

# MINUTES OF THE TWO-HUNDRED-AND-TWENTY-SIXTH MEETING OF THE UNIVERSITY CIVIL SERVICE MERIT BOARD – OCTOBER 15, 2024

State Universities Civil Service System (University System) Office 1717 Philo Road, Suite 24 Urbana, IL 61802

Chicago State University Cook Administration Building 9501 South King Drive ADM Room 201 Chicago, IL

Governor State University 1 University Parkway Room C3310 (CN Room) University Park, IL Illinois State University 718 W. College Avenue Room NSB 101A Normal, IL

Southern Illinois University of Edwardsville School of Dental Medicine 2800 College Ave. Alumni Conference Room, Room B273 Alton, IL

University of Illinois at Chicago Discovery Partners Institute 200 S Wacker Drive Conference Room 702 Chicago, IL

Also, via live stream at the following address: <u>https://multimedia.illinois.gov/sucss/sucss-live.html</u>

# Call to Order and Roll Call – John Butler, Vice Chair

Vice Chair Butler called the meeting to order at 1:16 p.m.

Members present at the State University Civil Service System (University System) office and posted designated sites were: John Butler, Vice Chair, from the Northern Illinois University Board of Trustees; Ramon Cepeda from the University of Illinois Board of Trustees; Scott Jenkins from the Illinois State University Board of Trustees; Jim Kvedaras from the Governors State University Board of Trustees; Kisha Lang from the Western Illinois University Board of Trustees; J. Todd Phillips from the Northeastern Illinois University; and John Simmons from the Southern Illinois University Board of Trustees.

Members absent were: Barb Baurer from the Eastern Illinois University Board of Trustees; Carolyn Blackwell from the University of Illinois Board of Trustees; Tami Craig Schilling from the University of Illinois Board of Trustees; and Jason Quiara from the Chicago State University Board of Trustees.

Gail Schiesser, Executive Director, Nick Nedeau, Legal Counsel, and Teresa Rademacher, Secretary for the Merit Board, were also present. Various other university employees and University System staff were also in attendance.

## <u>Consideration of participation by other Merit Board Members not physically</u> present at the meeting site

Vice Chair Butler asked for approval for Merit Board member Scott Jenkins, who was not physically present, due to a work emergency, to actively participate by other means per the Open Meetings Act requirements.

Mr. Simmons moved to allow Mr. Jenkins to participate via a nonpublic WebEx location. Mr. Kvedaras seconded Mr. Simmon's motion. In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion was approved with the following vote:

Mr. Simmons	Aye
Ms. Baurer	Absent
Ms. Blackwell	Absent
Vice Chair Butler	Aye
Mr. Cepeda	Aye
Ms. Craig Schilling	Absent
Mr. Kvedaras	Aye
Ms. Lang	Aye
Mr. Phillips	Aye
Mr. Quiara	Absent

## Welcome new Merit Board Member from Illinois State University

Vice Chair Butler welcomed new Merit Board member Scott Jenkins from the Illinois State University Board of Trustees.

# <u>Approval of the Agenda for the 226<sup>th</sup> Meeting of the Merit Board – John Butler,</u> <u>Vice Chair</u>

Vice Chair Butler asked for a motion to approve the agenda for the meeting. Mr. Simmons made a motion to approve the agenda for the 226<sup>th</sup> Meeting of the Merit Board. Ms. Lang seconded Mr. Simmons' motion. In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion was approved with the following vote:

Mr. Simmons	Aye
Ms. Baurer	Absent
Ms. Blackwell	Absent
Vice Chair Butler	Aye
Mr. Cepeda	Aye
Ms. Craig Schilling	Absent

Mr. Jenkins	Aye
Mr. Kvedaras	Aye
Ms. Lang	Aye
Mr. Phillips	Aye
Mr. Quiara	Absent

## **Merit Board Reorganization**

Vice Chair Butler stated that an election needed to be held for the election of Chair. Vice Chair Butler turned the matter over to Executive Director Schiesser. Executive Director Schiesser stated that Vice Chair Butler had agreed to stand for election as Chair of the Merit Board.

