

October 21, 2011

AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
October 21, 2011

I. OPENING OF MEETING AT 11:00 A.M. AT 160 N. LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD ON SEPTEMBER 16, 2011

WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 16, 2011?

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

A. Report on Exempt Positions from Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	145.....	10
Agriculture	489.....	17
Arts Council	19.....	2
Capitol Development Board	46.....	0
Central Management Services	1,597.....	113
Children and Family Services.....	2,918.....	49
Civil Service Commission	4.....	0
Commerce & Economic Opportunity	410.....	67
Commerce Commission	79.....	0
Corrections	11,906.....	103
Criminal Justice Authority.....	61.....	5
Deaf and Hard of Hearing Comm.....	7.....	1
Developmental Disabilities Council	9.....	1
Emergency Management Agency	92.....	7
Employment Security	1,879.....	25
Environmental Protection Agency.....	898.....	16
Financial & Professional Regulation	467.....	42
Gaming Board	116.....	5
Guardianship and Advocacy	104.....	7
Healthcare and Family Services	2,247.....	27
Historic Preservation Agency	244.....	11
Human Rights Commission.....	14.....	2
Human Rights Department	151.....	8
Human Services.....	13,419.....	77
Illinois Power Agency	1.....	2
Illinois Sentencing Policy Advisory Council.....	2.....	2
Illinois Torture Inquiry Relief Commission	2.....	1
Insurance	254.....	12
Investment Board	3.....	1
Juvenile Justice.....	1,280.....	20
Labor	89.....	8
Labor Relations Board Educational	11.....	2
Labor Relations Board State.....	20.....	2
Law Enforcement Training & Standards Bd.	17.....	2
Medical District Commission	2.....	0
Military Affairs.....	121.....	3
Natural Resources.....	1,450.....	29
Pollution Control Board	21.....	1
Prisoner Review Board.....	19.....	0
Property Tax Appeal Board.....	27.....	1
Public Health	1,104.....	41
Racing Board.....	2.....	0
Revenue.....	2,018.....	62
State Fire Marshal	145.....	12
State Police.....	1,278.....	5
State Police Merit Board	5.....	1
State Retirement Systems	89.....	2
Transportation	2,327.....	0
Veterans' Affairs	1,291.....	8
Workers' Compensation Commission	174.....	8
TOTALS.....	49,073.....	820

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. Illinois Department of Children and Family Services – Proposed Exemption

Position Number	40070-16-64-100-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Procurement and Contracts
Functional Title	Associate Agency Procurement Officer
Incumbent	Vacant
Supervisor	Deputy Director of Procurement and Contracts who reports to the Director
Location	Sangamon County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

D. Illinois Racing Board – Proposed Exemption

Position Number	40070-50-68-100-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director’s Office
Functional Title	Chief Fiscal Officer / Executive Officer
Incumbent	Vacant
Supervisor	Executive Director
Location	Cook County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

WILL THE COMMISSION GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS?

- C: Associate Agency Procurement Officer (Children and Family Services)**
- D: Chief Fiscal Officer / Executive Officer (Racing Board)**

V. CLASS SPECIFICATIONS

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

- Sex Offender Therapist I
- Sex Offender Therapist II

Illinois Department of Central Management Services Classification Analysis: “Public Act 90-133 created the Sex Offender Management Board to ‘standardize the evaluation, identification, counseling, and continued monitoring of sex offenders at each stage of the criminal or juvenile justice systems or mental health systems so that those offenders will curtail recidivistic behavior, and the protection of victims and potential victims will be enhanced.’ Programs have been in place at Department of Corrections, Department of Human Services, and Department of Juvenile Justice facilities for some time, with all but the latter agency employing contractual workers to provide these services. The Department of Juvenile Justice has been using classifications such as Psychologist, Social worker or Juvenile Justice Youth and Family Specialist to fill these roles, in keeping with the criteria set out in the sex offender management board for this agency. Different Board criteria exist for the Department of Corrections, and they have requested that a study be made to determine appropriate qualification requirements for this occupational area and provide a means to screen for candidates appropriate to this occupation.

Other professional clinical services occupations may provide therapeutic services to sex offenders as noted above within the scope of the clinical practice, as defined in legislation for the respective profession. The Behavioral Analyst class series, which is descriptive of some of the types of work performed, defines a very specific master’s degree program from a narrow list of acceptable colleges/universities, focusing on a behavioral approach to treatment processes. All employees in this series work in developmental disabilities facility programs in the Department of Human Services, and none of the Human Services positions describe work performed in the treatment of the sex offender population. For the purposes of this study, we looked for a means to more clearly define sex offender therapists which utilize both cognitive and behavioral methods in the treatment of the sex offender population.

