

January 17, 2014

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
January 17, 2014

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 1:30 P.M. AT 607 EAST ADAMS STREET, SUITE 801, SPRINGFIELD, ILLINOIS

II. PRESENT

Garrett P. FitzGerald, Chairman; James B. Anderson, Anita M. Cummings, Susan Moylan Krey, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director; Elizabeth Whitehorn (by telephone), Janice Bonneville, Roneta Taylor (by telephone), Mark Magill (by telephone), and Mike Quinlan (by telephone), Illinois Department of Central Management Services; Mary Killough (by telephone) and Sara Han (by telephone), Illinois Department on Aging; Siobhan Johnson, Illinois Department of Public Health; Lainie Krozel (by telephone), Matthew Bilinsky (by telephone), and Ryan McCoy (by telephone), Illinois Department of Revenue; and Beth Duesterhaus (by telephone) Administrative & Regulatory Shared Services Center.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD DECEMBER 20, 2013

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 5-0 TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD DECEMBER 20, 2013.

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

At this time, in accordance with the Open Meetings Act and the Rules of the Civil Service Commission, Executive Director Daniel Stralka offered an opportunity for any person to address members of the Commission. Hearing no response, the meeting proceeded to the next agenda item.

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

A. Report on Exempt Positions from Illinois Dept. of Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	136.....	16
Agriculture	325.....	17
Arts Council	16.....	2
Capitol Development Board.....	46.....	0
Central Management Services	1,437.....	113
Children and Family Services	2,699.....	50
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	365.....	66
Commerce Commission.....	74.....	0
Corrections.....	10,776.....	99
Criminal Justice Authority	56.....	5
Deaf and Hard of Hearing Comm.....	7.....	1
Developmental Disabilities Council.....	8.....	1
Emergency Management Agency.....	84.....	5
Employment Security	1,405.....	30
Environmental Protection Agency.....	800.....	17
Financial & Professional Regulation.....	406.....	45
Gaming Board	146.....	6
Guardianship and Advocacy	102.....	7
Healthcare and Family Services	2,046.....	25
Historic Preservation Agency.....	153.....	15
Human Rights Commission.....	13.....	2
Human Rights Department	140.....	9
Human Services	11,195.....	76
Illinois Torture Inquiry Relief Commission	4.....	1
Insurance	213.....	16
Investment Board	3.....	2
Juvenile Justice.....	976.....	21
Labor.....	87.....	11
Labor Relations Board Educational.....	9.....	2
Labor Relations Board State.....	17.....	2
Law Enforcement Training & Standards Bd.	18.....	2
Lottery.....	138.....	6
Military Affairs	122.....	3
Natural Resources	1,087.....	30
Pollution Control Board	21.....	2
Prisoner Review Board.....	16.....	0
Property Tax Appeal Board.....	28.....	1
Public Health.....	1,059.....	41
Racing Board.....	2.....	1
Revenue.....	1,678.....	51
State Fire Marshal	129.....	12
State Police.....	1,063.....	5
State Police Merit Board	5.....	1
State Retirement Systems	96.....	2
Transportation	2,158.....	0
Veterans' Affairs.....	1,269.....	9
Workers' Compensation Commission.....	134.....	10
TOTALS	42,771.....	838

B. Governing Rule – Section 1.142 Jurisdiction B Exemptions

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
 - 1) The amount and scope of principal policy making authority;
 - 2) The amount and scope of principal policy administering authority;
 - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
 - 4) The capability to bind the agency, board or commission to a course of action;
 - 5) The nature of the program for which the position has principal policy responsibility;
 - 6) The placement of the position on the organizational chart of the agency, board or commission;
 - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

* * *

C. Requests for 4d(3) Exemption

Executive Director Daniel Stralka reported the following regarding the proposed 4d(3) exemption requests:

- As to Items C1 and C2, these requests are from the Department on Aging and are for a Senior Colbert Administrator who reports to a Deputy Director who reports to the Director, and a Transition and Research Administrator who reports to the Senior Colbert Administrator. Both these requests are tied to the Colbert Decree which is a settlement from a class action lawsuit with 16,000 – 17,000 class members. They are seniors and persons with physical or mental disabilities who are eligible for long-term care which costs approximately \$3000 per month per person. The Colbert Decree establishes an individual service plan for each person which allows them to reside in the least restrictive and most community-integrated setting. The Decree was approved in December 2011 and an Implementation Plan was filed on November 8, 2012. This Implementation Plan contemplated a three year period to end in May 2015 and was to be led by the Department of Healthcare and Family Services. However, the first benchmarks were missed and Aging has now become the new lead agency. It is seeking these two exemptions for positions that would oversee and guide the implementation.

