

November 18, 2011

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
November 18, 2011

I. OPENING OF MEETING AT 1:00 P.M. AT 400 WEST MONROE STREET, SUITE 360, SPRINGFIELD, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman; Ares G. Dalianis (by telephone), Garrett P. FitzGerald, and Susan Moylan Krey, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director; Israel Salazar, Ken Sharkey, Roneta Taylor, Mark Magill, Jan Morrow, and Will Walker, Illinois Department of Central Management Services; Anne McElroy, Illinois Department of Corrections; Margaret van Dijk and Matt Brown, Executive Ethics Commission; Bridget Devlin, Illinois Department of Commerce and Economic Opportunity; and Peter J. Wagner.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD ON OCTOBER 21, 2011

Chairman Kolker represented to Commissioners Krey and Fitzgerald that the Minutes accurately reflected the proceedings at the previous meeting.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY CHAIRMAN KOLKER, AND THE MOTION ADOPTED 4-0 TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 21, 2011.

IV. 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.....	144.....	10
Agriculture	422.....	17
Arts Council	19.....	2
Capitol Development Board.....	46.....	0
Central Management Services.....	1,614.....	113
Children and Family Services.....	2,910.....	50
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	405.....	67
Commerce Commission	79.....	0
Corrections.....	11,820.....	105
Criminal Justice Authority.....	61.....	5
Deaf and Hard of Hearing Comm.....	7.....	1
Developmental Disabilities Council.....	9.....	1
Emergency Management Agency.....	91.....	7
Employment Security.....	1,860.....	25
Environmental Protection Agency.....	893.....	16
Financial & Professional Regulation.....	465.....	42
Gaming Board.....	116.....	5
Guardianship and Advocacy	104.....	7
Healthcare and Family Services	2,249.....	27
Historic Preservation Agency.....	206.....	11
Human Rights Commission.....	14.....	2
Human Rights Department.....	148.....	8
Human Services.....	13,349.....	76
Illinois Power Agency.....	1.....	2
Illinois Sentencing Policy Advisory Council.....	2.....	2
Illinois Torture Inquiry Relief Commission	2.....	1
Insurance	252.....	13
Investment Board	2.....	1
Juvenile Justice.....	1,263.....	20
Labor.....	90.....	8
Labor Relations Board Educational.....	11.....	2
Labor Relations Board State.....	20.....	2
Law Enforcement Training & Standards Bd.	17.....	2
Lottery.....	138.....	6
Medical District Commission.....	2.....	0
Military Affairs.....	122.....	3
Natural Resources.....	1,329.....	29
Pollution Control Board	21.....	1
Prisoner Review Board.....	19.....	0
Property Tax Appeal Board.....	27.....	1
Public Health.....	1,097.....	41
Racing Board.....	2.....	0
Revenue.....	1,879.....	56
State Fire Marshal	142.....	12
State Police.....	1,254.....	5
State Police Merit Board	5.....	1
State Retirement Systems	91.....	2
Transportation	2,311.....	0
Veterans' Affairs.....	1,268.....	8
Workers' Compensation Commission.....	173.....	8
TOTALS.....	48,575.....	823

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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B. Requests for 4d(3) Exemption

- As to Item C, this is the continued request for the Associate Agency Procurement Officer for the Department of Children and Family Services, a position that reports to the Deputy Director of Procurements/Agency Purchasing Officer who reports to the Director. The position description for this position indicates it has “principal administrative responsibility for the determination and execution of procurement policy” for the agency and serves as “second-in-command” of the agency’s Office of Procurement. The Deputy Director position description indicates it “acts authoritatively as principal policy formulating administrator for division procurement” and “serves as an expert authority in the planning and development of all aspects of policy for the sourcing and contracting of all procurements specific to DCFS.”

Staff’s concerns with this request were set forth at last month’s meeting. It was noted then that there was no agency representative present to address these concerns or respond to Chairman Kolker’s questions about the collective bargaining status of the position as well as the indication that similar positions had been granted exemption in the past. Despite Staff sending two reminder e-mails since the last meeting, no further information has been received. For these reasons, Staff recommended that this request be denied.

