



2018 Administrative Leadership Conference

What is an Academic Professional?
SUCSS revised procedures



Presented by...

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Please...

- Turn off cell phones.
- Please hold all questions until the end.
- Sign the attendance roster.
- Complete the evaluation at the end of the workshop.



Workshop Objectives

The State Universities Civil Service System (SUCSS) has adopted a new procedure that will impact who can be designated as Academic Professional (AP). This new definition will effect the approval of new positions as well as replacement of vacant positions. It may result in mandatory conversion to Civil Service (CS) for some existing positions.



Definitions

- What is the Civil Service Statute?
 - State Universities Civil Service Act 110 ILCS 70/36b
- What is SUCSS?
 - State Universities Civil Service System
- What is the Merit Board?
 - The governing body of the Civil Service System



All positions are presumed to be Civil Service except:

1. The members and officers of the Merit Board and the board of trustees, and the commissioners of the institutions and agencies covered hereunder;
2. The presidents and vice-presidents of each educational institution;
3. **Other principal administrative employees of each institution and agency as determined by the Merit Board;**
4. The teaching, research, and extension faculties of each institution and agency;
5. Students employed under rules prescribed by the Merit Board, without examination or certification.



Traditional SUCSS Enforcement =

- Biennial Audit
- Improperly designated positions were expected to be converted when vacated by the incumbent



So why change?

New procedure adopted February
2018 that will be effective October
2018

(The following are excerpts from the final draft of the new procedures.)



New definition applicable to Academic Professionals

“Principal Administrative Appointments (PAA) may be exempt pursuant to §36e(3) of the Act, whose primary duties constitute senior management or senior administrative functions for an entire university, campus, agency, administrative/business department/unit, or academic department/unit. If the position does not fit within the general scope, duties, or function of an existing civil service classification, the following criteria may be considered in determining whether the primary duties constitute senior management or senior administrative functions:

- A. Whether and to what extent the position has the authority to represent and obligate the university, campus, agency, or department/unit in matters of significance;
- B. Exemption as an executive or administrative employee according to the Fair Labor Standards Act, 29 USC 213(A)(1) duties test is necessary, but not alone sufficient to qualify for exemption under 36e(3) of the Act.



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- Notwithstanding the above criteria, specific positions exempted under 36e(3) include:
- A. The chancellor of each educational institution;
- B. The provost, vice provost or vice chancellor, associate and assistant chancellor, associate and assistant vice presidents, associate and assistant provost, associate and assistant vice provost, associate and assistant vice chancellor of each educational institution;
- C. The Executive Officer/Executive Director of the Illinois Community College Board, Illinois Student Assistance Commission, State Universities Retirement System, Illinois Board of Higher Education, and State Universities Civil Service System;
- D. Executive Director positions at each educational institution and agency;
- E. Positions that are professionally licensed/certified to practice within their respective fields and whose primary duties constitute the practice of that field who also possess a requisite degree within the field of study such as a MD, JD and MSW. Examples of these positions include physicians, veterinarians, dentists, pharmacists, licensed advanced practice providers, audiologists, genetics counselor, attorneys, engineers and architects. Note: other licensed/certified positions such as veterinary technicians, registered nurses, credentialed nursing assistants, lab technicians and other similar positions are not intended to be exempt.
- F. Executive policy advisors for each position identified in subparagraphs (2) above, and (i-iv), in this section;
- G. Positions whose primary duties constitute fundraising, advancement or development work for the institution.”



Additional Exemptions

- “In accordance with §36e of the Act, all positions are designated civil service, except for the following positions specified in §36e(4) of the Act:
- A. All faculty positions as determined by each university’s own internal processes.
- B. Teaching positions include those whose primary function is to instruct or counsel students of the institution or its Laboratory Schools, most specifically related to the normal academic curricula.
 - i. Positions with the primary duty of teaching, tutoring, instructing or lecturing in the activity of imparting knowledge, whether in the classroom, field, clinical, online or other similar forms of teaching. These teachers include regular academic teachers; teachers of kindergarten or nursery school pupils; teachers of gifted or disabled children; teachers of skilled and semi-skilled trades and occupations; teachers engaged in automobile driving instruction; aircraft flight instructors; home economics teachers; and vocal and instrumental music instructors; and athletic coaches or trainers. This excludes positions for which the primary duty is the teaching or training of other employees of the university or agency.
 - ii. Exemption pursuant to this subsection does not require that the position be a tenured or tenure-track position. These positions have traditionally been referred to as adjunct or extension, professor, teacher or instructor.
 - iii. Academic advising when that position is granted formal authority by an academic unit (university, college, school, or department) to approve the student's academic program of study and assist the student in progressing toward the appropriate degree.
 - iv. Positions for which the primary duty is recruiting students.
 - v. Residence hall directors.
 - vi. Deans, assistant deans, associate deans or other positions with primary administrative or supervisory responsibility for faculty exempt positions within a single department or program shall be exempt as teaching or extension faculty, respectively.