The first position functions essentially as the agency's liaison to all legal-related matters relative to the Colbert Decree. It has the authority to commit the agency to actions necessary to come in compliance with the Decree and Implementation Plan. The second position functions essentially as the agency's liaison to the various service providers for these individuals to ensure the benchmarks of the Implementation Plan are met.

Staff is prepared to recommend approval of these requests. The only concern was whether these should be a term exemption since the Implementation Plan presently has a completion date of May 5, 2015. However, it appears likely that the Implementation Plan will go on beyond that date since the first benchmarks were not met. In addition, it is likely that even once the Colbert Decree Implementation Plan is completed, the agency will be entitled to one or more principal policy exempt positions to operate the program being implemented as a result of the Colbert Decree. Therefore, Staff recommended approval of these requests but will notice them up for proposed rescission in May 2015 to reevaluate the Implementation Plan progress with the agency as well as to reevaluate for continued eligibility for exemption.

Executive Director Stralka then inquired about the transition of the lead agency responsibilities. Mary Killough, representing Department on Aging, indicated that an Interagency Agreement is being prepared for implementation this coming Tuesday. Chairman FitzGerald inquired if residents are presently being impacted by this new process. Mary Killough indicated that several thousand have gone through this new plan for reevaluating their long-term care options.

- As to Item D, this request is from the Department of Agriculture and is for an Assistant State Fair Manager, a position that reports to the State Fair Manager who reports to the Assistant Director who reports to the Director. The agency submitted a clarified position description on Tuesday which did not leave sufficient time for Staff to review it or send to the Commissioners. The agency agreed to request a continuance.
- As to Item E, this request is from Central Management Services and is for a Deputy Director of Benefits, a position that reports to the Deputy Director who reports to the Chief Administrative Officer who reports to the Director. This Bureau oversees most of the benefits programs offered to all State employees such as group insurance, deferred compensation, etc. Group insurance alone impacts over 450,000 people. Recently, responsibility for additional programs, mainly retiree group insurance, was added to the Bureau. That appears to be what prompted this request. Staff made a number of inquiries regarding the specifics of this position's responsibilities, specifically because the response referenced "procurement responsibilities." This is a questionable area to support an exemption since SB51 placed ultimate procurement authority with the Executive Ethics Commission. Staff was unable to obtain a sufficiently detailed response as to what those entailed so the agency indicated it would have a representative present for further explanation.

Janice Bonneville, Deputy Director-Human Resources at the Illinois Department of Central Management Services, responded by noting the significant non-procurement responsibilities of the position. It would function as a subject matter expert for collective bargaining purposes and assist the Deputy Director in responding to Union proposals. She confirmed that it would not have ultimate decision-making authority. As to procurement, it is accurate that the Executive Ethics Commission is ultimately responsible for procurement. However, the Bureau of Benefits is responsible for identifying agency needs and structuring proposals to ensure that those needs are met. This position would also evaluate and score bids. She concluded by noting that this position has necessary authority to act on behalf of the Deputy Director in their absence which is significant in a Bureau managing a \$2,300,000,000 program. Chairman FitzGerald inquired about this position's staff. Janice Bonneville indicated it has two direct reports and eight others in its unit while adding that the Bureau itself has over 100 employees. Roneta Taylor, Central Management Services-Technical Services, added that there was only one other exempt position in the Bureau. Commissioner Cummings asked about the position's decision-making authority. Janice Bonneville indicated it has input in collective bargaining, but ultimate decision making authority in such matters involves numerous individuals. Elizabeth Whitehorn suggested comparing the Bureau of Benefits to the Bureau of Communication and Computer Services which has a significant number of exempt positions. Chairman FitzGerald asked about its bargaining unit status. Matthew Bilinsky, Labor Relations-Illinois Department of Revenue, replied that it was excluded.