- As to Item D, this request is for a Policy Advisor position with the Department of Central Management Services (CMS), a position that reports to the Assistant Director who reports to the Director. This position has principal policy responsibility for issues impacting the operation of the State garages and vehicle fleet management.

In 2010, House Resolution 658 was passed which directed the Auditor General to conduct an audit of CMS management of the State’s vehicle fleet. By statute, CMS has charge of the passenger vehicle fleet in the executive branch of State government. That totals approximately 12,000 vehicles. The Auditor General completed its audit this month which listed 14 recommendations for CMS to take to improve its management of the vehicle fleet. CMS agreed to implement these recommendations. It appears this is a motivating force behind this request. It will be this position’s responsibility to essentially develop the specific policies that CMS needs to implement to accomplish the audit recommendations. For these reasons, Staff recommended approval of this request.

It was noted that the Commission approved a Division Manager in this program area for exemption back in October, 2010. At that time, the agency indicated that the position had principal policy responsibility for “all aspects” of the motor vehicle fleet program. Commission staff pointed out the overlap between the Division Manager position and this requested position and noted how the overlap is inconsistent with any one position having principal policy responsibility per the statutory requirement. The agency has now clarified the position description so that the requested position has principal policy responsibility for the development of

policy while the Division Manager position has the same responsibility for carrying out the policy. The Commission has in the past approved such a bifurcation of responsibilities and granted exemption for two positions in one program area, though not on a frequent basis.

Ken Sharkey addressed the Commission and commented that the agency was attempting to address the concerns in the audit while also “getting out in front” of anticipated changes in overall State vehicle management. He anticipated this to include oversight over the 4000 State vehicles assigned to the other Executive Officers and State universities and greater scrutiny over “take home” vehicles. Chairman Kolker inquired whether the requested position will be working with the Director of CMS, to which Sharkey responded affirmatively. Sharkey also explained further in response to a question from Commissioner Krey how the State’s vehicle fleet came to be under the control of separate entities.

- As to Item E, this request is to make permanent the exemption for the Energy and Economic Development Policy Advisor in the Office of Energy and Recycling in the Department of Commerce and Economic Opportunity, a position that reports to the Director. This position was granted a 24-month exemption in December 2009 based on its role as the functional Chair of the Illinois Green Government Coordinating Council. By statute, the Lieutenant Governor serves as the Chair of this body. However, in 2009 the Lieutenant Governor position was vacant and this position served in the Chairman’s capacity. The Commission’s minutes reflect that there was a concern how this position’s principal policy responsibilities may diminish once the Lieutenant Governor position was filled so a limited term exemption was agreed to by the agency.

Now the term is ending and the agency is seeking a permanent exemption. However, circumstances have changed in that there is a seated Lieutenant Governor. The agency states that this position still serves as Chair, but that statement appears to conflict with the express language of the statute. The agency has been unable to indicate how this can occur given the explicit statutory language – “The Lieutenant Governor is the Chair of the Council.” – that remains unchanged. The agency has indicated that it is amenable to another term which would allow it an opportunity to amend the statute to reflect that this position will serve as Chair. Staff was unable to recommend approval at this time but would concur with another temporary exemption to allow the agency to obtain a change in the statutory language.

Bridget Devlin confirmed that the agency was agreeable to another term as its intent is to seek a change in the legislation. Chairman Kolker inquired whether the position was in a bargaining unit to which Devlin responded affirmatively. Commissioner FitzGerald inquired whether the Lieutenant Governor would remain involved with the Illinois Green Government Coordinating Council to which Devlin responded only as a member. Israel Salazar commented how it was Governor Quinn who initially spearheaded the Illinois Green Government Coordinating Council with the legislature and it remains a personal initiative of his.

