



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB1724

Introduced 2/20/2015, by Sen. Chapin Rose

#### SYNOPSIS AS INTRODUCED:

110 ILCS 70/36c	from Ch. 24 1/2, par. 38b2
110 ILCS 70/36d	from Ch. 24 1/2, par. 38b3
110 ILCS 70/36e	from Ch. 24 1/2, par. 38b4
110 ILCS 70/36t new	

Amends the State Universities Civil Service Act. Terminates the terms of members of the University Civil Service Merit Board and provides for appointment by the Governor instead, with 4 members who are exempt employees of the various State universities, 4 members who are current full-time civil service employees of the various State universities, and 3 members who are representative citizens and who are not current or former employees or current or former members of the Boards of Trustees of a State university. Makes other changes concerning the Merit Board. Provides for the appointment of an Executive Director instead of a Director. Authorizes the Executive Director to appoint a Designated Employer Representative (now, assistant resident) at the place of employment of each specified employer. Makes changes concerning exemptions under the State Universities Civil Service System. Requires the Merit Board to be subject to the Open Meetings Act, the State Records Act, the Illinois Administrative Procedure Act, and the State Officials and Employees Ethics Act.

LRB099 08574 SXM 28733 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The State Universities Civil Service Act is  
5 amended by changing Sections 36c, 36d, and 36e and by adding  
6 Section 36t as follows:

7 (110 ILCS 70/36c) (from Ch. 24 1/2, par. 38b2)

8 Sec. 36c. The Merit Board ~~merit board~~.

9 (a) For purposes of this Section, "State University" means  
10 the University of Illinois, Southern Illinois University,  
11 Chicago State University, Eastern Illinois University,  
12 Governors State University, Illinois State University,  
13 Northeastern Illinois University, Northern Illinois  
14 University, and Western Illinois University.

15 (b) The Merit Board shall be composed of 11 members as  
16 follows: ~~3 of whom shall be members of the Board of Trustees~~  
17 ~~of the University of Illinois, one of whom~~

18 (1) Four Merit Board members shall be appointed by the  
19 Governor, from a list of employees of the various State  
20 Universities under the jurisdiction of the Merit Board who  
21 are considered exempt from the provisions contained in this  
22 Act in accordance with subdivisions (2), (3), and (4) of  
23 subsection (a) of Section 36e of this Act. The ~~a member of~~

1 ~~the~~ Board of Trustees of each State University shall submit  
2 the name of one of its exempt employees for consideration  
3 by the Governor. In this respect, Merit Board appointments  
4 shall take into consideration the geographic diversity of  
5 the University System. These appointments are subject to  
6 the advice and consent of the Senate. Each individual State  
7 University shall have no more than one member appointed to  
8 the Merit Board in this fashion. The University System  
9 shall collect the recommendations submitted in this  
10 fashion and submit them to the Governor for consideration  
11 and appointment. ~~of Southern Illinois University, one of~~  
12 ~~whom shall be a member of the Board of Trustees of Chicago~~  
13 ~~State University, one of whom shall be a member of the~~  
14 ~~Board of Trustees of Eastern Illinois University, one of~~  
15 ~~whom shall be a member of the Board of Trustees of~~  
16 ~~Governors State University, one of whom shall be a member~~  
17 ~~of the Board of Trustees of Illinois State University, one~~  
18 ~~of whom shall be a member of the Board of Trustees of~~  
19 ~~Northeastern Illinois University, one of whom shall be a~~  
20 ~~member of the Board of Trustees of Northern Illinois~~  
21 ~~University, and one of whom shall be a member of the Board~~  
22 ~~of Trustees of Western Illinois University. The 7 new~~  
23 ~~members required to be elected to the Merit Board by their~~  
24 ~~respective Boards of Trustees shall replace the 2 persons~~  
25 ~~who, until the effective date of this amendatory Act of~~  
26 ~~1995, served as members of the Merit Board elected from the~~

1 ~~Board of Governors of State Colleges and Universities and~~  
2 ~~the Board of Regents; and the terms of the members elected~~  
3 ~~to the Merit Board from the Board of Governors of State~~  
4 ~~Colleges and Universities and the Board of Regents shall~~  
5 ~~terminate on the effective date of this amendatory Act of~~  
6 ~~1995. The members of the Merit Board shall be elected by~~  
7 ~~the respective Boards in which they hold membership and~~  
8 ~~they shall serve at the pleasure of the electing Boards.~~

