

November 19, 2020

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
November 19, 2020

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:03 A.M. AT 607 E. ADAMS STREET, SUITE 801, SPRINGFIELD, IL

II. ROLL CALL AND CONFIRMATION OF A QUORUM

Timothy D. Sickmeyer (by telephone), Chairman; G.A. Finch (by telephone), David Luechtefeld (by telephone), Teresa C. Smith (by telephone) and Vivian Robinson (by telephone), Commissioners; Thomas Klein, Executive Director, Andrew Barris (by telephone), Assistant Executive Director, Sabrina Johnson (by telephone), Exemption Monitor, and Alexandra Myers, Executive Secretary; Sheila Tapscott (by telephone), Central Management Services; Zina Smith (by telephone), Gregory Stevens (by telephone), and Charise Williams (by telephone), Criminal Justice Information Authority; Amanda Thomet (by telephone), Office of Executive Inspector General; and Justin DeWitt (by telephone), Department of Public Health;

Executive Director Klein confirmed there was a quorum in light of the Governor's Emergency Declaration and Chairman Sickmeyer's determination that it is neither practical nor prudent to have an in-person meeting.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD OCTOBER 15, 2020

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER LUECHTEFELD, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0, TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD OCTOBER 15, 2020.

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 Thomas Klein offered an opportunity for any person to address members of the Commission.

Hearing no response, the meeting proceeded to the next agenda item.

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

A. 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

- Exemption Monitor Sabrina Johnson indicated that Item B was a request for a Federal and State Grants Unit B Director at the Illinois Criminal Justice Information Authority (CJIA), a position that reports to the Executive Director. This position formulates and implements policies and procedures for the Restore, Reinvest and Renew (R3) Program and Violence Prevention Program (VPP) funding. This position formulates and implements policies and procedures for these programs, prepares the R3 budget, evaluates policies and procedures for maximum effectiveness and is compliant with State and Federal regulations. This position develops audit policies and procedures for federal and state purposes and oversees the distribution of grant information to applicants for the R3 program and the VPP. Staff recommended this exemption request be granted.

- Exemption Monitor Ms. Johnson indicated that Item C was a request for a Public Health Policy Advisor at the Department of Public Health (DPH), a position that reports to the Director. This position serves as an advisor to the Director and the Governor’s Office relative to public health matters. This position is a policy-making official who conducts research on state and federal legislation and provides confidential advice, analysis and information on issues relative to public health matters. Staff recommended this exemption request be granted.

Commissioner Luechtefeld noticed both positions were vacant and inquired if these were new positions. Ms. Charise Williams, Acting Director of CJIA, indicated it was a new position. Mr. Justin DeWitt, Chief of Staff with DPH, indicated it was a new position.

Commissioner Luechtefeld inquired what had changed that would require new positions to be established. Ms. Williams indicated the position within CJIA has been given statutory authority over the R3 program, which has led to a dramatic increase in state portfolio grants. Mr. DeWitt indicated DPH is expanding programs and the amount of interest in public health has created the need for the position. The DPH Director requested a policy position that will help advise the Director and help create policy for the multitude of programs within DPH.

IT WAS MOVED BY COMMISSIONER ROBINSON, SECONDED BY COMMISSIONER SMITH, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0 TO GRANT THE 4d(3) EXEMPTION REQUEST FOR THE FOLLOWING POSITIONS:

- B: Federal and State Grants Unit (FSGU) B Director (ICJIA)**
- C: Public Health Policy Advisor (DPH)**

B. Illinois Criminal Justice Information Authority

Position Number	40070-50-05-310-00-01
Functional Title	Federal and State Grants Unit (FSGU) B Director
Incumbent	Vacant
Supervisor	Executive Director
Location	Cook County

C. Illinois Department of Public Health

Position Number	40070-20-01-060-00-81
Functional Title	Public Health Policy Advisor
Incumbent	Vacant
Supervisor	Director
Location	Cook County

Proposed Rescission in accordance with Section 1.142(b) of the Rules of the Civil Service Commission

Section 1.142(b) provides that the Commission may rescind the exemption of positions that no longer meet the requirements for exemption upon the recommendation of the Director of Central Management Services. The determination of rescission of Section 4d(3) exemptions rests with Civil Service Commission. Section 1.142(b) of the Commission Rules provides that 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 ensure responsive and accountable administrative control of the programs of the agency.