November 18, 2011

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

- C: Associate Agency Procurement Officer (Children and Family Services)**
- D: Policy Advisor (Central Management Services)**
- E: Policy Advisor (Commerce and Economic Opportunity)**

The following 4d(3) exemption request was denied on November 18, 2011:

C. Illinois Department of Children and Family Services

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

The following 4d(3) exemption request was granted on November 18, 2011:

D. Illinois Department of Central Management Services

Position Number	40070-37-01-000-10-01
Position Title	Senior Public Service Administrator
Bureau/Division	Assistant Director
Functional Title	Policy Advisor
Incumbent	Vacant
Supervisor	Assistant Director who reports to the Director
Location	Cook County

The following 4d(3) exemption request was granted for a period of 12 months on November 18, 2011:

E. Illinois Dept. of Commerce and Economic Opportunity

Position Number	40070-42-70-000-10-01
Position Title	Senior Public Service Administrator
Bureau/Division	Energy and Recycling
Functional Title	Policy Advisor, Energy & Economic Development (Recycling)
Incumbent	Kate Tomford
Supervisor	Director
Location	Sangamon County

Prior to addressing Items F1-F36 on the agenda, Executive Director Daniel Stralka noted that the reason most of the positions were included for proposed rescission was due to extended vacancy in excess of two years. On October 7 and 14, 2011 notice was provided to the Director of Central Management Services in accordance with our Rules followed by letters to all affected agency directors notifying them of which positions may be placed on this month's agenda for rescission and why. These notices included 72 positions. Since that time, there have been many telephone calls, emails, and correspondence with agency representatives about these proposed rescissions. Many issues were resolved during this initial period with many of these positions so that when it came time to finalize the agenda only 36 positions were included for the Commission to determine if their 4d(3) exemption should be rescinded.

Executive Director Daniel Stralka noted that Commission Rules indicate that rescissions shall be approved only after the Commission has determined that an adequate level of managerial control exists in exempt status which will insure responsive and accountable administrative control of agency programs. It was Commission Staff's position that such control exists for all these proposed rescissions.

- As to items F1-16, these positions all relate to the transfer of procurement authority that occurred with the passage of SB51 (PA 96-795) from Central Management Services to the Executive Ethics Commission, and all but one of these positions is occupied. This law took effect last year. The Commission has an interest because it previously granted principal policy exemption to these 16 positions in Central Management Services as well as individual purchasing positions in agencies over the years based on their procurement responsibilities. It is not difficult to understand how the statutory removal of procurement authority could have a negative effect on the continued exemption of these positions. Because of that, Commission Staff immediately opened a dialogue with both Central Management Services and the Executive Ethics Commission to gain a better understanding of how this new procurement model may impact the continued exemption of procurement positions. While the effective date of the legislation was over a year ago, it is clear that as of today Central Management Services procurement positions still play a role in the State procurement process, and that the transition remains a work in progress. For that reason, it was the Staff recommendation to deny these proposed rescissions so as not to jeopardize the continued operation of such a significant State function and for Staff to continue to monitor the ongoing use of affected positions. This is not to assume that, once the transition is more settled that these positions will not still qualify for exemption. This is just to recognize that it would be premature to make such a determination until their roles are more clearly defined.
- As to Items F21, F22, F23, and F24, these are Department of Correction's Assistant Warden positions at correctional facilities throughout the State. While they have all been vacant in excess of two years, the agency has other employees temporarily assigned to perform these functions with requests pending to fill the positions.

The agency has indicated that rescission of their exemptions would jeopardize this plan and have a negative effect on facility operations. For these reasons, Staff recommended denial of these proposed rescissions with the hope that the agency can accomplish these appointments in the next six months.