Mr. Cepeda asked if the Chair's vote counted differently than other Merit Board members. Mr. Phillips asked if this appointment was for the remainder of the term and clarification of the term of the Chair. Executive Director Schiesser stated that there will be a new election in 2025.

Mr. Simmons made a motion to elect Dr. Butler as the Chair of the Merit Board. Ms. Lang seconded Mr. Simmon's motion. In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion was approved with the following vote:

Mr. Simmons	Aye
Ms. Baurer	Absent
Ms. Blackwell	Absent
Vice Chair Butler	Aye
Mr. Cepeda	No
Ms. Craig Schilling	Absent
Mr. Jenkins	Aye
Mr. Kvedaras	Aye
Ms. Lang	Aye
Mr. Phillips	Aye
Mr. Quiara	Absent

With Dr. Butler being elected as Chair, this caused a vacancy for Vice Chair. Executive Director Schiesser stated that Mr. Simmons agreed to stand for election as Vice Chair of the Merit Board.

Chair Butler made a motion to elect Mr. Simmons as Vice Chair of the Merit Board. Ms. Lang seconded Dr. Butler's motion. In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion was approved with the following vote:

Chair Butler	Aye
Mr. Cepeda	Ауе
Ms. Craig Schilling	Absent
Mr. Jenkins	Ауе
Mr. Kvedaras	Aye

Ms. Lang	Aye
Mr. Phillips	Aye
Mr. Quiara	Absent
Mr. Simmons	Aye
Ms. Baurer	Absent
Ms. Blackwell	Absent

## Consideration of the Minutes of the 225<sup>th</sup> Meeting of the Merit Board, July 9, 2024

Mr. Simmons made a motion to approve the Minutes of the 225<sup>th</sup> Meeting of the University Civil Service Merit Board. Mr. Kvedaras seconded Mr. Simmons' motion. In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion was approved with the following vote:

Mr. Simmons	Aye
Ms. Baurer	Absent
Ms. Blackwell	Absent
Chair Butler	Aye
Mr. Cepeda	Aye
Ms. Craig Schilling	Absent
Mr. Jenkins	Aye
Mr. Kvedaras	Aye
Ms. Lang	Aye
Mr. Phillips	Aye
Mr. Quiara	Absent

# <u>Consideration of the Closed Minutes of the 225<sup>th</sup> Meeting of the Merit Board, July</u> <u>9, 2024</u>

Mr. Simmons made a motion to approve the Closed Minutes of the 225<sup>th</sup> Meeting of the University Civil Service Merit Board. Mr. Kvedaras seconded Mr. Simmon's motion. In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion was approved with the following vote:

Mr. Simmons	Aye
Ms. Baurer	Absent
Ms. Blackwell	Absent
Chair Butler	Aye
Mr. Cepeda	Aye
Ms. Craig Schilling	Absent
Mr. Jenkins	Aye
Mr. Kvedaras	Aye
Ms. Lang	Aye
Mr. Phillips	Aye
Mr. Quiara	Absent

# **Public Comments**

Executive Director Schiesser stated there had been no requests for public comments.

# <u>Report of the Designated Employer Representative Group – Joshua Allen, DER for</u> <u>Governors State University</u>

Joshua Allen, Vice President and Chief Human Resource Director for Governors State University (GSU), presented comments for the Designated Employer Representative Group. He stated that he had seen many successes from the University System; however, the group is concerned with the timeframe the audit reports are being submitted to the universities. In 2022, GSU saw its first audit, and the first draft of audit findings was not received until 2024. GSU is looking to address those audit findings; however, they have not received any feedback from the University System. He stated that their human resources look to ensure timely hiring and that if they truly want to help our civil service employees, then similar timelines need to be put in place to create reports to hire. The University System audit schedule should be amended so it aligns with university findings.

