

October 18, 2018

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
October 18, 2018

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:04 A.M. AT 160 N. LASALLE STREET, SUITE S-901, CHICAGO, IL AND 607 E. ADAMS STREET, SUITE 801, SPRINGFIELD, IL BY INTERACTIVE VIDEO CONFERENCE

II. PRESENT

Chairman Timothy D. Sickmeyer; G.A. Finch, David Luechtefeld, Jane Ryan, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director, Andrew Barris, Assistant Executive Director, and Sabrina Johnson, Exemption Monitor; John Logsdon, Chris Nickols and Lisa G. Williams, Illinois Department of Central Management Services.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD SEPTEMBER 20, 2018

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0, TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD SEPTEMBER 20, 2018.

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

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.

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

A. Report on Exempt Positions from Department of Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Abraham Lincoln Presidential Library & Museum	91	13
Aging	135	19
Agriculture	441	18
Arts Council	13	2
Capitol Development Board	31	0
Central Management Services	868	60
Children and Family Services	2,682	53
Civil Service Commission	3	0
Commerce & Economic Opportunity	240	66
Commerce Commission	54	0
Corrections	12,386	110
Criminal Justice Authority	47	7
Deaf and Hard of Hearing Comm	3	1
Developmental Disabilities Council	6	1
Emergency Management Agency	65	9
Employment Security	1,096	29
Environmental Protection Agency	619	18
Financial & Professional Regulation	390	48
Gaming Board	151	7
Guardianship and Advocacy	101	8
Healthcare and Family Services	1,584	26
Human Rights Commission	14	2
Human Rights Department	120	10
Human Services	12,647	79
Illinois Torture Inquiry Relief Commission	3	1
Independent Tax Tribunal	1	0
Innovation and Technology	1,281	60
Insurance	207	17
Investment Board	3	2
Juvenile Justice	889	28
Labor	73	11
Labor Relations Board Educational	11	3
Labor Relations Board State	13	2
Law Enforcement Training & Standards Bd.	22	3
Lottery	144	8
Military Affairs	134	3
Natural Resources	1,319	33
Pollution Control Board	16	2
Prisoner Review Board	22	1
Property Tax Appeal Board	32	2
Public Health	1,147	40
Racing Board	2	1
Revenue	1,420	45
State Fire Marshal	124	12
State Police	933	10
State Police Merit Board	6	2
State Retirement Systems	100	3
Transportation	2,188	0
Veterans' Affairs	1,257	10
Workers' Compensation Commission	113	11
TOTALS	45,247	896

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)

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C. Requests for 4d(3) Exemption

Exemption Monitor Sabrina Johnson reported the following:

- As to Item C, this request is for a Deputy Director of Diversity and Inclusion at Department of Central Management Services (CMS), a position that reports to the Assistant Director who reports to the Director. Civil Service Commission Staff analysis was made from the clarification effective May 1, 2018. This position has authority to administer the development and ongoing administration of the Diversity Enrichment Program (DEP). CMS wants to increase the viability of this program, so the position was moved from Personnel to the Assistant Director. The DEP program includes the Hispanic Employment Plan, the Asian American Employment Plan and the African American Employment Plan. This position will meet with other State Agency Representatives to provide oversight of underutilization and identify strategies for targeted recruitment. This position is responsible for completing the yearly State Services Assurance Act Annual Report to the General Assembly regarding the accomplishments of Agencies relating to the DEP. This position is currently filled with a provisional appointment that expires October 23, 2018. For these reasons, Staff recommended approval of this exemption request.

DEP Deputy Director Lisa Williams indicated the presentation was correct and added that the Diversity Enrichment Program includes Hispanic, Asian and African American plans and that she meets with the General Assembly regarding the program. Commissioner Ryan asked whether agency Equal Employment Opportunity Officers filed these plans. Lisa Williams indicated they are not responsible for these employment plans. They are responsible for agency Affirmative Action plans and quarterly reports. The DEP employment plans are for all agencies under the Governor's Office. Lisa Williams did acknowledge that Equal Employment Opportunity Officers do participate in her DEP council. While there is presently little direct contact with Equal Employment Opportunity Officers, that will increase going forward. Commissioner Ryan followed up asking whether these plans will now be consolidated under the DEP as opposed to each agency responding to the General Assembly. Lisa Williams indicated that was accurate. Commissioner Luechtefeld asked if there will be a corresponding Springfield position to perform these responsibilities. Lisa Williams responded negatively.

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER FINCH, AND THE MOTION ADOPTED 5-0 TO GRANT 4d(3) EXEMPTION FOR THE FOLLOWING POSITION:

C: Diversity Enrichment Program Manager (CMS)

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The following position was granted 4d(3) exemption on October 18, 2018:

C. Illinois Department of Central Management Services

Position Number	40070-37-00-010-00-01
Functional Title	Diversity Enrichment Program Manager
Incumbent	Vacant
Supervisor	Assistant Director who reports to the Director
Location	Cook County

VI. CLASS SPECIFICATIONS

A. Governing Rule – Section 1.45 Classification Plan

The Commission will review the class specifications requiring Commission approval under the Classification Plan and will approve those that meet the requirements of the Personnel Code and Personnel Rules and conform to the following accepted principles of position classification:

- a) The specifications are descriptive of the work being done or that will be done;
- b) Identifiable differentials are set forth among classes that are sufficiently significant to permit the assignment of individual positions to the appropriate class;
- c) Reasonable career promotional opportunities are provided;
- d) The specifications provide a reasonable and valid basis for selection screening by merit examinations;
- e) All requirements of the positions are consistent with classes similar in difficulty, complexity and nature of work; and
- f) The relation of the class specifications to any applicable collective bargaining agreement.

