

October 19, 2017

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
October 19, 2017

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:00 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 and Andrew Barris, Assistant Executive Director; Chris Nickols, Illinois Department of Central Management Services; and Roger McComb.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD SEPTEMBER 21, 2017

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 21, 2017.

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. Roger McComb was present and indicated he would like to speak briefly about his pending appeal. Chairman Timothy Sickmeyer replied that the Commission would provide him up to five minutes to address the Commission prior to the scheduled Closed Session when the Commission would be considering his appeal. Mr. McComb was agreeable to this.

Hearing no further 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 Department of Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Abraham Lincoln Presidential Library & Museum	58	13
Aging	130	19
Agriculture	482	18
Arts Council	10	2
Capitol Development Board	39	0
Central Management Services	857	73
Children and Family Services	2,508	53
Civil Service Commission	4	0
Commerce & Economic Opportunity	272	68
Commerce Commission	58	0
Corrections	12,095	109
Criminal Justice Authority	50	7
Deaf and Hard of Hearing Comm.	4	1
Developmental Disabilities Council	7	1
Emergency Management Agency	67	8
Employment Security	1,081	30
Environmental Protection Agency	623	18
Financial & Professional Regulation	401	49
Gaming Board	154	5
Guardianship and Advocacy	97	8
Healthcare and Family Services	1,661	26
Human Rights Commission	14	2
Human Rights Department	119	10
Human Services	12,658	82
Illinois Torture Inquiry Relief Commission	3	1
Independent Tax Tribunal	1	0
Innovation and Technology	952	50
Insurance	227	17
Investment Board	3	2
Juvenile Justice	911	28
Labor	78	12
Labor Relations Board Educational	9	3
Labor Relations Board State	13	2
Law Enforcement Training & Standards Bd.	23	3
Lottery	143	8
Military Affairs	126	3
Natural Resources	1,242	33
Pollution Control Board	16	2
Prisoner Review Board	19	1
Property Tax Appeal Board	29	1
Public Health	1,061	40
Racing Board	2	1
Revenue	1,493	47
State Fire Marshal	122	12
State Police	959	10
State Police Merit Board	7	2
State Retirement Systems	96	3
Transportation	2,086	0
Veterans' Affairs	1,230	10
Workers' Compensation Commission	122	12
TOTALS	44,422	905

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. None submitted

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.

The following class title was submitted for creation by the Director of the Illinois Department of Central Management Services:

B. Corrections Assessment Specialist

Assistant Executive Director Barris inquired about the identifiable differentials of the Corrections Assessment Specialist class in relation to other classes and the necessity of a new class to address recidivism when there was currently a program with 4d(3) positions such as the Deputy Chief of Parole Re-Entry Group to address the same issue. Chris Nickols from Central Management Services Technical Services acknowledged that the Deputy Chief of Parole Re-Entry Group also addressed the issue of recidivism but explained that a hybrid class was needed at Department of Corrections (DOC) to address the issue. Social workers are presently performing these duties. The agency was proposing this shift due to court cases including the Rasho v. Baldwin consent decree and provisions that addressed the expansion of care to prisoners with mental health issues. The goal is to add treatment options for prisoners. Nickols added that the new class was not at the level of the Deputy Chief of Parole Re-Entry Group.

Commissioner Luechtefeld asked Nickols how many positions would be in the new class and how the DOC would get the money to fund the positions. Nickols explained that seven positions from the Social Worker II class would be moved into the new class and the DOC sought up to 20 positions within the class. Nickols explained that broader experience and education requirements were needed to get qualified candidates to address the issues of inmate mental health, mental health treatment centers, and inmate recidivism. Nickols acknowledged that the issue of funding for the positions within the proposed class remained. Chairman Sickmeyer and Commissioner Ryan both also

inquired about the existing Section 4d(3) exempt position. Nickols replied that these positions would be subordinate to the exempt position. Chairman Sickmeyer asked when the positions would be filled and Nickols surmised that it would be around March of 2018 but several steps needed to be completed through labor relations before that could occur. He believed the program was starting at the treatment center in Joliet and would expand from there. Chairman Sickmeyer asked Chris Nickols to expound on the need for a new class in this instance. Nickols replied it was to expand from candidates needing a Masters of Social Work exclusively. The new class allows other Masters degrees and hopes to attract more candidates in the corrections field. Nichols confirmed that there will be more changes or revisions to the position classification system to address the issue of recidivism at DOC and the new class and subsequent classes, if created, would create reasonable promotion opportunities. Commissioner Ryan asked about the collective bargaining status. Nickols confirmed that the proposed class was agreed to through collective bargaining and that there would be no increase in compensation for positions within the Corrections Assessment Specialist class as the salary range was based upon, and identical to, the current Social Worker II class.

IT WAS MOVED BY COMMISSIONER RYAN, SECONDED BY COMMISSIONER FINCH, AND THE MOTION ADOPTED 5-0 TO APPROVE THE CREATION OF THE FOLLOWING CLASS TITLE TO BE EFFECTIVE NOVEMBER 1, 2017:

B. Corrections Assessment Specialist

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

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

Mr. McComb then addressed the Commission about his pending appeal. When he was concluded, Chairman Sickmeyer thanked him for his presentation.