- Item D is a rescission request for the Program Director for the Illinois Targeted Violence Prevention Program at the Illinois Criminal Justice Information Authority (CJIA). This position was approved for 4d(3) exemption in November 2015 and according to CJIA, this position has been vacant since May 15, 2019. CJIA indicated the grant they received from the U.S. Department of Homeland Security ended, therefore CJIA can no longer do any programming for the Targeted Violence Prevention Program. Staff recommended approval of this rescission request.

Item	Agency	Position #	Functional Title	Incumbent
D	CJIA	40070-50-05-700-00-01	Program Director, Illinois Targeted Violence Prevention Program	Vacant

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER ROBINSON, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0 TO RESCIND THE 4d(3) EXEMPTION FOR THE FOLLOWING POSITION:

D: Program Director, Illinois Targeted Violence Prevention Program (CJIA)

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 abolishment, creation and revision by the Director of the Illinois Department of Central Management Services (CMS):

B. **None submitted**

IT WAS MOVED BY COMMISSIONER LUECHTEFELD, SECONDED BY COMMISSIONER SMITH, AND BY ROLL CALL VOTE 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.

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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 LUECHTEFELD, SECONDED BY COMMISSIONER FINCH, AND BY ROLL CALL VOTE 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.

VIII. MOTION TO CLOSE A PORTION OF THE MEETING

IT WAS MOVED BY COMMISSIONER ROBINSON, SECONDED BY COMMISSIONER SMITH, 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	ROBINSON	YES
SMITH	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 607 E. Adams Street, Suite 801, Springfield, IL at 11:21 a.m.

ROLL CALL AND CONFIRMATION OF A QUORUM

Timothy D. Sickmeyer (by telephone), Chairman; G.A. Finch (by telephone), David Luechtefeld (by telephone), Teresa C. Smith (by telephone) and Vivian Robinson (by telephone), Commissioners; Thomas Klein, Executive Director, Andrew Barris (by telephone), Assistant Executive Director, Sabrina Johnson (by telephone), Exemption Monitor, and Alexandra Myers, Executive Secretary.

X. INTERLOCUTORY APPEAL

D-2-21

Employee	Michael A. Pathinvo	Appeal Date	07/29/2020
Agency	Public Health	Decision Date	11/06/2020
Appeal Type	Demotion	Proposal for Decision	Grant Motion to Dismiss for no jurisdiction
ALJ	Andrew Barris		

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

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	ROBINSON	YES
SMITH	YES		

XI. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

DA-4-21

Employee	Adam J. Deal	Appeal Date	09/03/2020
Agency	Corrections	Decision Date	11/06/2020
Appeal Type	Discharge	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn.
ALJ	Andrew Barris		

DA-5-21

Employee	Shamika White	Appeal Date	10/19/2020
Agency	Human Services	Decision Date	10/27/2020
Appeal Type	Discharge	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn.
ALJ	Andrew Barris		

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

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	ROBINSON	YES
SMITH	YES		

XII. FY 2020 ANNUAL REPORT

IT WAS MOVED BY COMMISSIONER LUECHTEFELD, SECONDED BY COMMISSIONER ROBINSON, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO APPROVE THE FISCAL YEAR 2020 ANNUAL REPORT AS SUBMITTED.

XIII. STAFF REPORT

Assistant Executive Director Andrew Barris stated he sent notifications to Commissioners who had not completed the Ethics training and/or the Sexual Harassment Prevention training.

Andrew Barris also stated that, due to litigation surrounding Department of Transportation Class Specifications, a large number of class specifications are being revised. They are currently being reviewed by multiple unions and will come before the Commission for approval at a future meeting. Executive Director Thomas Klein explained that the specifications are classified as technical positions, and they are turning into nontechnical positions.

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XIV. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held at 11:00 a.m. on Thursday, December 17, 2020 in the Springfield office of the Commission.

XV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER ROBINSON, SECONDED BY COMMISSIONER SMITH, AND BY ROLL CALL VOTE THE MOTION ADOPTED 4-0, WITH ONE ABSTENTION TO ADJOURN THE MEETING AT 11:31 A.M.