

December 19, 2019

REGULAR MEETING MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
December 19, 2019

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:05 A.M. AT 607 E. ADAMS STREET, SUITE 801, SPRINGFIELD, IL AND 160 N. LASALLE STREET, SUITE S-901, CHICAGO, IL BY INTERACTIVE VIDEO CONFERENCE

II. ROLL CALL AND CONFIRMATION OF A QUORUM

Chairman Timothy D. Sickmeyer; G.A. Finch, David Luechtefeld, Vivian Robinson, and Casey Urlacher, Commissioners; Thomas Klein, Executive Director, Andrew Barris, Assistant Executive Director and Sabrina Johnson, Exemption Monitor; Sarah Kerley, Sheila Tapscott, John Logsdon, and Chris Nickols, Illinois Department of Central Management Services; Phil Kaufmann, Illinois Department of Transportation; and Natale Fuller, Office of the Executive Inspector General.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD NOVEMBER 21, 2019

**IT WAS MOVED BY COMMISSIONER LUECHTEFELD, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0, TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD NOVEMBER 21, 2019.**

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 Items B1 through B5 were positions the Department of Transportation (DOT) recommended for 4d(3) exemption that have been continued every month beginning in August 2019.

- Ms. Johnson indicated DOT is clarifying Items B1, B2, B4 and B5 and recommended these items be continued to the January 2020 meeting.

**IT WAS MOVED BY COMMISSIONER LUECHTEFELD, SECONDED BY COMMISSIONER FINCH, AND THE MOTION ADOPTED 5-0 TO CONTINUE THE 4d(3) EXEMPTION REQUESTS FOR THE FOLLOWING POSITIONS TO THE JANUARY 2020 MEETING:**

- B1: Senior Assistant Chief Counsel-Development (DOT)**
- B2: Senior Assistant Chief Counsel-Implementation (DOT)**
- B4: Senior Assistant Chief Counsel-Labor Relations/Personnel (DOT)**
- B5: Senior Assistant Chief Counsel-Chicago (DOT)**

- Exemption Monitor Sabrina Johnson indicated that Item B3 was a request for a Deputy Chief Counsel for Ethics/Personnel/Labor Relations at DOT, a position that reports to the Chief Counsel, who reports to the Secretary. This position will provide technical advice and legal policy determination on legal and ethical matters related to transportation as well as interpretation of state and federal laws and regulations, and revise policies and interpretations. The position has decision-making authority over ethical matters. Staff recommended this exemption request be granted.

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

- B3: Deputy Chief Counsel of Ethics/Personnel/Labor Relations (DOT)**

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

Item	Agency / Position #		Functional Title	Incumbent
C	DHS	40070-10-66-200-10-01	Associate Deputy Director, Developmental Disabilities	Tiffany Bailey

**C: Associate Deputy Director, Developmental Disabilities (DHS)**

- Exemption Monitor Sabrina Johnson indicated Item C was the Associate Deputy Director for the Office of Developmental Disabilities at the Department of Human Services (DHS). This proposed rescission was continued from the November 2019 meeting at the request of Sarah Kerley, Central Management Services. DHS and CMS had no objection to the proposed rescission and staff recommended approval of the rescission.

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

**C: Associate Deputy Director, Developmental Disabilities (DHS)**

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:

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

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The following class title was submitted for revision by the Director of the Illinois Department of Central Management Services (CMS):

**B. Automotive Mechanic**

Assistant Executive Director Andrew Barris reported that the proposed revision addressed the commercial drivers' license (CDL) requirements. Barris noted the revision was agreed to through collective bargaining and would not result in an increase in compensation. He also noted that the Memorandum of Understanding regarding the union agreement to the revision was attached to the draft class specification submitted to the Commission. Barris inquired if the position descriptions would make clear which positions would need a CDL for heavy vehicles and which would not need the license for light duty vehicles. Chris Nickols, CMS Technical Services, indicated the position descriptions would identify the distinction.

