# MINUTES ILLINOIS CIVIL SERVICE COMMISSION July 20, 2006

# I. <u>OPENING OF MEETING AT 9:15 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS</u>

#### II. PRESENT

Chris Kolker, Chairman; Raymond W. Ewell, Betty A. Bukraba, and Barbara J. Peterson, Commissioners; Daniel Stralka, Executive Director; Andrew Barris of the Commission staff; Jan Oncken, Central Management Services; and Bob Greenlee, Governor's Office of Management and Budget,

#### III. APPROVAL OF MINUTES OF REGULAR MEETING HELD JUNE 15, 2006

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER EWELL AND THE MOTION ADOPTED 4-0 TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD JUNE 15, 2006.

# IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

# A. Report on Exempt Positions

<u>Agency</u>	Total Employees	No. of Exempt <u>Positions</u>
Aging	143	9
Agriculture	604	17
Arts Council	18	1
Capitol Development Board		
Central Management Services		
Children and Family Services		
Civil Service Commission		
Commerce & Econ. Opportunity		
Commerce Commission		
Corrections		
Criminal Justice Authority		
Deaf and Hard of Hearing Comm		
Developmental Disabilities Council		
Emergency Management Agency	107	1
Employment Security		
Environmental Protect. Agency		
Financial. & Prof. Regulation		
Guardianship and Advocacy		
Healthcare and Family Services		
Historic Preservation Agency		
Human Rights Commission		
Human Rights Department		
Human Services	. 14.930	62
Investment Board		
Labor		
Labor Relations Board Educational.		
Labor Relations Board Local		
Labor Relations Board State		
Law Enforce. Trng. & Standard Bd.		
Medical District Comm		
Military Affairs		
Natural Resources		
Pollution Control Board		
Prisoner Review Board		
Property Tax Appeal Board		
Public Health		
Revenue		
State Fire Marshal		
State Police		
State Police Merit Board		
State Retirement Systems		
Transportation		
Veterans Affairs		
Workers Comp. Commission		
r		
TOTALS	52,900	742

#### B. Governing Rule - Jurisdiction B Exemptions

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
  - 1. The Governor, or
  - 2. A departmental director or assistant director appointed by the Governor, or
  - 3. A board or commission appointed by the Governor, or
  - 4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
  - 5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
  - 6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
  - 7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.
- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
  - 1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
  - 2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board or commission.
  - 3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

\* \* \*

#### C. Requests for 4d(3) Exemption

- With regard to Item C, Executive Director Daniel Stralka reported that staff
  recommended approval since this is a unique position to the Illinois Department of
  Corrections, and the size of the agency justifies such a request.
- With regard to Item D, Executive Director Daniel Stralka reported that staff recommended approval of this legislative liaison position. This will bring the legislative staff of Illinois Department of Commerce & Economic Opportunity to four positions.
- With regard to Item E, Executive Director Daniel Stralka reported that he initially informed the agency that he had questions regarding potential overlap with the Media Administrator position and that staff would not be recommending approval until those issues could be satisfactorily addressed. Prior to the meeting, Ashish Patel, Operations Manager for the Illinois Lottery appeared to speak to the agency's request. As he was unaware of the previous communication, he requested that the Commission continue this request so the agency could respond to the Commission staff's concerns.
- With regard to Items F1-F5 and G1-G4, Executive Director Daniel Stralka explained that these positions are the product of Executive Order 6-2006 creating a Division of Shared Services in select agencies to perform similar administrative functions now performed independently in numerous state agencies. Items F1-F5 refer to the Public Safety Shared Services Center while Items G1-G4 refer to the Administrative and Regulatory Shared Services Center. These are the first two out of what is anticipated will be five Shared Services Centers grouped by agencies that have a common mission. It was noted that these are unique organizations in that they are located within agencies, yet the Director of each Division of Shared Services reports to the Governor, not the Agency head. The Commission was provided with a model organization chart for the Shared Services Centers which it is anticipated will be utilized for all of them reflecting this organizational structure.