- C. Research positions primarily engaged in research activities, normally under the direct oversight of an academic department or college and are frequently funded by outside sources. Research in this context is not necessarily limited to the laboratory work typical of the physical sciences, but may also include field historical research, linguistic studies, archaeology, etc. Academic rank is not a prerequisite to inclusion of a particular position in this category. Likewise, those positions with primary administrative or supervisory responsibility for a group of employees falling within this category are considered exempt in accordance with this standard.
- D. Extension faculty positions as determined by each university's own internal processes include instructional positions created to provide both credit and non-credit instructional programs offered by the institution, which typically do not lead to a degree.
 - i. The non-credit component includes instructional programs, including but not limited to Early Childhood Education, Adult Education, Continuing Education, and English as a second language.
 - ii. Positions within this exemption category may be employed solely for the duration of the specific course(s) being offered, based on professional experience in a particular profession or industry, or may be subject-matter experts who are employed as regular academic staff members at another educational institution.
 - iii. A position with primary administrative or supervisory responsibility for a group of exempt extension faculty positions within a single department or program shall be exempt as extension faculty."



How will this be enforced?

- Biennial Audits
- Interactive Process
- Findings



Mandatory Conversion to Civil Service

- “Upon review if a position(s) meets the criteria of civil service employment, the university/agency will have the choice to convert the position/incumbent to the appropriate civil service classification:
 - 1. Immediately upon agreement with the employee, or
 - 2. When the current contract ends, which includes any institutional notice of non-reappointment period, or
 - 3. By the end of the fiscal or academic year or similar timeframe, or
 - 4. If the position becomes vacant.

NOTE: a position/incumbent must be converted within a maximum of 16 months from the University System decision that the position should be designated as civil service.”



Probationary Period

- “The incumbent will be required to complete a probationary period associated with the designated civil service classification/position. Time served in the previous exempt position will count towards the completion of the probationary period. Some specific examples follow:
 - Example 1: An employee was hired in an exempt position and has served 4 months in the position. It is determined that the position should be a civil service classification of Human Resource Associate which has a 12-month probationary period. Upon changing the position from exempt status to civil service, the employee would be required to complete the ‘remaining’ 8 months of the 12-month probationary period.
 - Example 2: An employee was hired as in an exempt position and has served 14 months in the position. It is determined that the position should be a civil service classification of Human Resource Associate which has a 12-month probationary period. Upon converting the position from exempt status to civil service, the employee would not be required to complete any additional probationary period.”



Seniority

- “Seniority is accrued from the date that it can reasonably be determined that the position description met the criteria (duties/responsibilities) of a civil service classification. This date can be determined based upon a historical evaluation of the job description for the position. In cases where there has been no significant change in the job description, seniority is accrued from the date of employment into the exempt position.
- Upon change to the civil service position, the employee will also begin accruing benefits no less than those prescribed in the Merit Board Policy Relating to Employee Benefits.”



Universities have the right to file an appeal with the Merit Board if they disagree with an audit finding

- 16 month time frame is running DURING the appeal
- Decision of the Merit Board is final



Other Considerations

- New Procedures impose a duty on the Universities to review (and convert if necessary) all AP positions every 3 years
- “As a means of helping insure the maintenance of position changes, University System employers shall establish and implement a cyclic review program wherein position descriptions for all exempt positions are reviewed by the University System employer for currency of job content and title *no less often than once every three years*. Exemption status changes discovered as a result of this review shall promptly be corrected and reported to the University System.”



Additional Penalties/Repercussions for non-compliance:

“Upon the recommendation of the Executive Director, or upon its own initiative, the Merit Board may take any necessary corrective or remedial action in an attempt to resolve incorrect exemption authorization issues. Such corrective or remedial action may take any specific form, as determined by the Merit Board, and will be based on the pattern of severity and history of the noncompliance issue(s). However, no remedial action will be taken that will result in interference with an employment contract, per notice rights as stated in section 3.3.”



New procedure provides opportunities for:

- a shift in perspective
- a positive culture change
- a more cohesive campus community



Differences between AP and CS

- Overtime
- Notice Rights
- Layoff and Discipline Procedures
- Hiring Process



Civil Service Hiring Considerations

- Change in Rule of 3
- Out of State
- UIS HR policy changes under consideration



Future Issues

- Grant-funded positions
- Abolishing certain CS classifications
- Creating more custom classes



UIS Audit scheduled for May 2019

Scope of Audit:

“Consistent with the audit charter, outcomes from the most recent audit conducted at each employer will be used to determine the scope of any subsequent audit(s). If circumstances warrant, and in consultation with the Merit Board, the position audit review may be expanded across multiple audit timeframes.”



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Questions?



Workshop Summary

The Merit Board and SUCSS office have adopted a new procedure for exempting positions from Civil Service.

There will be changes to the way Human Resources reviews and/or approves submitted positions.

Regardless of titles or process changes, UIS employees will still provide high quality service in support of meeting University academic, extracurricular, and community goals. We will continue to provide related information as we receive it.