**IT WAS MOVED BY COMMISSIONER LUECHTEFELD, SECONDED BY COMMISSIONER ROBINSON, AND THE MOTION ADOPTED 5-0 TO APPROVE THE REVISION OF THE FOLLOWING CLASS SPECIFICATION TO BE EFFECTIVE JANUARY 1, 2020:**

**B: Automotive Mechanic**

**IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER LUECHTEFELD, 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 URLACHER, 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.**

**VIII. MOTION TO CLOSE A PORTION OF THE MEETING**

**IT WAS MOVED BY COMMISSIONER ROBINSON, SECONDED BY COMMISSIONER FINCH, 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.**

<b>SICKMEYER</b>	<b>YES</b>	<b>FINCH</b>	<b>YES</b>
<b>LUECHTEFELD</b>	<b>YES</b>	<b>ROBINSON</b>	<b>YES</b>
<b>URLACHER</b>	<b>YES</b>		

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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 and 160 N. La Salle Street, Suite S-901, Chicago, IL by interactive video conference at 11:23 a.m.

ROLL CALL AND CONFIRMATION OF A QUORUM

Chairman Timothy D. Sickmeyer; G.A. Finch, David Luechtefeld, Vivian Robinson, and Casey Urlacher, Commissioners; Thomas Klein, Executive Director, Andrew Barris, Assistant Executive Director and Sabrina Johnson, Exemption Monitor.

X. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL

DA-3-20

Employee	Michael L. Ashby	Appeal Date	07/10/19
Agency	Human Services	Decision Date	12/06/19
Appeal Type	Discharge	Proposal for Decision	90-day suspension plus duration of his suspension pending discharge.
ALJ	Andrew Barris		

**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 FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION.**

<b>SICKMEYER</b>	<b>YES</b>	<b>FINCH</b>	<b>YES</b>
<b>LUECHTEFELD</b>	<b>YES</b>	<b>ROBINSON</b>	<b>YES</b>
<b>URLACHER</b>	<b>YES</b>		

XI. APPEAL TERMINATED WITHOUT DECISION ON THE MERITS

DA-13-20

Employee	Brian G. Senodenos	Appeal Date	10/09/19
Agency	Corrections	Decision Date	11/25/19
Appeal Type	Discharge	Proposal for Decision	Dismissed subject to approval of Commission; charges withdrawn by the Agency.
ALJ	Thomas Klein		

**IT WAS MOVED BY COMMISSIONER ROBINSON, SECONDED BY COMMISSIONER URLACHER, 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.**

<b>SICKMEYER</b>	<b>YES</b>	<b>FINCH</b>	<b>YES</b>
<b>LUECHTEFELD</b>	<b>YES</b>	<b>ROBINSON</b>	<b>YES</b>
<b>URLACHER</b>	<b>YES</b>		

**XII. REVIEW OF CLOSED MEETING MINUTES PURSUANT TO OPEN MEETINGS ACT**

Assistant Executive Director Barris reported that after review of the Closed Meeting Minutes, the need for confidentiality still exists as to all those Minutes.

**IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER FINCH, AND THE MOTION ADOPTED 5-0 THAT AFTER REVIEW OF CLOSED MEETING MINUTES PURSUANT TO THE OPEN MEETINGS ACT, THE NEED FOR CONFIDENTIALITY STILL EXISTS AS TO ALL THOSE MINUTES.**

**XIII. APPROVAL OF THE DESTRUCTION OF THE AUDIO VERBATIM RECORDINGS OF CLOSED SESSIONS PRIOR TO JULY 2017 IN ACCORDANCE WITH THE OPEN MEETINGS ACT**

**IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 THAT THE DESTRUCTION OF THE AUDIO AND VIDEO VERBATIM RECORDINGS OF CLOSED SESSIONS PRIOR TO JULY 1, 2017<sup>1</sup> IS APPROVED IN ACCORDANCE WITH THE OPEN MEETINGS ACT.**

**XIV. STAFF REPORT**

Executive Director Klein reported the following:

- Legislation in veto session affecting the Commission. State residency requirement takes effect January 1, 2020.
- After meeting Sarah Kerley, it was decided that Assistant Executive Director Barris will work with CMS on transitioning the IDOT employees currently in technical position but not performing technical duties to Code covered positions.

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<sup>1</sup> The Commission voted on July 15, 2011 to maintain verbatim recordings for a minimum of 24 months before destruction.



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- Former Executive Directors Dan Stralka and Bruce Finney both attended the Commission's annual holiday lunch on December 18, 2019.

XV. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held at 11:00 a.m. on Thursday, January 16, 2020 in the Springfield and Chicago offices of the Commission by interactive video conference.

XVI. MOTION TO ADJOURN

**IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER FINCH, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 11:30 A.M.**