Executive Director shall publish guidelines for such exemptions as approved by the Merit Board. HRDAC contends the existing rule is sufficient and does not need to be changed. Any rule that defines a specific exempted position would be impractical given the organizational differences of the many institutions, as well as the different internal organization structures of the institutions. The existing Exemption Procedures Manual includes sufficient guidance on the exemption process. Sections 6 and 7 of the manual also includes subsections on accountability, internal review process, University System review, Merit Board review, remedial process, and reporting requirements. HRDAC suggested that more defined procedures be developed to be utilized by all the universities/agencies to properly review, classify, and exempt positions and to articulate the University System review process of such institutional decisions. HRDAC has also proposed detailed appeal enforcement procedures, for instances, when the University System determines positions improperly exempted. HRDAC has asked that the Merit Board allow the universities to continue to work collaboratively and to manage the best practices for the employees.

External Investigation/Rulemaking

Mr. Cole stated that he had met with HRDAC and EAC on several occasions, as well as consulted with Ms. Smart. He stated that there would be one more meeting between the parties. Mr. Cole confirmed with Ms. Smart, that the Merit Board would now look at the procedure aspect instead the administrative rule, with the possibility of an administrative rule at a later date. Ms. Smart confirmed and stated that regardless of how the investigation came about, UIUC does have some positions that are PAAs that should not be. However, there are some positions the University System believe should not be PAA but the Merit Board or she personally believes they should be PAA.

She further stated that there are some corrections that needed to be made, probably somewhere in between what the University System wants and what the universities would like to see. She also stated that the Merit Board had not done their job by not holding HR to the philosophy of the Act, Rules and procedures and that the issue needs to be addressed now, or else it would never be addressed outside of a report down the road.

Ms. Smart does not agree with the wording of the “Resolution” that was included in the agenda materials. The “Resolution” stated that the Merit Board is committed to revising the ACT, Rules and procedures and that a formal rule process would be initiated by submitting a rule to JCAR. However, she stated that this was not what was agreed upon during a previous call with other board members and University System staff. She stated that she believed the Merit Board agreed to change the procedures and to be more explicit on the criteria for PAAs by letting the HRDAC and the University System office continue to work together and to get as much resolved as could be and then bring any issues unresolved back to the Merit Board, and then the Merit Board would make a decision. She stated that she would like to Implement these changes for approximately a year and hold HR accountable to the procedure changes. Also, after a year, or possibly longer

due to the termination of a contract appointments, assess the situation to see if there had been any progress and if there had not been improvements, then the Merit Board would move to the rule process.

Mr. Brownfield stated that the “Resolution” was written based on the discussion from the last six months of developing a rule, which has now changed. He further stated the change could not have been made during the previous phone meeting because it was not an Open Meeting. The direction provided in the meeting relating to changes to the Act, Rule and procedures are all included in the proposed “Resolution”, with the highlighted areas in the resolution being of concern. If the Merit Board decides to change the procedures the University System staff will support the Merit Board 100%. The Executive Director of the University System believes that an administrative rule is necessary to define PAAs from a legal basis and that the “Resolution” as presented is not binding and can be edited until the Merit Board takes formal action.

Ms. Smart noted that all the parties involved have said that good strides have been made and that the proposed changes to the procedures could be implementable and that a change to the act or a new rule would take a long time to be effective, giving the HR departments a pass during this waiting period for a rule to be implemented.

Mr. Cole asked Mr. DeThorne that if the Merit Board would pursue a change to the procedures, what effect would that have on the Merit Board; how would the OEIG accept the changing of procedures and implementing the changes to evaluate over the next year, and if the proposed changes do not work to then implement a rule. Mr. DeThorne suggested that there was no clear answer as to what the OEIG would do and that it is completely up to the OEIG. There could be a report issued at this time or the OEIG could accept that we are still continuing to work on the issue and be satisfied with that.