Therefore, based on a review of the documentation submitted for these positions (including amended job descriptions for the Chief of Administration positions) and information provided to the staff, staff recommended approval but with several notations/concerns. First, it was previously acknowledged that the Chief of Administration position is written more as and will be functioning more like a traditional Chief of Staff position. The approval recommendation was based on that representation. Second, the conversion to Shared Services Centers is of such a grand scale that there will not be an overnight transition. It is anticipated that the first agencies will not transition until January, 2007 and future agencies will make the transition on a rolling basis. Third, while there has not been any in-depth analysis of this, it is anticipated that when the Shared Services Centers do become operational there will be a significant amount of overlapping responsibilities with an unknown number of current 4d(3) exempt positions. The areas of procurement and personnel were specifically noted.

Currently exempt 4d(3) positions with overlapping responsibilities will need to be identified in affected agencies and their exemptions reconsidered. It was represented to the Commission that the overall number of exempt positions will ultimately be reduced.

Bob Greenlee, Deputy Director for the Governor's Office of Management and Budget, appeared at the Commission meeting and spoke to the exemption requests for these positions. He noted that the desire to create a more efficient State government is what motivated the development of the Shared Services Center concept. They would ultimately have responsibility for all common transactional responsibilities in their respective areas. Another motivating factor was that within the near future, 25,000 current state employees would become retirement eligible which may result in a decimating institutional knowledge loss for the State. The creation of the Shared Services Centers would lessen the impact of this as information technology systems would be developed to standardize what are presently non-standardized transactional processes. In response to questions from the Chairman and Commissioners, Deputy Director Greenlee noted that the Shared Services Centers were intentionally not placed in the Department of Central Management Services but placed in similarly functioned agencies so they can share specialized knowledge. In addition, placing the Shared Services Centers in the Department of Central Management Services would create too much disconnect between the operational agencies and the functions they He noted that only agencies subject to the Executive will be performing. Reorganization Act would be affected by the Shared Services Centers which would be focused on transactional processing rather than policy decisions.

The Governor's Office of Management and Budget anticipates that there will be a short-term cost to implementing this initiative that will ultimately translate into long-term savings projected at \$110,000,000 over 5 years. It is anticipated that there will be exemption requests for 20-25 positions in all 5 Shared Services Centers upon full implementation, but a net loss in exempt positions will result from the abolition or rescission of exemptions in many currently exempt positions in the agencies the Shared Services Centers serve. There was a possibility that some of the agencies may still request the retention of a minimal number of principal policy positions even after the implementation of the Shared Services Centers.

• With regard to Item H, Executive Director Daniel Stralka noted that this is an extended vacant position that no longer qualifies for exemption as its principal policy responsibilities are being usurped with the implementation of the Public Safety Shared Service Center. Therefore, staff recommends rescission.

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER BUKRABA AND THE MOTION ADOPTED 4-0 TO GRANT, RESCIND AND CONTINUE THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

#### The following 4d(3) exemption requests were approved on July 20, 2006:

#### **Illinois Department of Corrections**

Position Number: 37015-29-00-000-00-01
Position Title: Public Service Administrator

Bureau/Division: Director's Office

Functional Title: Staff Assistant to the Director

Incumbent: None Supervisor: Director

Location: Sangamon County

#### Illinois Department of Commerce and Economic Opportunity

Position Number: 37015-42-00-230-00-01
Position Title: Public Service Administrator

Bureau/Division: Director's Office/Office of Legislative Affairs

Functional Title: Legislative Liaison

Incumbent: None

Supervisor: Manager of Legislative Affairs (reports to Director)

Location: Sangamon County

#### **Illinois Department of Corrections**

Position Number: 40070-29-40-000-00-01

Position Title: Senior Public Service Administrator Bureau/Division: Public Safety Shared Services Center

Functional Title: Center Director

Incumbent: None Supervisor: Governor

Location: Sangamon County

#### **Illinois Department of Corrections**

Position Number: 40070-29-40-100-00-01

Position Title: Senior Public Service Administrator Bureau/Division: Public Safety Shared Services Center