To this end, a new series entitled Sex Offender Therapist is offered to classify positions in a range of professional degree areas and qualified as a specialist in providing specific therapeutic treatment as defined by the Sex Offender Management Board, which will serve to reduce recidivistic behavior. Two levels comprise the series: the first level, Sex Offender Therapist I, provides direct therapeutic services to recipients, maintains required clinical documentation, develops individual treatment plans, and conducts risk assessment and testing of offenders. The second level, Sex Offender Therapist II, serves as a designated lead worker providing guidance and direction to lower level staff and reviewing work, maintaining standards of service. This higher level of work would also participate in providing group and individual therapy to recipients.

We were advised by subject matter experts that a master’s degree is broadly recognized in other jurisdictions as the appropriate level of professional education and development for this work. Due to possible variation in qualification requirements, we recommend the specialized skills option for this work, and suggest the classes be stipulated for inclusion in the AFSCME bargaining unit in RC62.”

WILL THE COMMISSION APPROVE THE CREATION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE NOVEMBER 1, 2011?

- Sex Offender Therapist I
- Sex Offender Therapist II

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WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY?

VI. MOTION TO GO INTO EXECUTIVE SESSION

PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT, WILL THE COMMISSION HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS FILED WITH THE COMMISSION, LITIGATION, AND/OR SPECIFIED EMPLOYMENT MATTERS?

VII. RECONVENE MEETING

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 Appointment Reports.

Agency	8/31/11	9/30/11	9/30/10
Aging	1	0	1
Agriculture	4	12	5
Central Management Services	3	2	0
Children and Family Services	5	4	7
Employment Security	5	8	8
Healthcare and Family Services	4	4	6
Historic Preservation Agency	7	8	1
Human Services	2	0	4
Natural Resources	29	28	32
Property Tax Appeal Board	5	4	0
Revenue	1	0	0
State Fire Marshal	1	1	1
Transportation	1	3	6
Veterans' Affairs	1	1	0
Workers' Compensation Commission	1	1	0
Totals	70	76	71

IX. INTERLOCUTORY APPEAL

S-14-12

Employee	Kelly L. Wagnitz	Appeal Date	09/07/11
Agency	Revenue	Decision Date	10/04/11
Type	Suspension	ALJ	Daniel Stralka
Issue(s)	Employee did not appear at scheduled hearing	Proposal for Decision	Dismiss the appeal; default (no show at hearing).

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

X. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

DA-51-11

Employee	Nancy A. Williams	Appeal Date	05/13/11
Agency	Human Services	Decision Date	10/04/11
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Conduct unbecoming	Proposal for Decision	60 day suspension plus duration of suspension pending discharge.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

DA-2-12

Employee	Kimberly C. Reed	Appeal Date	07/08/11
Agency	Human Services	Decision Date	10/07/11
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Failure to perform assigned duties	Proposal for Decision	Charges are proven but warrant 30-day suspension plus duration of suspension pending discharge.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

S-50-11

Employee	Kimberly C. Reed	Appeal Date	05/09/11
Agency	Human Services	Decision Date	10/07/11
Type	Suspension	ALJ	Daniel Stralka
Charge(s)	Failure to perform duties and responsibilities	Proposal for Decision	Charges are proven; suspension upheld.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

DA-4-12

Employee	Mark D. Conwill	Appeal Date	07/15/11
Agency	Revenue	Decision Date	10/07/11
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Conduct unbecoming	Proposal for Decision	Charges are proven; discharge upheld.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

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XI. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

DA-32-10

Employee	Althea D. Williams	Appeal Date	02/01/10
Agency	Corrections	Decision Date	09/27/11
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Violation of policy on drug testing for employees	Proposal for Decision	Dismissed subject to approval of Commission; Stipulation to Dismiss filed by parties.

DA-23-12

Employee	Sheri Hendrian	Appeal Date	09/27/11
Agency	Veterans' Affairs	Decision Date	10/06/11
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Recipient abuse; failure to report incident	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn.

S-3-12

Employee	Mark D. Conwill	Appeal Date	07/15/11
Agency	Revenue	Decision Date	10/07/11
Type	Suspension	ALJ	Andrew Barris
Charge(s)	Suspension pending judicial verdict	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSALS FOR DECISION IN THE ABOVE MATTERS?

XII. STAFF REPORT

XIII. ANNOUNCEMENT OF NEXT MEETING

The next regular meeting is to be held on Friday, November 18, 2011 at 1:00 p.m. in the Commission's Springfield office.

XIV. MOTION TO ADJOURN