9 (2) Four Merit Board members shall be appointed by the  
10 Governor from current full-time civil service employees of  
11 the various State Universities under the jurisdiction of  
12 the Merit Board. Qualified employees interested in such  
13 appointment shall submit nominating petitions to the  
14 University System. The University System shall submit  
15 these names and nominating petitions to the Governor for  
16 consideration and appointment. In this respect, Merit  
17 Board appointments shall take into consideration the  
18 geographic diversity of the University System. Each  
19 individual State University shall have no more than one  
20 member appointed to the Merit Board in this fashion. These  
21 appointments are subject to the advice and consent of the  
22 Senate.

23 (3) Three Merit Board members shall be appointed by the  
24 Governor who are representative citizens and who are not  
25 current or former employees or current or former members of  
26 the Boards of Trustees of a State University. One member of

1       this group shall be designated by the Governor as the  
2       Chairperson of the Merit Board. These appointments are  
3       subject to the advice and consent of the Senate.

4       (c) Members of the Merit Board shall serve 4-year terms;  
5       however, 2 members initially appointed under subdivision (1) of  
6       subsection (b) of this Section shall be appointed for an  
7       initial term of 2 years, 2 members initially appointed under  
8       subdivision (2) of subsection (b) of this Section shall be  
9       appointed for an initial term of 2 years, and 2 members  
10       initially appointed under subdivision (3) of subsection (b) of  
11       this Section shall be appointed for an initial term of 2 years,  
12       and thereafter appointed for a 4-year term.

13       (d) No member of the Merit Board who is serving on the  
14       effective date of this amendatory Act of the 99th General  
15       Assembly shall continue in office after 30 calendar days from  
16       the effective date of this amendatory Act of the 99th General  
17       Assembly. After 30 calendar days from the effective date of  
18       this amendatory Act of the 99th General Assembly, all such  
19       appointments to the Merit Board shall be considered vacant and  
20       subject to the provisions provided in this amendatory Act of  
21       the 99th General Assembly.

22       (e) All members of the Merit Board shall serve without  
23       compensation but shall be reimbursed for any traveling expenses  
24       incurred in attending meetings of the Merit Board. Merit Board  
25       members as appointed under subdivisions (1) and (2) of  
26       subsection (b) of this Section shall maintain full employment

1 status, with wages and benefits to be maintained by their  
2 respective employers and shall be reimbursed by their  
3 respective employers for meeting and travel expenses.

4 (f) A majority of those members appointed as provided in  
5 this Section shall constitute a quorum of the Merit Board, and  
6 a majority of a quorum shall constitute a quorum of a committee  
7 of the Merit Board. The Merit Board may ~~shall determine the~~  
8 ~~number necessary for a quorum, elect its own chairman and set~~  
9 up an Executive Committee of its own members, which shall have  
10 all of the powers of the Merit Board except as limited by the  
11 Merit Board. The Chairperson of the Merit Board shall also  
12 serve as a member and Chairperson of the Executive Committee.

13 (g) The Merit Board shall cause to be elected a committee  
14 of not less than eleven members to be made up of Civil Service  
15 Employees, six of whom shall be nominated by and from the Civil  
16 Service Employees of the University of Illinois and one of whom  
17 shall be nominated by and from the Civil Service Employees of  
18 each of the other institutions specified in Section 36e, who  
19 will function in an advisory capacity to the Merit Board on all  
20 matters pertaining to the University System. This Advisory  
21 Committee shall meet at least quarterly, and members of the  
22 Committee shall maintain full employment status, with wages and  
23 benefits to be maintained by their respective employers.  
24 Members of the Committee shall be reimbursed by their  
25 respective employers for time lost from work and for expenses  
26 incurred in attending meetings of the Committee.

1 (Source: P.A. 89-4, eff. 1-1-96.)

