

January 21, 2011

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
January 21, 2011

I. OPENING OF MEETING AT 11:10 A.M. AT 160 N. LASALLE ST., SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman (by telephone); Raymond W. Ewell, Barbara J. Peterson (by telephone), Betty A. Bukraba, and Ares G. Dalianis, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director (by telephone); Jan Oncken, Roneta Taylor (by telephone), Bill Lipsmire (by telephone) and Mark Magill (by telephone), Illinois Department of Central Management Services; Bridget Devlin (by telephone), Illinois Department of Commerce and Economic Opportunity; Miguel Calderon (by telephone), Illinois Emergency Management Agency; and Jimmie Miller (by telephone), Illinois Department of Veterans' Affairs.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD DECEMBER 17, 2010

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED 5-0 TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 17, 2010.

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

A. Report on Exempt Positions

<u>Agency</u>	<u>Total Employees</u>	<u>No. of Exempt Positions</u>
Aging	145.....	10
Agriculture	427.....	16
Arts Council.....	19.....	2
Capitol Development Board	46.....	0
Central Management Services	1,397.....	115
Children and Family Services	2,935.....	48
Civil Service Commission	4.....	0
Commerce & Economic Opportunity	425.....	66
Commerce Commission.....	76.....	0
Corrections.....	11,375.....	103
Criminal Justice Authority.....	60.....	5
Deaf and Hard of Hearing Comm.	7.....	1
Developmental Disabilities Council	9.....	1
Emergency Management Agency	92.....	7
Employment Security.....	1,937.....	29
Environmental Protection Agency	907.....	16
Financial & Professional Regulation	480.....	41
Gaming Board.....	86.....	5
Guardianship and Advocacy	108.....	7
Healthcare and Family Services.....	2,255.....	25
Historic Preservation Agency	199.....	9
Human Rights Commission	14.....	2
Human Rights Department	138.....	8
Human Services	13,260.....	77
Insurance.....	250.....	11
Investment Board.....	2.....	1
Juvenile Justice	1,182.....	20
Labor.....	77.....	7
Labor Relations Board Educational	12.....	2
Labor Relations Board State	18.....	2
Law Enforcement Training & Standards Bd.....	16.....	2
Medical District Commission	2.....	0
Military Affairs	123.....	3
Natural Resources	1,223.....	26
Pollution Control Board.....	21.....	1
Prisoner Review Board	19.....	0
Property Tax Appeal Board	23.....	1
Public Health.....	1,065.....	42
Racing Board	2.....	0
Revenue	1,993.....	56
State Fire Marshal.....	137.....	12
State Police	1,284.....	4
State Police Merit Board.....	6.....	1
State Retirement Systems	85.....	2
Transportation.....	2,402.....	0
Veterans' Affairs.....	1,207.....	7
Workers' Compensation Commission	173.....	8
TOTALS	47,723.....	801

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:

- As to Item C, this request is for the Senior Home Administrator in the Department of Veterans' Affairs, a position that reports to the agency Director. This position has principal policy responsibility for the operation of the Veterans' Homes to ensure that all aspects of their functioning and the standards of care it provides residents are in accordance with State and federal laws and regulations. Given the importance of this program to the agency's mission, Staff recommended approval of this request.
- As to Items D1 & D2, these requests are to continue the temporary exemptions for the Senior Policy Advisor and Community Outreach Officer at the Illinois Emergency Management Agency, positions that report to the Director. These positions were first granted 4d(3) exemption in August of 2008 but for 12 months only as there were concerns regarding whether they would be placed in a collective bargaining unit at that time. For the same reason the exemptions were approved for an additional 12 months in August of 2009 and then 6 months in August of 2010. The agency is again requesting exemption for these positions. The present status is that the Illinois Labor Relations Board has voted to include the positions in a bargaining unit, but the agency appealed that decision. The appeal remains pending. It was the Staff recommendation that the Commission grant another 12 month extension of exempt status for these two positions while the litigation remains pending. Staff noted that it appears the Community Outreach position has never been filled since it was first granted exempt status. Chairman Kolker agreed with this recommendation, noting that an adverse determination on the pending appeal may negatively impact the continued exemption of these positions.
- As to Item E, this request is for the Deputy Director of Urban Assistance in the Department of Commerce and Economic Opportunity, a position that reports to the Director. This function was first approved for exemption back in 2007, but as a Public Service Administrator. Additional responsibilities have recently been added to the function which prompted the agency to make this exemption request, but for a Senior Public Service Administrator. For this reason, Staff recommended approval of this request.
- As to Item F, this request is to rescind the exemption for the Public Service Administrator position which has had its position description clarified to reflect its new responsibilities as the Assistant Deputy Director of the Department of Commerce and Economic Opportunity. For this reason, Staff recommended approval of this request.

- As to Item G, this request is to rescind the exempt status of the Deputy General Counsel for the Illinois Department of Public Health. Since this position reported to the General Counsel, Staff determined that an adequate level of managerial control will exist in this program so it recommended approval of this request.