- As to Items F28 and F29, these are similarly situated as the Department of Correction's positions but at Illinois Youth Centers. The proposed closure of several of these facilities also warrants that the prudent course of action was to deny these rescissions at this time pending a final decision on facility closures.
- The agency did not receive timely notice that Item F34 was to be considered today so Staff recommended denial of that proposed rescission.
- Items F35 and F36 are filled so Staff recommended denial of those proposed rescissions.
- The agencies had no objection to the rescission of Items F18, F25, F26, F27, and F30 so Staff recommended approval of those proposed rescissions. The agency never responded to the notice for Items F31, F32, and F33 despite notice and subsequent e-mail reminders so Staff recommended approval of those proposed rescissions.
- Item F17 is a Media Administrator at the Illinois Office of Communication and Information assigned to the Department of Healthcare and Family Services. It has been vacant well in excess of two years, and been up for rescission once previously.
- Items F19 and F20 are two Public Service Administrator positions at the Department of Commerce and Opportunity, one a legislative liaison in the Trade Office and the other an Assistant Manager in the Film Office. Both remain vacant, and both have been placed in a collective bargaining unit which, as has been discussed previously, is inconsistent with principal policy exemption. Bridget Devlin explained that the real issue at hand is that both positions are now in bargaining units. She described how that impacts the agency's ability to appoint a candidate to these positions. Executive Director Stralka noted that he was not provided with any back-up documentation in support of this explanation and that it does not address whether or not an agency would be free to discharge an incumbent from either of these positions without the employee having recourse to any appeal process such as a union grievance. A general discussion ensued with Chairman Kolker noting how the protections afforded to a position in a bargaining unit are inconsistent with the provisions of Section 4d(3) as they deny an agency the latitude associated with a principal policy exemption. Anne McElroy, Chief of Labor Relations at Illinois Department of Corrections, intervened to point out that there is a pending appeal of the decision to place these and other similarly situated positions in bargaining units. She also explained how the agencies use the status of a position as being principally policy exempt as an argument before the Illinois Labor Relations Board to justify an exclusion from a bargaining unit and the rescission of such status deprives them of that argument.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER FITZGERALD, AND THE MOTION ADOPTED 4-0 TO DENY THE PROPOSED RESCISSIONS OF 4D(3) EXEMPTION FROM JURISDICTION B FOR THE FOLLOWING POSITIONS:

The following 4d(3) exemption rescissions were denied on November 18, 2011:

Item	Agency	Position Number	Functional Title
F1	CMS	40070-37-41-000-00-01	BOSS ¹ , Deputy Director
F2	CMS	40070-37-41-000-30-01	BOSS, Operations
F3	CMS	40070-37-41-100-00-01	BOSS, Knowledge Manager
F4	CMS	40070-37-41-400-00-01	BOSS, Equipment & Commodities Manager
F5	CMS	40070-37-41-410-00-01	BOSS, Equipment Manager
F6	CMS	40070-37-41-420-00-01	BOSS, Commodities Manager
F7	CMS	40070-37-41-500-00-01	BOSS, Facilities Sourcing Portfolio Manager
F8	CMS	40070-37-41-510-00-01	BOSS, Facilities Sourcing, Trade & Building Services
F9	CMS	40070-37-41-520-00-01	BOSS, Facilities Sourcing, Utilities and Professional Services
F10	CMS	40070-37-41-600-00-01	BOSS-IT/Telecom Portfolio Manager
F11	CMS	40070-37-41-610-00-01	BOSS, IT- Sourcing Program
F12	CMS	40070-37-41-620-00-01	BOSS, IT-Telecom Sourcing Program
F13	CMS	40070-37-41-700-01-01	BOSS, Medical & Healthcare Services Portfolio Manager
F14	CMS	40070-37-41-800-00-01	BOSS, General Services Portfolio Manager
F15	CMS	40070-37-41-810-00-01	BOSS, General Services, Transportation Services
F16	CMS	40070-37-41-820-00-01	BOSS, General Services, Contractual Labor and Specialty Services
F19	DCEO	37015-42-00-000-01-01	Legislative Liaison-International Trade
F20	DCEO	37015-42-00-050-11-01	Assistant Managing Director, Film Office
F21	DOC	40070-29-62-200-00-01	Assistant Warden Programs-Pinckneyville
F22	DOC	40070-29-86-200-00-01	Assistant Warden Programs-Vienna
F23	DOC	40070-29-98-300-00-01	Assistant Warden Operations-Hill
F24	DOC	40070-29-99-200-00-01	Assistant Warden Programs-Western Illinois
F28	DJJ	40070-27-17-300-00-01	Assistant Warden Operations-IYC Chicago
F29	DJJ	40070-27-20-200-00-01	Assistant Warden Programs-Harrisburg
F34	DOR	40070-25-60-000-00-01	Chief Information Security Officer
F35	IWCC	40070-50-37-000-00-02	Fraud Prevention and Efficiency Controller
F36	IWCC	40070-50-37-100-00-01	Manager, Self Insurance Administration