The following class titles were submitted for revision by the Director of the Illinois Department of Central Management Services:

**B. Dietary Manager I
Dietary Manager II**

Staff Analysis: Assistant Executive Director Barris reported that the Dietary I and II class specifications were previously revised in April 2017 to include the requirement of a valid certificate as a Certified Dietary Manager (CDM) for positions at the Department of Veterans Affairs (DVA). The proposed revision to the Dietary I and II classifications

reflects the need to include the requirement of a Food Service Sanitation Manager Certification issued by the Department of Public Health or a Certified Food Protection Manager certification for positions within the Department of Human Services (DHS). Chris Nickols from CMS Technical Services confirmed that both DVA and DHS utilize positions from the Dietary I and II classification but positions within the class have different certification requirements related to food preparation and that was the need for the revision. The proposed revisions were agreed to through collective bargaining and would not result in an increase in compensation. (Commissioner Ryan noted that the revisions applied to either class used at the agencies.) Commissioner Luechtefeld asked if new employees would be hired as a result of the revisions and Chris Nickols indicated that the revisions would not result in new hires but were needed to comply with changes to Illinois statutes regarding food handling.

IT WAS MOVED BY COMMISSIONER RYAN, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO APPROVE THE REVISION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE ON NOVEMBER 1, 2018:

- B. Dietary Manager I**
- Dietary Manager II**

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

VII. PERSONNEL RULES

A. Civil Service Commission Governing Rule – Section 1.310 Personnel Rules

The Commission has power to disapprove new rules or amendments to existing rules submitted by the Director of Central Management Services. Such proposed new rules or amendments of existing rules submitted to the Commission shall be accompanied by a report of proceedings attending the prior public hearing required by law with respect to them. If the Commission does not disapprove new rules or any amendment to existing rules within 30 days following the receipt from the Director of Central Management Services, the new rules or amendments have the force and effect of law after filing by the Director with the Secretary of State.

B. None submitted

IT WAS MOVED BY COMMISSIONER RYAN, SECONDED BY COMMISSIONER LUECHTEFELD, AND THE MOTION ADOPTED 5-0 TO DISAPPROVE ANY AMENDMENTS TO PERSONNEL RULES RECEIVED BY THE COMMISSION STAFF BUT NOT CONTAINED IN THIS AGENDA TO ALLOW ADEQUATE STUDY.

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VIII. MOTION TO CLOSE A PORTION OF THE MEETING

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER RYAN, 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.

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	RYAN	YES
URLACHER	YES		

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IX. RECONVENE THE OPEN MEETING

Upon due and proper notice, the regular open meeting of the Illinois Civil Service Commission was reconvened at 160 N. LaSalle Street, Suite S-901, Chicago, IL and 607 E. Adams Street, Suite 801, Springfield, IL by interactive video conference at 11:30 a.m.

PRESENT

Chairman Timothy D. Sickmeyer; G.A. Finch, David Luechtefeld, Jane Ryan, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director, Andrew Barris, Assistant Executive Director and Sabrina Johnson, Exemption Monitor.

X. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL

DA-42-18

Employee	Charles L. Johnson	Appeal Date	04/30/18
Agency	Human Services	Decision Date	10/05/18
Appeal Type	Discharge	Proposal for Decision	Discharge upheld.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER RYAN, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL OF THE ADMINISTRATIVE LAW JUDGE TO UPHOLD THE DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION.

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	RYAN	YES
URLACHER	YES		

XI. APPEAL TERMINATED WITHOUT DECISION ON THE MERITS

D-6-19

Employee	John Williams	Appeal Date	09/07/18
Agency	Corrections	Decision Date	10/02/18
Type	Demotion	Proposal for Decision	Dismissed subject to approval of the Commission; withdrawn.
ALJ	Daniel Stralka		

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

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	RYAN	YES
URLACHER	YES		

XII. STAFF REPORT

Executive Director Stralka reported that:

- SECA donations may be made up to October 31. If Commissioners need assistance they can ask him or Beckie Daniken.
- Central Management Services issued a memorandum to all agencies on October 12, 2018 updating them on seeking Governor’s Office approval for a variety of personnel actions including some that address principal policy exempt positions. It is anticipated that this will be an agenda item for the Commission’s upcoming quarterly meeting with the Director of Central Management Services so there will be a more detailed report next month.
- If Commissioners have not emailed their vehicle use forms to the Comptroller yet, they can leave the forms with Commission Staff who will take care of that.

Assistant Executive Director Andrew Barris reported that:

- A rules grievance hearing was scheduled for October 30, 2018 in which Commission Staff would participate. CMS provided the following regarding the grievance process statistics as of July 10, 2018: 19 grievances at the 4th level on July 1, 2017, 14 grievances at the 4th level as of June 30, 2018, zero 4th level hearings in FY18, 13 grievances that were dismissed and/or withdrawn and/or resolved without a hearing in FY18, and zero grievances that were addressed through the expedited process in FY18.
- The amendments to the Rules of the Civil Service Commission went into effect on September 1, 2018.
- Sexual Harassment training online needs to be completed by November 13, 2018 but the Commissioners can do training with a paper copy provided in the attachments he emailed.
- Chairman Sickmeyer and Barris attended the ICED annual awards event on October 4, 2018.

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held at 11:00 a.m. on Thursday, November 15, 2018 in the Chicago and Springfield offices of the Commission by interactive video conference.

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XIV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER LUECHTEFELD, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 11:38 A.M.