- As to Item F, this request is from the Department of Children & Family Services and is for a Chief Labor Relations Administrator, a position that reports to the Deputy Director of Human Resources who reports to the Director. It has principal policy responsibility for conducting collective bargaining negotiations on behalf of the agency, a function that has historically supported a principal policy exemption. This position was previously granted an exemption that was rescinded last November due to extended vacancy. The agency has represented that it now has a candidate selected with an immediate start date. For these reasons, Staff recommended approval of this request.
- As to Item G, this request is from the Department of Commerce and Economic Opportunity and is for a Manager of Legislative Research and State Mandates, a position that reports to the Manager of Legislative Affairs who reports to the Director. It essentially functions as a legislative liaison. This position was also previously granted an exemption that was rescinded last November due to extended vacancy. The agency indicated that the position has now been excluded from the bargaining unit and it is prepared to fill the position this month. For these reasons, Staff recommended approval of this request.
- As to Item H, This request is from the Department of Public Health and is for a Medical Cannabis Division Chief, a position that reports to the Deputy Director who reports to the Director. It has principal programmatic responsibility for developing and implementing policy with regard to the establishment and maintenance of a confidential registry of patients authorized to use cannabis and their caregivers as set forth in the Medical Cannabis Pilot Program Act. This past October, the Commission granted exemptions for positions in the Department of Agriculture and the Department of Financial and Professional Regulation for their related statutory responsibilities under the Act. For these reasons, Staff recommended approval of this request, but only until January 1, 2018 which is when the Act expires by its terms. Chairman FitzGerald inquired about the responsibilities of the several agencies under the Act. Executive Director Stralka provided a brief explanation as to each agency's scope of authority which Siobhan Johnson agreed with.
- As to Item I, this request is from the Department of Revenue and is for a Policy Advisor, a position that reports to the Director. This position essentially functions as a special assistant to the Director with its primary responsibility to ensure that new legislation affecting the agency is implemented in a timely and efficient fashion. It does the same with findings and recommendations that result from both internal and external audits. This is the only policy advisor position at the Department of Revenue so given its size as well as the scope of its mission, Staff recommended approval of this request. Matthew Bilinsky, Labor Relations-Illinois Department of Revenue, added that this position will be integral in ensuring that the average of 12 statutory changes to the Revenue Act that occur each legislative session are implemented in a proper and timely fashion as well as the various federal and State regulatory changes.

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- As to Item J, The Department of Revenue has requested that this be continued to the February meeting.

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER ANDERSON, AND THE MOTION ADOPTED 5-0 TO CONTINUE THE REQUEST FOR 4D(3) EXEMPTION TO THE FEBRUARY 21, 2014 MEETING:

- D: Assistant Illinois State Fair Manager, Agriculture**
- J: Assistant General Counsel, Revenue**

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 5-0 TO GRANT THE REQUEST FOR 4D(3) EXEMPTION THROUGH JANUARY 1, 2018 FOR THE FOLLOWING POSITION:

- H: Medical Cannabis Division Chief, Public Health**

IT WAS MOVED BY COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 5-0 TO GRANT THE REQUEST FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

- C1: Senior Colbert Administrator, Aging**
- C2: Transition and Research Administrator, Aging**
- E: Assistant Deputy Director-Benefits, Central Management Services**
- F: Chief Labor Relations Administrator, Children & Family Services**
- G: Manager of Legislative Research and State Mandates, Commerce and Economic Opportunity**
- I: Policy Advisor, Revenue**

The following 4d(3) exemption requests were continued to February 21, 2014 on January 17, 2014:

D. Illinois Department of Agriculture

Position Number	40070-11-12-000-00-02
Position Title	Senior Public Service Administrator
Bureau/Division	Illinois State Fair
Functional Title	Assistant Illinois State Fair Manager
Incumbent	Vacant
Supervisor	Illinois State Fair Manager who reports to the Assistant Director, who in turn reports to the Director
Location	Sangamon County

J. Illinois Department of Revenue

Position Number	40070-25-07-100-00-02
Position Title	Senior Public Service Administrator
Bureau/Division	Legal Services Office/Administrative Office
Functional Title	Assistant General Counsel
Incumbent	Vacant
Supervisor	General Counsel, who reports to the Director
Location	Sangamon County

The following 4d(3) exemption request was granted January 17, 2014 through January 1, 2018:

H. Illinois Department of Public Health

Position Number	40070-20-31-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Health Promotion-Medical Cannabis
Functional Title	Medical Cannabis Division Chief
Incumbent	Vacant
Supervisor	Deputy Director-Health Promotion, who reports to the Deputy Director, who in turn reports to the Director
Location	Sangamon County

The following 4d(3) exemption requests were granted on January 17, 2014:

C1. Illinois Department on Aging

Position Number	40070-47-00-020-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Transition and Community Relations
Functional Title	Senior Colbert Administrator (related to the Colbert Decree)
Incumbent	Vacant
Supervisor	Deputy Director who reports to the Director
Location	Cook County

C2. Illinois Department on Aging

Position Number	40070-47-00-020-10-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Transition and Community Relations
Functional Title	Transition & Research Administrator (related to the Colbert Decree)
Incumbent	Vacant
Supervisor	Senior Colbert Administrator who reports to the Deputy Director who in turn reports to the Director
Location	Cook County

E. Illinois Department of Central Management Services

Position Number	40070-37-30-000-01-01
Position Title	Senior Public Service Administrator
Bureau/Division	Benefits
Functional Title	Assistant Deputy Director
Incumbent	Vacant
Supervisor	Deputy Director who reports to Chief Administrative Officer, who in turn reports to the Acting Director
Location	Sangamon County