Functional Title: Chief of Administration

Incumbent: None

Supervisor: Center Director (reports to the Governor)

Location: Sangamon County

#### Illinois Department of Corrections

Position Number: 40070-29-40-200-00-01

Position Title: Senior Public Service Administrator Bureau/Division: Public Safety Shared Services Center

Functional Title: Human Resources Director

Incumbent: None

Supervisor: Center Director (reports to the Governor)

Location: Sangamon County

#### **Illinois Department of Corrections**

Position Number: 40070-29-40-300-00-01

Position Title: Senior Public Service Administrator Bureau/Division: Public Safety Shared Services Center

Functional Title: Chief Fiscal Officer

Incumbent: None

Supervisor: Center Director (reports to the Governor)

Location: Sangamon County

#### Illinois Department of Corrections

Position Number: 40070-29-400-00-01

Position Title: Senior Public Service Administrator Bureau/Division: Public Safety Shared Services Center

Functional Title: Projects Director

Incumbent: None

Supervisor: Center Director (reports to the Governor)

Location: Sangamon County

#### Illinois Department of Revenue

Position Number: 40070-25-12-000-00-01

Position Title: Senior Public Service Administrator

Bureau/Division: Administrative & Regulatory Shared Services Center

Functional Title: Center Director

Incumbent: None Supervisor: Governor

Location: Sangamon County

#### Illinois Department of Revenue

Position Number: 40070-25-12-100-00-01

Position Title: Senior Public Service Administrator

Bureau/Division: Administrative & Regulatory Shared Services Center

Functional Title: Administrative Director

Incumbent: None

Supervisor: Center Director (reports to the Governor)

Location: Sangamon County

#### Illinois Department of Revenue

Position Number: 40070-25-12-200-00-01

Position Title: Senior Public Service Administrator

Bureau/Division: Administrative & Regulatory Shared Services Center

Functional Title: Human Resources Director

Incumbent: None

Supervisor: Center Director (reports to the Governor)

Location: Sangamon County

#### Illinois Department of Revenue

Position Number: 40070-25-12-300-00-01

Position Title: Senior Public Service Administrator

Bureau/Division: Administrative & Regulatory Shared Services Center

Functional Title: Chief Fiscal Officer

Incumbent: None

Supervisor: Center Director (reports to the Governor)

Location: Sangamon County

#### The following 4d(3) exemption rescission was approved on July 20, 2006:

#### **Illinois Department of Corrections**

Position Number: 40070-29-11-200-00-01

Position Title: Senior Public Service Administrator

Bureau/Division: Finance & Administration

Functional Title: Manager, Fiscal Services Division

Incumbent: None

Supervisor: Deputy Director of Finance (reports to Director)

Location: Sangamon County

#### The following 4d(3) exemption request was continued to August 17, 2006:

#### Illinois Department of Revenue

Position Number: 37015-25-90-210-10-01
Position Title: Public Service Administrator

Bureau/Division: Lottery-Superintendent's Office Functional Title: Communications Manager

Incumbent: None

Supervisor: Lottery Superintendent (reports to Director)

Location: Cook County

#### V. AMENDMENTS TO CLASS SPECIFICATIONS

The Director of Central Management Services submitted the following class titles for creation and revision:

• Workers Compensation Insurance Compliance Investigator (new)

<u>Staff Analysis</u>: Assistant Executive Director Andrew Barris addressed the Commission regarding the creation of the Workers Compensation Insurance Compliance Investigator class specification. He informed the Commission that he spoke to John Logsdon, Central Management Services. Barris outlined the investigative duties of the class and noted that the union did not object to the creation of the class.

Criminal Intelligence Analyst 1 (revise)
 Criminal Intelligence Analyst 2 (revise)
 Criminal Intelligence Analyst Specialist (revise)

<u>Staff Analysis</u>: Assistant Executive Director Andrew Barris informed the Commission about the minor changes to the Criminal Intelligence Analyst series.