Executive Director Schiesser acknowledged the delay in turning around audit reports and that the University System is working to get caught up. The University System is working on a revised audit schedule and has added staff to the Compliance Services Division to improve the turnaround time. She further stated that the audit conducted by the University System is a compliance audit, and the employers need to comply with the Administrative Rules and the State Universities Civil Service System Act (Act). She further stated that if employers are complying with the Act and Administration Rules, there will be fewer audit findings and when the employers do not comply, there will be more findings.

Mr. Allen commented that GSU is a university receiving applicants from 20 miles away who cannot or will not move to the state of Illinois. He further stated that they cannot find the best possible candidates if they do not include these candidates due to their home addresses. He reminded everyone that student success was their mission in Illinois and that being fully staffed makes a smoother experience for college students.

Mr. Allen stated the last meeting between the University System and the employer human resources group was in May 2024, and he asked that everyone continue their focus and that the University System meet regularly with the group.

## <u>Report of the State Universities Employee Advisory Committee – Jill Odom, Chair</u>

Ms. Odom, Chair of the Employees Advisory Committee, stated the committee received a report from the University System with updates relating to the audits, audit cycle, class plan, budget, and legal issues. The time spent meeting with the University System is invaluable. Their knowledge, interest, and collaborative discussions with EAC provide the committee with the necessary information and tools to further their goal of providing the best possible information and opinion to the Merit Board on matters related to civil service employees. Ms. Odom further stated that in addition to their discussions with Executive Director Schiesser, they had discussed revisions to the FLSA rules modification and background check policy changes, which now require fingerprints for employees who may encounter K-12 students. She stated the Election Committee reviews pending legislation that is relevant to civil service employees, state universities, and agencies, brings those senate and house bills to the full committee's attention, and, in turn, shares that information with our constituents, councils, and senates at their own universities. She continued by stating that the free flow of information is what helps everyone stay informed and involved.

# Consideration of Discharge Proceedings Number GSU-24-1 filed against Nicholas Denault by Governors State Illinois

Mr. Nedeau, Legal Counsel, gave an overview of the case, stating Governors State University filed Written Charges for Discharge against Nicholas Denault on May 6, 2024. He said that the case involved a series of disciplinary actions against Mr. Denault. The Hearing Officer found Mr. Denault had violated both discharge violations. The Hearing Officer concluded that Mr. Denault's defense was an explanation as to why he conducted himself in that manner. The most serious charge involved an incident where Mr. Denault claimed to have been at work on campus, and there was no evidence in the record to support that. The Hearing Officer found against Mr. Denault in both instances.

Mr. Phillips made a motion that the Merit Board go into closed session to discuss the above discharge case. Mr. Simmons seconded Mr. Phillips's motion. In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion was approved with the following vote:

Mr. Phillips	Aye
Mr. Quiara	Absent
Mr. Simmons	Aye
Ms. Baurer	Absent
Ms. Blackwell	Absent
Chair Butler	Aye
Mr. Cepeda	Aye
Ms. Craig Schilling	Absent
Mr. Jenkins	Aye
Mr. Kvedaras	Aye
Ms. Lang	Aye

The Merit Board went into a closed session at 1:54 p.m.

The Merit Board returned to open session at 2:09 p.m. Chair Butler stated that the Merit Board needed to adopt a Decision and Order regarding this case.

Mr. Simmons made a motion to discharge the employee, Nicholas Denault. Mr. Kvedaras seconded Mr. Simmons' motion. In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion was approved with the following vote:

Mr. Simmons	Aye
Ms. Baurer	Absent
Ms. Blackwell	Absent
Chair Butler	Aye
Mr. Cepeda	Aye
Ms. Craig Schilling	Absent
Mr. Jenkins	Aye
Mr. Kvedaras	Aye
Ms. Lang	Aye
Mr. Phillips	Aye
Mr. Quiara	Absent

Therefore, the following Decision and Order of the University Civil Service Merit Board was adopted.