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

- C: Senior Home Administrator (DVA)**
- D1: Senior Policy Advisor (EMA)**
- D2: Community Outreach Officer (EMA)**
- E: Deputy Director of Urban Assistance (CEO)**

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL, AND THE MOTION ADOPTED 5-0 TO GRANT THE REQUEST TO RESCIND THE EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS:

- F: Assistant Deputy Director of Urban Assistance (CEO)**
- G: Deputy General Counsel (DPH)**

The following 4d(3) exemption requests were granted on January 21, 2011:

C. Illinois Department of Veterans' Affairs

Position Number	40070-34-00-000-20-01
Position Title	Senior Public Service Administrator
Bureau/Division	Administration
Functional Title	Senior Home Administrator
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

D1. Illinois Emergency Management Agency – granted for 12 months¹

Position Number	37015-50-17-040-00-03
Position Title	Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Senior Policy Advisor
Incumbent	Phil Anello
Supervisor	Director
Location	Sangamon County

¹Agenda Item D1 was granted exemption for a period of 12 months to February 20, 2012.

D2. Illinois Emergency Management Agency – granted for 12 months²

Position Number	37015-50-17-000-10-04
Position Title	Public Service Administrator
Bureau/Division	Director’s Office
Functional Title	Community Outreach Officer
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

E. Illinois Dept. of Commerce & Economic Opportunity

Position Number	40070-42-00-030-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Urban Assistance
Functional Title	Deputy Director of Urban Assistance
Incumbent	Vacant
Supervisor	Director
Location	Cook County

The following 4d(3) exemptions were rescinded on January 21, 2011:

F. Illinois Dept. of Commerce & Economic Opportunity

Position Number	37015-42-00-030-10-01
Position Title	Public Service Administrator
Bureau/Division	Urban Assistance
Functional Title	Assistant Deputy Director of Urban Assistance
Incumbent	Vacant
Supervisor	Deputy Director of Urban Assistance, who reports to the Director
Location	Cook County

G. Illinois Department of Public Health

Position Number	40070-20-02-100-00-81
Position Title	Senior Public Service Administrator
Bureau/Division	Legal Services
Functional Title	Deputy General Counsel
Incumbent	Allan Abinoja
Supervisor	General Counsel who reports to the Director
Location	Cook County

² Agenda item D2 was granted exemption for a period of 12 months to February 20, 2012.

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V. CLASS SPECIFICATIONS

The following class titles were submitted for creation by the Director of Central Management Services:

End-User Computer Services Specialist I
End-User Computer Services Specialist II
End-User Computer Systems Analyst

Staff Analysis: Assistant Executive Director Andrew Barris reviewed the history of these technical positions, noting the distinction between them and similar existing positions under the Position Classification Plan. Bill Lipsmire from Central Management Services Technical Services acknowledged that the creation of these class titles was an accommodation under the collective bargaining agreement which required that these positions be placed in positions under the Position Classification Plan. Chairman Chris Kolker inquired whether the union was in agreement with this requested action which Lipsmire indicated it was.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND THE MOTION ADOPTED 5-0 TO APPROVE THE CREATION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE FEBRUARY 1, 2011.

End-User Computer Services Specialist I
End-User Computer Services Specialist II
End-User Computer Systems Analyst

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED 5-0 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 COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0 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	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

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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 11:55 a.m.

Chairman Kolker's telephone connection with the meeting was lost during the Executive Session so he was unable to participate once the meeting reconvened.

PRESENT

Raymond W. Ewell, Barbara J. Peterson (by telephone), Betty A. Bukraba, and Ares G. Dalianis, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris, Assistant Executive Director (by telephone).

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.

Agency	11/30/10	12/31/10	12/31/09
Aging	1	1	2
Central Management Services	1	1	1
Children and Family Services	1	2	9
Commerce and Economic Opportunity	2	1	0
Employment Security	1	3	3
Healthcare and Family Services	5	4	5
Human Services	1	1	1
Natural Resources	0	3	15
State Fire Marshal	0	1	0
Transportation	2	1	15
Totals	14	18	51

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IX. INTERLOCUTORY APPEAL

RV-14-11

Employee	John Petter	Appeal Date	07/26/10
Agency	DHS	Decision Date	12/16/10
Type	Rule Violation	ALJ	Andrew Barris
Allegation(s)	Violation of Personnel Rules Section 302.510 and 302.518	Proposal for Decision	Dismiss subject to approval of the Commission; failure to file requested information.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER PETERSON, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION TO GRANT THE MOTION TO DISMISS AS MR. PETTER'S FAILURE TO PROVIDE REQUESTED INFORMATION BY THE DEADLINE OF SEPTEMBER 15, 2010 CONSTITUTED A DEFAULT RESULTING IN THE DISMISSAL OF HIS APPEAL.

KOLKER		EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

X. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

DA-3-11

Employee	Francis J. Lingle	Appeal Date	07/16/10
Agency	DCFS	Decision Date	01/07/11
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Conduct unbecoming; misuse of state time	Proposal for Decision	Charges are partially proven and warrant discharge.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE CHARGES HAVE BEEN PARTIALLY PROVEN AND WARRANT DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED JANUARY 7, 2011.

KOLKER		EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

DA-5-11

Employee	Marquitta Taylor	Appeal Date	07/19/10
Agency	DCFS	Decision Date	01/07/11
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Falsification of records in three investigations	Proposal for Decision	Charges are partially proven and warrant discharge.

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER PETERSON, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE CHARGES HAVE BEEN PARTIALLY PROVEN AND WARRANT DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED JANUARY 7, 2011.

KOLKER		EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

XI. STAFF REPORT

Executive Director Daniel Stralka reported that the Governor's Office of Management and Budget has tentatively accepted the Commission's fiscal year 2012 proposed budget.

XII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular meeting to be held on Friday, February 18, 2011 at 11:00 a.m. in the Commission's Chicago office.

XIII. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED 4-0 TO ADJOURN THE MEETING AT 12:00 P.M.