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER PETERSON AND THE MOTION ADOPTED 4-0 TO APPROVE THE CREATION AND REVISION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE AUGUST 1, 2006.

**Workers Compensation Insurance Compliance Investigator (new)** 

**Criminal Intelligence Analyst 1 (revise)** 

**Criminal Intelligence Analyst 2 (revise)** 

**Criminal Intelligence Analyst Specialist (revise)** 

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER EWELL AND THE MOTION ADOPTED 4-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.

#### VI. MOTION TO GO INTO EXECUTIVE SESSION

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER EWELL BY ROLL CALL VOTE THE MOTION ADOPTED 4-0 TO HOLD AN EXECUTIVE SESSION PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4) AND 2(c)(11) OF THE OPEN MEETINGS ACT.

KOLKER YES RICHARDS
PETERSON YES EWELL YES
BUKRABA YES

#### VII. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Suite S-901, Chicago, Illinois at 10:10 a.m.

#### **PRESENT**

Chris Kolker, Chairman; Raymond W. Ewell, Betty A. Bukraba, and Barbara J. Peterson, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris of the Commission staff.

#### VIII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code, however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services consecutive non-merit report as of June 30, 2006.

Agency	5/31/06	6/30/06
Agriculture	8	12
Central Management Services	3	3
Children and Family Services	10	8
Commerce and Economic Opportunity	2	2
Financial and Professional Regulation	6	6
Healthcare and Family Services	10	10
Historic Preservation	10	15
Human Rights Department	1	1
Human Services	3	3
Natural Resources	30	30
Property Tax Appeal Board	1	1
Transportation	23	25
Veterans Affairs	1	1
Totals	108	117

#### IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

#### • <u>DISCHARGE APPEAL</u>

#### **DA-28-06**

Petitioner	Steven R. Donaldson	Appeal Date	12/30/05
Agency	DOT	Decision Date	07/07/06
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Carrying firearms in	Recommended	Charges have been partially
	state truck; misuse of	Decision	proven and warrant
	state property and time		discharge.

IT WAS MOVED  $\mathbf{BY}$ **CHAIRMAN** KOLKER. **SECONDED** BY COMMISSIONER PETERSON AND THE MOTION ADOPTED 4-0 TO DENY THE REQUEST FOR ORAL ARGUMENT BEFORE THE COMMISSION. IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER PETERSON, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AND **ADOPT** THE **ADMINISTRATIVE** LAW RECOMMENDED DECISION THAT THE PARTIALLY PROVEN CHARGES WARRANT THE DISCHARGE OF THE RESPONDENT DUE TO THE SEVERITY OF THE VIOLATIONS REGARDING THE DISTRIBUTION OF FIREARMS.

KOLKER YES RICHARDS
PETERSON YES EWELL YES
BUKRABA YES

#### DISCHARGE APPEAL

#### **DA-35-06**

Petitioner	Kelly Meyer	Appeal Date	3/15/06
Agency	DHS	Decision Date	7/07/06
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Abuse of resident (hit	Recommended	Charges have not been proven
	patient on back of	Decision	by a preponderance of the
	head with open hand)		evidence.

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER EWELL, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION THAT THE CHARGES HAVE NOT BEEN PROVEN AND DO NOT WARRANT THE DISCHARGE OF THE RESPONDENT.

KOLKER	YES	RICHARDS	
<b>PETERSON</b>	YES	<b>EWELL</b>	YES
BUKRABA	YES		

#### • SUSPENSION APPEAL

#### <u>S-12-06</u>

Petitioner	Lorene Floyd	Appeal Date	8/22/05
Agency	DCFS	Decision Date	7/07/06
Type	Suspension	ALJ	Andrew Barris
Charge(s)	Misrepresentation of	Recommended	Charges have been partially
	information; negligent	Decision	proven and warrant the 29-
	performance; failure to		day suspension.
	follow a directive		

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL, AND BY ROLL CALL VOTE OF 3-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION THAT THE CHARGES HAVE BEEN PARTIALLY PROVEN AND WARRANT THE IMPOSITION OF A 29-DAY SUSPENSION. THE COMMISSION SPECIFICALLY NOTED THAT THE RESPONDENT NO LONGER WORKS FOR THE AGENCY. CHAIRMAN KOLKER ABSTAINED.