STATE OF ILLINOIS STATE UNIVERSITIES CIVIL SERVICE SYSTEM

GOVERNORS STATE UNIVERSITY, Employer, v. NICHOLAS DENAULT, Employee. BEFORE THE UNIVERSITY CIVIL SERVICE MERIT BOARD

DISCHARGE PROCEEDING No. GSU-24-1

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

### PROCEDURAL HISTORY

Discharge proceedings have been commenced by **GOVERNORS STATE UNIVERSITY**, employer, against **NICHOLAS DENAULT**, employee, by service of Written Charges for Discharge by USPS overnight mail on May 6, 2024, and the Employee, **NICHOLAS DENAULT**, has filed a timely written request for Hearing. A Hearing was duly convened, held on, and concluded on July 17, 2024, in conformity with the procedures set forth in Section 250.110(f) of the Illinois Administrative Code

(Code) (80 III. 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 May 6, 2024
- 2. Suspension Notice Pending Discharge, dated May 6, 2024
- 3. Employee's Request for Hearing, received on May 21, 2024
- 4. Acknowledgment of Hearing Request, dated May 22, 2024
- 5. Notice of Appointment as Hearing Officer and Notice of Convening of Hearing to Hearing Officer, dated May 31, 2024
- 6. Notice of Convening of Hearing to the parties of record, dated May 31, 2024
- 7. Order Regarding Procedures for Remote Hearing, dated May 31, 2024
- 8. Employer's Witness List and Exhibit List received June 3, 2024
- 9. Employee's Motion to Continue Hearing, dated June 3, 2024
- 10. Order Regarding Employee's Motion to Continue Hearing, dated June 3, 2024
- 11. Amended Notice of Convening of Hearing to Hearing Officer, dated June 4, 2024
- 12. Amended Notice of Convening of Hearing to the parties of record, dated June 4, 2024
- 13. Transcript, July 17, 2024, Hearing
- 14. Exhibits admitted into Record at Hearing, July 17, 2024
- 15. Request for Findings of Fact from Hearing Officer, dated August 5, 2024
- 16. Findings of Fact rendered by Hearing Officer, dated August 15, 2024

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:

 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.

- That the Hearing Record, as supplemented, supports and sustains one or more of the following charges of the employer, GOVERNORS STATE UNIVERSITY, against the employee, NICHOLAS DENAULT, and establishes just cause for discharge, as follows:
  - Leaving work without authority
  - Failure to follow work and time schedules

### **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, **GOVERNORS STATE UNIVERSITY**, to the extent not inconsistent with the findings made herein.
- 2. The employee, **NICHOLAS DENAULT**, is hereby separated from the service of his employer, **GOVERNORS STATE UNIVERSITY**, and the effective date of his discharge shall be October 15, 2024.
- 3. This Order is FINAL and is subject to the Administrative Review Law. Section 250 of Title 80 of the Illinois Administrative Code does not authorize the Merit Board to hear any motion or request for reconsideration.
- 4. The names of the Hearing Officer and each of the parties is as follows:

<u>Hearing Officer</u> Mr. Michael Dudek 5355 S Neva Avenue Chicago, IL 60604 <u>Mjdjd2@gmail.com</u> Parties of Record Ms. Therese King Nohos Vice President, General Counsel Governors State University 1 University Parkway University Park, IL 60484 tnohos@govst.edu

Mr. Nicholas Denault 10700 W 600S Rd Hersher, IL 60941 <u>denaultnicholas04@gmail.com</u>

**DATED AND ENTERED** this 15<sup>th</sup> day of October, 2024.

#### UNIVERSITY CIVIL SERVICE MERIT BOARD

By: /s/. John Butler

John Butler, Chair University Civil Service Merit Board

ATTEST: /s / Teresa Rademacher

Teresa Rademacher Secretary for the Merit Board

# <u>Consideration of the FY 2026 Budget Recommendation for the State Universities</u> <u>Civil Service System</u>

Executive Director Schiesser stated the Board is being asked to approve the University System to submit a budget request of \$1,558,900 for the FY2026 budget. This is a 7.92% increase over the FY2025 budget. This increase includes recovering from many years of zero-dollar budget increases, adding two more staff members, regular salary increases to current staff, an increase in travel expenses for the audit program, and the purchase of new police testing.

