

UNIVERSITY OF ILLINOIS  
AT URBANA - CHAMPAIGN

College of Agricultural, Consumer  
and Environmental Sciences

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SUCSS Hearing about AP Exemption Authority

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Statement:

Good afternoon. My name is Kathy Seybert. I am the Director of HR for the College of Agricultural, Consumer and Environmental Sciences (ACES) on the University of Illinois Urbana campus. I am here today to testify for the Urbana campus as one who has served the Urbana campus in Human Resources for 32 years and counting. I spent the first 20 years on the campus in the Office of Academic Human Resources where I worked firsthand with the academic professional position exemption process, and I continue to be involved in the exemption process at the college-level. Thus, I have firsthand experience and knowledge working through the exemption process both **before and after 1998**, when the exemption authority was transferred by the Merit Board to the universities.

As one with much experience with both models, I adamantly oppose the proposed amendment to remove the academic professional exemption authority from the universities in the State of Illinois. This action would irrefutably harm the University of Illinois by requiring that an outside agency assume the responsibility for a critical institutional decision-making process with far-reaching negative implications to the teaching, research, and public service and outreach mission of the University of Illinois. The existing principal administrative position exemption process is essential to ensure that our institution retains the flexibility required to maintain our standing as a pre-eminent teaching and research institution.

My reasons for opposing changing the exemption authority back to the Executive Director of SUCSS are the following:

- First, if the System takes back the exemption authority, the process of exempting a position from the civil service system and its logistics will make the hiring process and our ability to hire and respond quickly to the needs of this institution much more difficult (if not impossible) and considerably more time-consuming than the process we currently follow using the Standard title model we started using in 1998. If an average search now takes a total of 4-6 weeks to get a new academic professional on board, if past experience is any guide, we would need to add an additional 1 to 3 months to the

search process. That is an unacceptable delay for a Tier I Research institution like the University of Illinois.

- Second, by removing these important decisions and authority from the universities, the System will deny universities the ability to make sound decisions regarding their own organization and human capital.
- Third, transferring the exemption authority process back to the System may well represent the destruction of the academic professional employment category, because the System has demonstrated that it is inconsistent in its approach in evaluating whether a position should be civil service or academic professional.

I will say a bit about each of these points. And I also want to give you a bit of an historical perspective, because I was personally there and involved at the time.

- 1) Before 1998, in order to establish a new academic professional position, a department would submit a job description that would be reviewed internally by the College, the Campus, and the University before it was submitted to the System office for its review and approval. While I am certain that the System Office did their best to review each new request for exemption in a timely manner, they were responsible for reviewing PAPEs for every state institution, they admittedly were understaffed for the volume of requests, and they often did not understand the scope or the responsibilities of the positions regarding the exemptions. Thus, many AP exemption requests were returned to the university unapproved, and they had to be resubmitted multiple times with no guarantee of approval. In fact, it became common knowledge across the State that in order to be able to get a new AP position established and approved by the State Universities Civil Service System, that approval took 1 - 2 months (sometimes 3 - 4 months) in addition to the university's internal reviews. Thus, searches and critical hires were unnecessarily delayed. Frustration with this process was not limited to the University of Illinois at Urbana-Champaign.

In fact, in Fall of 1996, the Civil Service System Administrative Advisory Committee met with Walter Ingerski, the Executive Director of SUCSS at the time, to discuss complaints with the System's exemption process, including both the amount of time it took and the negative exemption decisions being made by the System. They advised Mr. Ingerski to meet with all of the state university Designated Employer Representatives (DERS) to discuss these issues and find solutions. A resulting statewide review committee was appointed consisting of DERS and two Merit Board members. Their final report and recommendations were presented to the Merit Board at their meeting in September of 1997. The recommendations included a total of 17 Exemption Standards (standard titles and standard job descriptions) as well as written procedures to be utilized by employers in the exemption of positions and, presumably, by the System in their biennial audits. The Merit Board reviewed and approved this new "system" for exempting academic professional positions and transferred the exemption authority to the universities themselves. This action greatly streamlined the exemption process, and the universities took this new responsibility seriously.

This is the process that the Urbana campus has been using responsibly and consistently since 1998. It has worked well until recent audits.

The System Office has fewer staff now than the System office had in 1997. I believe there are currently 11 staff, and the Executive Director announced at the last Merit Board meeting in November that he expected an additional 10% cut to his budget. It is extremely concerning to me that the System appears to have a significantly inadequate staffing capacity to take back the exemption authority, even if that authority is handed back to them.

- 2) Second, the universities and campuses are in the best position to understand the scope of their own operations, the job market, and best able to make appropriate decisions about whether a position should be academic professional or civil service with appropriate guidance. The System Office is too far removed from these academic operations.