KOLKER RICHARDS
PETERSON YES EWELL YES
BUKRABA YES

#### X. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

#### • **DISMISSAL**

#### **DA-49-06**

Petitioner	Tim Strickland	Appeal Date	5/22/06
Agency	DHS	Decision Date	7/10/06
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Unauthorized	Recommended	Default (failure to appear at
	absences	Decision	hearing); dismissed subject to
			Commission approval.

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER PETERSON, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO APPROVE THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION DISMISSING THE APPEAL.

KOLKER	YES	RICHARDS	
<b>PETERSON</b>	YES	<b>EWELL</b>	YES
BUKRABA	YES		

#### • WITHDRAWN

#### **DA-50-06**

Respondent	Saul Tonielli	Appeal Date	6/01/06
Agency	DOC	Decision Date	6/21/06
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Affirmative	Recommended	Withdrawn; dismissed subject
	attendance (tardy)	Decision	to Commission approval.

#### • WITHDRAWN

#### **DA-52-06**

Respondent	James D. Wilson	Appeal Date	6/14/06
Agency	DOC	Decision Date	6/22/06
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Non-alert state (lying on	Recommended	Withdrawn; dismissed
	couch) with inmate residents	Decision	subject to Commission
	sitting around him; safety		approval.

#### • WITHDRAWN

#### **DA-53-06**

Respondent	Troy Whitaker	Appeal Date	6/14/06
Agency	DOC	Decision Date	7/10/06
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Falsified interviews with	Recommended	Withdrawn; dismissed
	Correctional Officers	Decision	subject to Commission
			approval.

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER PETERSON, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO APPROVE THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISIONS DISMISSING THE APPEALS OF THE PETITIONERS TONIELLI, WILSON AND WHITAKER.

KOLKER	YES	<b>RICHARDS</b>	
<b>PETERSON</b>	YES	<b>EWELL</b>	YES
BUKRABA	YES		

#### XI. AMENDMENT TO THE PERSONNEL RULES

#### **Section 302.150 Appointment and Status:**

The following types of appointment and status may be made by the Director:

•••

j. Interim Assignment: For a certified non-bargaining unit employee assigned to perform on a full-time interim basis and be accountable for the higher-level duties and responsibilities of a non-bargaining unit position.

The position shall have higher-level duties and responsibilities within the same broadband position classification or a position classification with a higher pay grade or range. The interim assignment shall be to a position within the same agency. The agency shall provide written justification of the need for the interim assignment and the interim assignment occurs upon the approval of the Director of Central Management Services. The initial interim assignment of the employee to the position shall not exceed six months but may be extended in six-month increments upon the approval of the Director of Central Management Services. The employee shall be qualified for the position with higher-level duties and responsibilities, and request a leave of absence from the current position to accept the interim assignment

Executive Director Daniel Stralka advised the Commission of the proposed amendment to the Personnel Rules.

#### XII. STAFF REPORT

Executive Director Daniel Stralka reported that:

- Lease negotiations are ongoing. The landlord has tentatively approved the Commission's build-out requests.
- The FY07 Management Plan has been submitted to the Office of Management and Budget.
- The mileage reimbursement rate has been increased to \$.445 effective July 1, 2006.
- James Brennan, Chairman of the Illinois Executive Ethics Commission, contacted the Executive Director to learn more of the role of the Civil Service Commission in the overall investigatory and disciplinary process for State employees.

## XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, August 17, 2006 at 9:00 a.m. in the Commission's Chicago office.

## XIV. MOTION TO ADJOURN

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER BUKRABA AND THE MOTION ADOPTED 4-0 TO ADJOURN THE MEETING AT 10:25 A.M.