Ms. Smart stated that UIC had made many changes and there are changes to be made. Procedure updates are the best way to get this accomplished. Mr. Cole suggested using the UIC model through this process. Also, when a position meets the criteria of a civil service position and goes beyond that, then HR should contact the University System to determine if the position is civil service or PAA. If this is the direction the Merit Board goes, then HR needs to be held accountable.

Ms. Herrero asked about learned professionals. Mr. Brownfield explained that as the system is improved, the University System would need to address the issue, such as learned professionals. As an example, a doctor, should not be a civil service position, but does not qualify under the dictionary definition of a PAA either. He stated that a suggestion could be to add a sixth exception category for learned professionals.

Mr. Barr agreed to continue the collaboration and have have a joint meeting. In a year or so, if the new procedures are not working then look at the rule process.

Chair Cole stated that he is going to implement a deadline in which documents are submitted to give sufficient time to review. Ms. Smart commented that the procedure process allows the ability to provide boundaries while giving the system the flexibility to adjust.

It was suggested to change the "Resolution" to read as stated below.

RESOLUTION



UNIVERSITY CIVIL SERVICE MERIT BOARD

BE IT RESOLVED THAT the Merit Board authorizes the Executive Director of the State Universities Civil Service System (University System) to assure compliance with State Universities Civil Service Act (Act) and to continue the tradition of efficient employment operations for our state universities and affiliated higher education agencies, it is hereby resolved that the University Civil Service Merit Board (Merit Board) is committed to revising the procedures to afford human resource policy efficiencies for each employer. Based on concerns expressed by the Office of the Executive Inspector General (OEIG), the Merit Board directs the University System to implement new procedures to assure that the sections of the Act, specifically related to exemptions are followed.

BE IT FURTHER RESOLVED THAT the University System will continue to work with constituents on the proposed Exemption Procedures Manual as submitted in the December 5, 2017 agenda material to replace the current Exemption Procedures Manual and to clarify the characteristics of civil service exempt positions, gather data and to test processes to assure that exempt positions meet appropriate standards that correspond to the five separate exemption categories defined in the Act.

BE IT FURTHER RESOLVED THAT the Merit Board authorizes the Executive Director of the University System to notify the OEIG of the progress the Merit Board has made in regards to the OEIG investigation.

DATED AND ENTERED this 5th day of December, 2017.

UNIVERSITY CIVIL SERVICE MERIT BOARD

By: /s/ Lyneir R. Cole
Lyneir R. Cole, Chair

ATTEST:

/s/ Teresa M. Rademacher

Teresa M. Rademacher
Secretary for the Merit Board

Mr. Thomas made a motion to approve the revised “Resolution” as stated above. Ms. Smart seconded Mr. Thomas’s motion.

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

Mr. ThomasAye
Mr. BarrAye
Mr. BucknerAbsent
Mr. Caulkins.....Aye
Mr. ColeAye
Mr. DonahueAye
Mr. GarciaAye
Ms. HerreroAye
Dr. KingAye
Mr. MontgomeryAye
Ms. SmartAye

Report of Legal Counsel – David DeThorne, Legal Counsel

Mr. DeThorne reported that the Willis Administrative Review hearing is pending and that a date had been set for Oral Arguments for January 5, 2018. In regards to the Colwell Administrative Review case the Attorney General will represent the Merit Board and the case has been filed in the courts.

Consideration of the 2018 Schedule of Meetings of the Merit Board

Mr. Brownfield stated that the following dates are being proposed for calendar year 2018:

- Thursday, February 1, 2018
- Thursday, May 17, 2018
- Thursday, August 23, 2018
- Thursday, November 29, 2018

Ms. Smart that noted that May 17, 2018 proposed meeting would not work, that there is a University of Illinois Board of Trustee meeting. The University System agreed to poll the Merit Board to determine a new date for the May meeting.

Mr. Barr made a motion to accept the proposed meeting dates for 2018. Mr. Montgomery seconded Mr. Barr's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Other Items as Presented

The next meeting of the Merit Board will be held on Thursday, February 1, 2018.

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

The meeting adjourned at 2:34 p.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

February 1, 2018

Date