¹ Bureau of Strategic Sourcing

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER FITZGERALD, AND THE MOTION ADOPTED 4-0 TO GRANT THE PROPOSED RESCISSION OF 4D(3) EXEMPTION FROM JURISDICTION B FOR THE FOLLOWING POSITIONS:

The following 4d(3) exemptions were rescinded on November 18, 2011:

Item	Agency	Position Number	Functional Title
F17	CMS	40070-37-80-100-01-22	Office of Communication & Information-Media Administrator
F18	DCFS	26404-16-00-900-00-01	Associate Director, Psychiatric Services
F25	HFS	40070-33-00-040-00-21	State Purchasing Officer
F26	HFS	40070-33-00-060-00-61	Special Assist.-Prescription Drug Program
F27	HPA	40070-48-50-100-00-01	Director of Security, ALPLM (Abraham Lincoln Presidential Library & Museum)
F30	DNR	40070-12-05-200-00-01	State Purchasing Officer
F31	DOR	40070-25-00-100-60-01	Policy Advisor, Informal Conf. Board
F32	DOR	40070-25-42-320-00-01	A&R Shared Services-Assistant HR Director, Functional Processes
F33	DOR	40070-25-42-410-00-01	A&R Shared Services-Assistant CFO, Functional Processes

V. CLASS SPECIFICATIONS

- None submitted.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 4-0 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 KREY, SECONDED BY COMMISSIONER FITZGERALD, AND BY ROLL CALL VOTE THE MOTION ADOPTED 4-0 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	DALIANIS	YES
FITZGERALD	YES	KREY	YES

VII. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 400 West Monroe Street, Suite 306, Springfield, Illinois at 1:46 p.m.

PRESENT

Chris Kolker, Chairman; Ares G. Dalianis (by telephone), Garrett P. FitzGerald, and Susan Moylan Krey, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director, and Peter Wagner.

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	9/30/11	10/31/11	10/31/10
Agriculture	12	3	3
Central Management Services	2	1	0
Children and Family Services	4	1	1
Employment Security	8	6	3
Healthcare and Family Services	4	4	1
Historic Preservation Agency	8	4	7
Natural Resources	28	16	5
Property Tax Appeal Board	4	3	0
State Fire Marshal	1	0	0
Transportation	3	3	1
Veterans' Affairs	1	0	0
Workers' Compensation Commission	1	0	0
Totals	76	41	21

IX. INTERLOCUTORY APPEALS

DA-1-12

Employee	Peter J. Wagner	Appeal Date	07/08/11
Agency	Commerce & Economic Opportunity	Decision Date	11/03/11
Type	Discharge	ALJ	Andrew Barris
Issue(s)	Motion to Dismiss; no jurisdiction	Proposal for Decision	Grant Motion to Dismiss; no jurisdiction (not certified).