VIII. MOTION TO CLOSE A PORTION OF THE MEETING

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER LUECHTEFELD, 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, Illinois and 607 E. Adams Street, Suite 801, Springfield, Illinois by interactive video conference at 11:36 a.m.

PRESENT

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

X. NON-MERIT APPOINTMENT REPORT

Set forth below is the number of consecutive non-merit appointments made by each agency as reported by Central Management Services.

Agency	8/31/17	9/30/17	9/30/16
Aging	0	1	0
Agriculture	15	13	2
Central Management Services	5	5	1
Commerce and Economic Opportunity	1	1	0
Employment Security	0	1	0
Financial and Professional Regulation	1	1	0
Gaming Board	0	2	0
Healthcare and Family Services	7	5	1
Historic Preservation Agency	10	9	0
Human Services	14	9	6
Innovation & Technology	3	4	0
Insurance	0	1	1
Labor Relations Board-Educational	1	2	0
Natural Resources	49	39	15
Property Tax Appeal Board	2	1	0
Public Health	2	2	0
Revenue	1	0	0
State Fire Marshal	0	0	1
State Police	4	4	1
State Retirement Systems	4	1	1
Transportation	1	1	2
Veterans' Affairs	1	1	0
Workers' Compensation Commission	1	1	1
Totals	122	104	32

XI. INTERLOCUTORY APPEAL

S-43-17

Employee	Roger E. McComb	Appeal Date	5/19/17
Agency	Employment Security	Decision Date	9/28/17
Type	Suspension	ALJ	Daniel Stralka
Issue(s)	Motion to Dismiss filed for late filing and no jurisdiction.	Proposal for Decision	Motion to Dismiss granted subject to approval of Commission.

IT WAS MOVED BY COMMISSIONER RYAN, 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. THE COMMISSION FINDS THAT THE RESPONDENT FAILED TO TIMELY FILE HIS APPEAL AND THAT HE WAS NOT SUSPENDED IN EXCESS OF 30 DAYS IN A 12-MONTH PERIOD. FOR BOTH THESE REASONS THE COMMISSION HAS NO JURISDICTION OVER THIS MATTER. IN ADDITION, THE RESPONDENT RETIRED FROM STATE SERVICE SHORTLY AFTER SUSPENSION PENDING DISCHARGE PROCEEDINGS WERE INITIATED AGAINST HIM. ONCE RETIRED, THE PETITIONER HAD NO AUTHORITY TO CONTINUE DISCIPLINARY PROCEEDINGS AGAINST SOMEONE WHO WAS NO LONGER A STATE EMPLOYEE.

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	RYAN	YES
URLACHER	YES		

XII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

DA-25-17

Employee	Christopher D. Perdue	Appeal Date	11/22/16
Agency	Corrections	Decision Date	10/06/17
Appeal Type	Discharge	Proposal for Decision	Discharge upheld.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER FINCH, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL OF THE ADMINISTRATIVE LAW JUDGE THAT THE PARTIALLY PROVEN CHARGES WARRANT DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED OCTOBER 6, 2017.

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	RYAN	YES
URLACHER	YES		

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XIII. FISCAL YEAR 2017 ANNUAL REPORT

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER LUECHTEFELD, AND THE MOTION ADOPTED 5-0 TO APPROVE THE FISCAL YEAR 2017 ANNUAL REPORT AS SUBMITTED.

XIV. STAFF REPORT

Executive Director Stralka reported that:

- Jane Ryan was appointed to fill the vacant Commissioner position effective October 12, 2017. A side benefit of this appointment is that the Commission will have a quorum in the Springfield office for its monthly meetings.
- The first fiscal year 2019 budget request was submitted to the Governor's Office of Management and Budget on October 17.
- P.A. 100-212 mandates that the Commission's signature sheets include additional information designed to make it easier for litigants to file Administrative Review actions. Along with required language about the right to appeal final decisions by Administrative Review, each signature sheet must include the names and addresses of the Commission and the parties. This information has been added to Commission signature sheets starting this month.
- At the Chairman's suggestion, all Commissioners were reminded of their entitlement to participate in the State's deferred compensation program.
- There was a recent court decision of interest in a case involving the Cook County Sheriff's Merit Board. A decision to discharge a Sheriff's deputy was overturned when it was determined that the Merit Board was illegally constituted due to a faulty appointment. A general discussion about the case in which all Commissioners participated ensued.
- The Commission's vacant Exemption Monitor position was recently posted on the NeoGov website used by Central Management Services for job postings.

Forms for the Commissioners to participate in the SECA campaign were distributed at the end of the meeting. The deadline is November 8. Checks are to be made payable to the name of the selected charity.

Chairman Sickmeyer added that he has appointed Commissioner Ryan to help with the process of backfilling her vacant position. He also asked Andrew Barris to assist with all Commissioners in filing the State Use of Vehicle forms recently forwarded to all of them. Chairman Sickmeyer then reminded the Commissioners to submit their Statements of Economic Interest to Andrew Barris next year for filing rather than filing individually. Executive Director Stralka noted that the State's Ethics Act requires the Statements of Economic Interest be reviewed by the Ethics Officer prior to filing with the Secretary of State.

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XV. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held on November 16, 2017 at 11:00 a.m. in the Chicago and Springfield offices by interactive video conference.

XVI. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER RYAN, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 11:50 A.M.