Mr. Simmons made a motion to submit the budget request. Mr. Kvedaras seconded Mr. Simmons' motion. In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion was approved with the following vote:

Mr. Simmons	Aye
Ms. Baurer	Absent
Ms. Blackwell	Absent
Chair Butler	Aye
Mr. Cepeda	Aye
Ms. Craig Schilling	Absent
Mr. Jenkins	Ауе
Mr. Kvedaras	Aye
Ms. Lang	Aye
Mr. Phillips	Aye
Mr. Quiara	Absent

Consideration of proposed rulemaking to Sections 250.5, 250.20, and 250.110 of the Illinois Administrative Code (Code) adding or editing definitions, updates to the Designated Employer Representative section and the required forms, and updates to several matters regarding the discharge rules Executive Director Schiesser stated the University System is proposing several changes to the Administrative Rules to provide clarification and specificity, along with adding language allowing the University System to put standing orders in place for discharge matters. She further outlined the other changes. She stated that the proposed rules were published in the Illinois Register on September 27, 2024, and the First Notice Period would end on November 11, 2024. The University System had not received any comments on the proposed rulemaking. She further stated that the next step was to move the proposed rulemaking to the Second Notice Period and then to present the proposed rulemaking to the Joint Committee on Administrative Rules (JCAR).

Mr. Simmons made a motion to submit the proposed rules for the Second Notice Period and further submit the rules to JCAR. Ms. Lang seconded Mr. Simmons' motion. In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion was approved with the following vote:

Mr. Simmons	Aye
Ms. Baurer	Absent
Ms. Blackwell	Absent
Chair Butler	Aye
Mr. Cepeda	Aye
Ms. Craig Schilling	Absent
Mr. Jenkins	Aye
Mr. Kvedaras	Aye
Ms. Lang	Ауе
Mr. Phillips	Aye
Mr. Quiara	Absent

### Consideration of the 2025 Schedule of Meetings of the Merit Board

Executive Director Schiesser stated the University System is recommending scheduling four meetings for the calendar year 2025.

- Tuesday, January 21, 2025
- Tuesday, April 22, 2025
- Tuesday, July 22, 20025
- Tuesday, November 4, 2025

Mr. Simmons made a motion to approve the 2025 schedule of meetings. Mr. Kvedaras seconded Mr. Simmons' motion. In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion was approved with the following vote:

Mr. Simmons	Aye
Ms. Baurer	Absent
Ms. Blackwell	Absent
Chair Butler	Aye

Mr. Cepeda	Aye
Ms. Craig Schilling	Absent
Mr. Jenkins	Aye
Mr. Kvedaras	Aye
Ms. Lang	Aye
Mr. Phillips	Aye
Mr. Quiara	Absent

# <u>Classification, Examination, and Compensation review of recent activities – Noel</u> <u>Rowe</u>

Noel Rowe stated one employee has been added to the Classification, Examination, and Compensation department. She further stated that several classifications had been reviewed and revised since the last Merit Board Meeting. As requested by the universities, the revision and pre-testing have been completed for the Building Service Worker examination. The department continues to review examination rescores, requests for compensatory qualifications, contract appointments, and specialty factor requests.

## <u>Governance, Risk, and Compliance Audit Program review of recent activities –</u> <u>Noel Rowe</u>

Noel Rowe stated one employee has been added to the Compliance Services Department. The University System is in the process of examining and modifying the audit program to increase clarity of communication, shorten turnaround times, and ensure a functional, effective, and constructive audit process. The department continues to shrink the backlog of audit reports. Currently Governors State University, Illinois State University, and Illinois Board of Higher Education administrative responses have been received and reviewed, and the final audit reports are being drafted.