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER FITZGERALD, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED THAT THE ADMINISTRATIVE LAW JUDGE FOUND A QUESTION OF LAW, FACT, OR POLICY WHICH IF RESOLVED BY THE COMMISSION WOULD MATERIALLY ADVANCE THE RESOLUTION OF THE DISPUTE. THE COMMISSION FINDS THAT WAGNER HAD NOT COMPLETED HIS PROBATIONARY PERIOD TO ACHIEVE THE STATUS OF A CERTIFIED EMPLOYEE SUBJECT TO JURISDICTION B WHEN HE WAS DISCHARGED FROM THE DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY. THE COMMISSION FURTHER FINDS THAT WAGNER WAS NEVER CERTIFIED UNDER JURISDICTION B OF THE PERSONNEL CODE OR IN AN EQUIVALENT MERIT SYSTEM WHILE AT THE ILLINOIS COMMERCE COMMISSION, AND HE DID NOT TRANSFER TO HIS POSITION AT COMMERCE AND ECONOMIC OPPORTUNITY PURSUANT TO THE PERSONNEL RULES. RATHER, WAGNER WAS APPOINTED TO HIS POSITION AT THE DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY FROM AN OPEN AND COMPETITIVE ELIGIBLE LIST AND WAS REQUIRED TO SERVE A SIX-MONTH PROBATIONARY PERIOD PRIOR TO CERTIFICATION. IN ACCORDANCE THEREWITH, THE DECISION OF THE ADMINISTRATIVE LAW JUDGE TO DISMISS THE APPEAL IS APPROVED.

**KOLKER YES DALIANIS YES
 FITZGERALD YES KREY YES**

DA-19-12

Employee	Angela L. Hawkins	Appeal Date	09/15/11
Agency	Human Services	Decision Date	11/09/11
Type	Discharge	ALJ	Daniel Stralka
Issue(s)	Did not participate at telephone status conference	Proposal for Decision	Grant Motion to Dismiss; default.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER KREY, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED THAT THE ADMINISTRATIVE LAW JUDGE FOUND A QUESTION OF LAW, FACT, OR POLICY WHICH IF RESOLVED BY THE COMMISSION WOULD MATERIALLY ADVANCE THE RESOLUTION OF THE DISPUTE. THE COMMISSION FINDS THAT RESPONDENT'S FAILURE TO PARTICIPATE IN THE NOVEMBER 7, 2011 TELEPHONE STATUS CONFERENCE CONSTITUTES A DEFAULT, RESULTING IN THE DISMISSAL OF HER APPEAL. IN ACCORDANCE THEREWITH, THE DECISION OF THE ADMINISTRATIVE LAW JUDGE TO DISMISS THE APPEAL IS APPROVED.

**KOLKER YES DALIANIS YES
 FITZGERALD YES KREY YES**

X. **APPEAL TERMINATED WITHOUT DECISION ON THE MERITS**

DA-53-11

Employee	Elisa A. Rea	Appeal Date	06/06/11
Agency	Corrections	Decision Date	10/27/11
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Conduct unbecoming; affirmative attendance; violation of work week check in and out policies	Proposal for Decision	Dismissed subject to approval of Commission; settled.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER KREY, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION TO DISMISS THE APPEAL FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED OCTOBER 27, 2011.

**KOLKER YES DALIANIS YES
 FITZGERALD YES KREY YES**

November 18, 2011

XI. STAFF REPORT

Executive Director Daniel Stralka reported that:

- A copy of the 2011 Annual Report was previously provided to each Commissioner.
- The Public Accountability Report was submitted to the Comptroller's office on October 12, 2011.
- He and Brian Collins attended the first fiscal year 2013 budget meeting November 14, 2011. The Governor's Office of Management and Budget has yet to respond to the Commission's proposed fiscal year 2013 request.
- There has been no action taken yet to address the Commission's request for a reallocation of resources to address the pending fiscal year 2012 budget shortfall. Chairman Kolker and Executive Director Stralka have initiated many meetings and prepared a number of supporting documents to support the Commission's request. All pending responsive actions have been put on hold pending anticipated legislative action to address the Commission's concerns.

XII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular meeting to be held on Friday, December 16, 2011 at 11:00 a.m. in the Commission's Chicago office.

XIII. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 4-0 TO ADJOURN THE MEETING AT 1:51 P.M.