2 (110 ILCS 70/36d) (from Ch. 24 1/2, par. 38b3)  
3 Sec. 36d. Powers and duties of the Merit Board.  
4 The Merit Board shall have the power and duty:-

5 (1) To approve a classification plan prepared under its  
6 direction, assigning to each class positions of  
7 substantially similar duties. The Merit Board shall have  
8 power to delegate to its Executive Director the duty of  
9 assigning each position in the classified service to the  
10 appropriate class in the classification plan approved by  
11 the Merit Board.

12 (2) To prescribe the duties of each class of positions  
13 and the qualifications required by employment in that  
14 class.

15 (3) To prescribe the range of compensation for each  
16 class or to fix a single rate of compensation for employees  
17 in a particular class; and to establish other conditions of  
18 employment which an employer and employee representatives  
19 have agreed upon as fair and equitable. The Merit Board  
20 shall direct the payment of the "prevailing rate of wages"  
21 in those classifications in which, on January 1, 1952, any  
22 employer is paying such prevailing rate and in such other  
23 classes as the Merit Board may thereafter determine.  
24 "Prevailing rate of wages" as used herein shall be the  
25 wages paid generally in the locality in which the work is

1 being performed to employees engaged in work of a similar  
2 character. Each employer covered by the University System  
3 shall be authorized to negotiate with representatives of  
4 employees to determine appropriate ranges or rates of  
5 compensation or other conditions of employment and may  
6 recommend to the Merit Board for establishment the rates or  
7 ranges or other conditions of employment which the employer  
8 and employee representatives have agreed upon as fair and  
9 equitable. Any rates or ranges established prior to January  
10 1, 1952, and hereafter, shall not be changed except in  
11 accordance with the procedures herein provided.

12 (4) To recommend to the institutions and agencies  
13 specified in Section 36e standards for hours of work,  
14 holidays, sick leave, overtime compensation and vacation  
15 for the purpose of improving conditions of employment  
16 covered therein and for the purpose of insuring conformity  
17 with the prevailing rate principal.

18 (5) To prescribe standards of examination for each  
19 class, the examinations to be related to the duties of such  
20 class. The Merit Board shall have the power to delegate to  
21 the Executive Director and his or her staff the  
22 preparation, conduct and grading of examinations.  
23 Examinations may be written, oral, by statement of training  
24 and experience, in the form of tests of knowledge, skill,  
25 capacity, intellect, aptitude; or, by any other method,  
26 which in the judgment of the Merit Board is reasonable and



1 practical for any particular classification. Different  
2 examining procedures may be determined for the  
3 examinations in different classifications but all  
4 examinations in the same classification shall be uniform.

5 (6) To authorize the continuous recruitment of  
6 personnel and to that end, to delegate to the Executive  
7 Director and his or her staff the power and the duty to  
8 conduct open and continuous competitive examinations for  
9 all classifications of employment.

10 (7) To cause to be established from the results of  
11 examinations registers for each class of positions in the  
12 classified service of the State Universities Civil Service  
13 System, of the persons who shall attain the minimum mark  
14 fixed by the Merit Board for the examination; and such  
15 persons shall take rank upon the registers as candidates in  
16 the order of their relative excellence as determined by  
17 examination, without reference to priority of time of  
18 examination.

19 (8) To provide by its rules for promotions in the  
20 classified service. Vacancies shall be filled by promotion  
21 whenever practicable. For the purpose of this paragraph, an  
22 advancement in class shall constitute a promotion.

23 (9) To set a probationary period of employment of no  
24 less than 6 months and no longer than 12 months for each  
25 class of positions in the classification plan, the length  
26 of the probationary period for each class to be determined

1 by the Executive Director.

2 (10) To provide by its rules for employment at regular  
3 rates of compensation of physically handicapped persons in  
4 positions in which the handicap does not prevent the  
5 individual from furnishing satisfactory service.

6 (11) To make and publish rules, to carry out the  
7 purpose of the State Universities Civil Service System and  
8 for examination, appointments, transfers and removals and  
9 for maintaining and keeping records of the efficiency of  
10 officers and employees and groups of officers and employees  
11 in accordance with the provisions of Sections 36b to 36q,  
12 inclusive, and said Merit Board may from time to time make  
13 changes in such rules.