At the November Merit Board Meeting, the Executive Director referred to a "Mathematical Formula" as an easy and effective tool to use to determine whether a position is exempt from the System or not. However, I understand that he has not yet shared that formula nor given further direction and clarification when the campus has asked for more guidance. I assure you that my College carefully reviews each request for an academic professional position, and I know that the Campus and University want to apply the correct criteria to our exemption review. I also want to make clear that I believe it is inappropriate to use only a mathematical formula to make such decisions. This is a process that requires complex analysis in interpreting the scope and independent judgment of a position. Again, this process is best decided at the local (i.e., campus) level by human resources professionals.

- 3) Third, I believe that transfer of the exemption authority could be destructive to our university's ability to continue using the academic professional employment category. The System has demonstrated its inconsistency in standards used to exempt academic professional positions exemptions, and I have concerns that it will continue to chip away at the university's ability to hire the workforce it needs to hire to remain competitive.

It appears that the System would prefer that most positions in state universities be converted to civil service positions. I have heard the Executive Director say in meetings that all university positions except faculty should be civil service positions, that all positions making under \$40,000 should be civil service, and later that all positions making under \$60,000 should be civil service. These comments are worrisome and trite.

By looking at the audits of the University of Illinois and other state universities, it is clear to me that there has been a rapid increase in negative compliance audit findings on the academic professional side, and not only for the University of Illinois. This trend is apparent all over the State. This fact leads me to believe that either something is missing from the directions for the procedures and standards used or there is a new disconnect between the System's interpretation and the universities' interpretation of the exemption criteria and standards. The Executive Director says that the negative audit findings is why he needs to take back the exemption authority, but I suggest universities may instead need clearer direction and guidelines and an understanding of the new standards the System has started using in auditing academic professional positions.

It concerns me that at the final audit meeting in June 2011, I understand the Urbana campus was told that we had an excellent ("clean") audit. Then almost 12 months later, when the final written audit findings were released, the campus was told that 122 of the 200 academic professional positions reviewed should be converted to civil service positions. Wouldn't that have been evident to the auditors after they conducted the compliance audit in the Spring of 2011? I find that change in the audit findings odd and concerning.

We currently have a system of review of positions that I think works well. The Urbana campus has followed this system of the Standard Titles in a consistent and responsible manner, but the number of negative findings by the System has suddenly changed, tripling in 2011 without sufficient explanation. While it may help to review what the campuses might do differently to improve their exemption processes, I would also turn the question around and respectfully urge the Merit Board members to inquire what the System Office is doing differently and what new criteria and standards they are applying within their audits that result in greatly increased negative audit results across the State.

I am asking as a representative of my College of ACES and as a human resources professional on the Urbana campus:


- 1) That the Merit Board **NOT** approve this proposed amendment on January 30, 2013 to change the exemption authority back to the System office, thus preventing this proposal from moving to the next level of the JCAR rule changing process. The Executive Director expressed in the last Merit Board meeting that he had timing concerns about the submission of this amendment to JCAR to comply with their rules. This is the reason he gave as to why he needed to schedule a vote on this matter at the January 30<sup>th</sup> Merit Board meeting.

- 2) Given the level of concern expressed by the stakeholder institutions this agency serves and the expressed concerns by members of the Merit Board itself, I respectfully urge the Merit Board not to focus on the JCAR timing issue but to instead allow us the time to work through the exemption process with the other state universities and the System office. Trustee Hasara, a Merit Board member, suggested just this resolution at the November Merit Board meeting – that a committee should be convened including HR representatives from all of the campuses (I would add including the UI Urbana campus), merit board members, as well as faculty and other academic leadership to come to a resolution with the System regarding the exemption criteria for academic professionals. This group can serve to reduce the Executive Director’s concerns regarding the AP exemptions and will assist the universities in understanding clear and common standards – standards that will also be applied in audits, resulting in a reduction of negative audit findings.
- 3) In fact, the committee proposed by Trustee Hasara could review the current standard titles and their descriptions with an eye to updating and clarifying them so that there is a common understanding of what criteria is appropriate to exempt these positions from the civil service system according to the exemptions allowed by Section 36e(3) of the Civil Service Statutes.
- 4) Finally, I understand that the Executive Director has recently appointed an advisory committee that is to meet next week about this matter. However, I am concerned that it appears he has not included anyone from the flagship campus in Urbana nor has he included Merit Board members, faculty and academic professionals as suggested by Trustee Hasara.

In closing, I respectfully request that the Merit Board vote against returning the exemption authority to the System and moving the issue to JCAR.

Thank you for the opportunity to speak to you today.

Respectfully Submitted,



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College of ACES