The University System is reviewing the information provided in the administrative responses from the Division of Specialized Care for Children and the Illinois Community College Board. The preliminary reports for Eastern Illinois University and Western Illinois University are being drafted. We are completing the analysis of the University of Illinois at Urbana Champaign and the University of Illinois Springfield. The University System anticipates having all final reports from the current backlog completed by the end of February.

Chair Butler commented that as people serve on the Merit Board, they begin to realize that this is the business of the University System. Members spend time on discharge cases and other topics, but the audit program is the day-to-day function of the system. As Mr. Kvedaras and Mr. Phillips have stated, members want to know what is needed from them to make the audit process work as efficiently as possible and be useful to the institutions.

Executive Director Schiesser responded that members are giving the University System the space to finish the backlog and create a new audit program that will let us be both more thorough and timelier.

## **Report of the Executive Director – Gail Schiesser**

Executive Director Schiesser stated that the University System has had two staff changes since the last Merit Board meeting: adding Liz Borman and John McPherson to the agency.

The audit by the Auditor General is still ongoing.

Regarding the budget, the University System FY 24 budget was \$1,241,800, with final expenses of \$1,103,080.71, leaving an amount of \$138,719 lapsed back to the state. This lapse is primarily due to three senior staff leaving the agency. The current FY 25 budget amount is \$1,444,500, with expenditures of \$263,706 as of September 1, 2024.

## <u>Report of Legal Counsel – Nick Nedeau</u>

Nick Nedeau stated the University System had received 33 Written Charges for Discharge served on employees in FY 24. Employees in six of these cases requested a hearing. Mr. Nedeau noted that there are currently two administrative review matters pending:

### Vincent Bradford

Vincent Bradford, a former employee at the University of Illinois Chicago (UIC), filed a Complaint for Administrative Review in the Circuit Court of Cook County, Illinois, requesting a review of the Merit Board's December 10, 2021, decision to discharge him. The Illinois Attorney General's Office represents the Merit Board and the University System. Mr. Bradford prepared and served a Second Amended Complaint. It was filed after the deadline set by the Court. The Attorney General's Office filed a Motion to Dismiss. The motion for dismissal was granted. Mr. Bradford has filed a Notice of Appeal. The matter is fully briefed. The University System is currently waiting for a decision.

### **Christopher Bean**

Christopher Bean, a former University of Illinois at Chicago employee, filed a "Charge Against a Labor Organization" with the Illinois Educational Labor Relations Board (IELRB). Mr. Bean alleged a violation of the Illinois Educational Labor Relations Act (IELRA), 115 ILCS 5, and identified the agency as a "Labor Organization." The Illinois Attorney General's office is representing the agency in that matter. Following a recommendation by the Executive Director of the IELRB, the IELRB dismissed the charge on February 4, 2022. On May 27, 2022, Mr. Bean filed an appeal in the Appellate Court to overturn the IELRB dismissal. The Assistant Attorney General has filed a Motion to Dismiss. This motion was denied, and the case proceeded against our agency. The case has since been dismissed.

### **Other Items as presented**

Chair Butler asked if the Board stated the meeting scheduled for November 21, 2024, would be canceled. Executive Director stated at this time yes.

Mr. Simmons made a motion to adjourn the meeting. Ms. Lang seconded Mr. Simmons' motion. In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion was approved with the following vote:

Mr. Simmons	Aye
Ms. Baurer	Absent
Ms. Blackwell	Absent
Chair Butler	Aye
Mr. Cepeda	Aye
Ms. Craig Schilling	Absent
Mr. Jenkins	Aye
Mr. Kvedaras	Absent
Ms. Lang	Aye
Mr. Phillips	Aye
Mr. Quiara	Absent

The meeting adjourned at 2:45 p.m.

Respectfully submitted,

/s / Teresa Rademacher

Teresa Rademacher Secretary for the Merit Board

APPROVED:

<u>/s/John</u>Butler

John Butler, Chair University Civil Service Merit Board

<u>April 22, 2025</u> Date

> University Civil Service Merit Board Minutes Page 14 – October 15, 2024