F. Illinois Department of Children & Family Services

Position Number	40070-16-07-100-00-01 (previously rescinded on 11/15/13)
Position Title	Senior Public Service Administrator
Bureau/Division	Labor Relations
Functional Title	Chief Labor Relations Administrator
Incumbent	Vacant
Supervisor	Deputy Director-Human Resources who reports to the Director
Location	Cook County

G. Illinois Department of Commerce & Economic Opportunity

Position Number	37015-42-00-230-00-01 (previously rescinded on 11/15/13)
Position Title	Public Service Administrator
Bureau/Division	Legislative Affairs
Functional Title	Manager of Legislative Research and State Mandates
Incumbent	Vacant
Supervisor	Manager of Legislative Affairs who reports to the Director
Location	Sangamon County

I. Illinois Department of Revenue

Position Number	40070-25-00-100-30-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Policy Advisor
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

VI. CLASS SPECIFICATIONS

- None submitted

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.

VII. MOTION TO CLOSE A PORTION OF THE MEETING

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0 TO CLOSE A PORTION OF THE MEETING PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT.

FITZGERALD	YES	ANDERSON	YES
CUMMINGS	YES	KREY	YES
URLACHER	YES		

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VIII. RECONVENE THE OPEN MEETING

Upon due and proper notice the regular open meeting of the Illinois Civil Service Commission was reconvened at 607 East Adams Street, Suite 801, Springfield, Illinois at 2:00 p.m.

PRESENT

Chairman Garrett P. FitzGerald; James B. Anderson, Anita M. Cummings, Susan Moylan Krey, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris, Assistant Executive Director.

IX. 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.

Agency	11/30/13	12/31/13	12/31/12
Aging	1	0	1
Agriculture	0	0	0
Central Management Services	0	0	1
Children and Family Services	1	0	4
Healthcare and Family Services	0	0	5
Historic Preservation Agency	0	0	0
Human Services	0	0	2
Natural Resources	1	0	3
Revenue	0	0	2
Transportation	0	0	0
Veterans' Affairs	0	0	0
Totals	3	0	18

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X. INTERLOCUTORY APPEALS

S-10-14

Employee	Michelle M. Barber	Appeal Date	12/02/13
Agency	Human Services	Decision Date	12/18/13
Type	Suspension	ALJ	Andrew Barris
Issue(s)	Motion To Dismiss filed for no jurisdiction	Proposal for Decision	Grant the Motion to Dismiss subject to approval of Commission; no jurisdiction.

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL TO GRANT THE MOTION TO DISMISS.

**FITZGERALD YES ANDERSON YES
CUMMINGS YES KREY YES
URLACHER YES**

S-11-14

Employee	Kamil Jackson	Appeal Date	12/09/13
Agency	Corrections	Decision Date	01/07/14
Type	Suspension	ALJ	Andrew Barris
Issue(s)	Failure to file requested materials and no show at scheduled hearing date	Proposal for Decision	Dismiss subject to approval of Commission; default.

IT WAS MOVED BY COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KREY, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL TO GRANT THE MOTION TO DISMISS.

**FITZGERALD YES ANDERSON YES
CUMMINGS YES KREY YES
URLACHER YES**

XI. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEALS

DA-4-14

Employee	Edward D. Dotson	Appeal Date	08/30/13
Agency	Human Services	Decision Date	01/03/14
Appeal Type	Discharge	Proposal for Decision	Discharge upheld.
ALJ	Andrew Barris		

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IT WAS MOVED BY COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL THAT THE WRITTEN CHARGES FOR DISCHARGE HAVE BEEN PROVEN AND WARRANT DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED JANUARY 3, 2014.

FITZGERALD	YES	ANDERSON	YES
CUMMINGS	YES	KREY	YES
URLACHER	YES		

XII. APPEAL DISMISSED WITH NO DECISION ON MERITS

DA-9-14

Employee	Shieata M. Taylor	Appeal Date	12/02/13
Agency	Human Services	Decision Date	12/24/13
Appeal Type	Discharge	Proposal for	Dismissed subject to approval of Commission; withdrawn.
ALJ	Daniel Stralka	Decision	

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL TO DISMISS THE APPEAL AFTER IT WAS WITHDRAWN ON DECEMBER 23, 2013.

FITZGERALD	YES	ANDERSON	YES
CUMMINGS	YES	KREY	YES
URLACHER	YES		

XIII. STAFF REPORT

Executive Director Daniel Stralka reported that:

- He met with Hilary Segura, our legislative contact with the Governor's Office, to discuss potential legislative issues that may affect the Civil Service Commission.
- Brian Collins, the Commission's Chief Fiscal Officer, will be leaving the Commission effective January 31, 2014. All the Commissioners expressed their gratitude for Brian's service and wished him well in his new position.

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XIV. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held on Friday, February 21, 2014 at 11:00 a.m. in the Commission's Chicago office.

XV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 2:10 P.M.