14 (12) To appoint an Executive a Director and such  
15 assistants and other clerical and technical help as may be  
16 necessary to efficiently ~~to~~ administer Sections 36b to 36q,  
17 inclusive. To authorize the Executive Director to appoint a  
18 Designated Employer Representative (DER) ~~an assistant~~  
19 ~~resident~~ at the place of employment of each employer  
20 specified in Section 36e, and this DER ~~assistant~~ may be  
21 authorized to give examinations and to certify names from  
22 the regional registers provided in Section 36k.

23 (13) To submit to the Governor of this state on or  
24 before November 1 of each year prior to the regular session  
25 of the General Assembly a report of the University System's  
26 business and an estimate of the amount of appropriation

1 from state funds required for the purpose of administering  
2 the University System.

3 (Source: P.A. 82-524.)

4 (110 ILCS 70/36e) (from Ch. 24 1/2, par. 38b4)

5 Sec. 36e. Coverage.

6 (a) All employees of the Illinois Community College Board,  
7 State Community College of East St. Louis (abolished under  
8 Section 2-12.1 of the Public Community College Act), Southern  
9 Illinois University, Chicago State University, Eastern  
10 Illinois University, Governors State University, Illinois  
11 State University, Northeastern Illinois University, Northern  
12 Illinois University, Western Illinois University, University  
13 of Illinois, State Universities Civil Service System, State  
14 Universities Retirement System, the Illinois Student  
15 Assistance State Scholarship Commission, and the Board of  
16 Higher Education, shall be covered by the University System  
17 described in Sections 36b to 36q, inclusive, of this Act,  
18 except the following persons:

19 (1) The members and officers of the Merit Board and the  
20 Board ~~board~~ of Trustees ~~trustees~~, and the commissioners of  
21 the institutions and agencies covered hereunder.†

22 (2) The presidents and vice-presidents of each  
23 educational institution.†

24 (3) Other principal administrative appointments  
25 ~~employees~~ of each institution and agency, upon approval ~~as~~

1 ~~determined~~ by the Merit Board, in accordance with the  
2 following provisions:

3 (A) No person may be exempt under this subdivision  
4 (3) unless his or her position has been revised and  
5 approved for exemption by the Merit Board or by the  
6 Executive Director as delegated by the Merit Board.

7 (B) The authority to exempt persons and their  
8 corresponding positions under this subdivision (3)  
9 lies solely with the Merit Board or the Executive  
10 Director as delegated by the Merit Board, and such  
11 authority shall not be extended to any other employing  
12 institution or agency.

13 (C) The Merit Board shall provide public notice of  
14 each person and his or her corresponding position  
15 approved for exemption under this subdivision (3).

16 (4) The teaching, research and extension faculties of  
17 each institution and agency.

18 (5) Students employed under rules prescribed by the  
19 Merit Board, without examination or certification.

20 (b) All persons and their corresponding positions  
21 considered to be exempt under this Section are subject to audit  
22 and review by the Merit Board or the Executive Director as  
23 delegated by the Merit Board.

24 (Source: P.A. 97-333, eff. 8-12-11.)

1       Sec. 36t. General provisions.

2       (a) The Merit Board and any committees and subdivisions  
3 thereof are subject to all provisions of the Open Meetings Act.  
4 The Merit Board is a "public body" within the meaning of that  
5 term as set forth in the Open Meetings Act.

6       (b) The Merit Board and any committees and subdivisions  
7 thereof are subject to all provisions of the State Records Act.  
8 The Merit Board is an "agency" within the meaning of that term  
9 as set forth in the State Records Act.

10       (c) Notwithstanding any other provisions of law to the  
11 contrary, any authority granted to the Merit Board to make and  
12 publish rules is strictly limited to the requirements of the  
13 Illinois Administrative Procedure Act, and no authority for the  
14 Merit Board to make and publish rules exists outside of the  
15 requirements of the Illinois Administrative Procedure Act. The  
16 Merit Board is an "agency" within the meaning of that term as  
17 set forth in the Illinois Administrative Procedure Act.

18       (d) The Merit Board and any committees and subdivisions  
19 thereof are subject to all provisions of the State Officials  
20 and Employees Ethics Act. The Merit Board is considered a  
21 "State agency" within the meaning of that term as set forth in  
22 the State Officials and Employees Ethics Act.