

December 20, 2013

REGULAR MEETING AGENDA  
ILLINOIS CIVIL SERVICE COMMISSION  
December 20, 2013

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 10:30 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD NOVEMBER 15, 2013

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD NOVEMBER 15, 2013?**

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

**MEMBERS OF THE PUBLIC ARE OFFERED AN OPPORTUNITY TO ADDRESS MEMBERS OF THE COMMISSION IN ACCORDANCE WITH THE OPEN MEETINGS ACT AND RULES OF THE CIVIL SERVICE COMMISSION.**



V. 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.....	138.....	16
Agriculture .....	328.....	17
Arts Council .....	16.....	2
Capitol Development Board.....	46.....	0
Central Management Services.....	1,457.....	113
Children and Family Services .....	2,717.....	51
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	372.....	69
Commerce Commission .....	74.....	0
Corrections .....	10,813.....	104
Criminal Justice Authority .....	56.....	5
Deaf and Hard of Hearing Comm.....	7.....	1
Developmental Disabilities Council.....	8.....	1
Emergency Management Agency.....	84.....	5
Employment Security.....	1,413.....	30
Environmental Protection Agency.....	798.....	17
Financial & Professional Regulation.....	416.....	45
Gaming Board .....	144.....	6
Guardianship and Advocacy .....	102.....	7
Healthcare and Family Services .....	2,064.....	25
Historic Preservation Agency.....	158.....	15
Human Rights Commission.....	13.....	2
Human Rights Department.....	141.....	9
Human Services .....	11,137.....	78
Illinois Torture Inquiry Relief Commission .....	4.....	1
Insurance .....	214.....	16
Investment Board .....	3.....	2
Juvenile Justice.....	972.....	24
Labor .....	87.....	11
Labor Relations Board Educational.....	9.....	2
Labor Relations Board State.....	17.....	2
Law Enforcement Training & Standards Bd. ....	17.....	2
Lottery.....	138.....	7
Military Affairs .....	122.....	3
Natural Resources .....	1,085.....	30
Pollution Control Board .....	21.....	2
Prisoner Review Board.....	16.....	0
Property Tax Appeal Board.....	28.....	1
Public Health.....	1,072.....	41
Racing Board.....	2.....	1
Revenue.....	1,687.....	51
State Fire Marshal .....	130.....	12
State Police.....	1,079.....	7
State Police Merit Board .....	5.....	1
State Retirement Systems.....	97.....	2
Transportation .....	2,177.....	0
Veterans' Affairs .....	1,267.....	9
Workers' Compensation Commission.....	134.....	10
<b>TOTALS .....</b>	<b>42,889.....</b>	<b>855</b>



**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 Agriculture – proposed exemption**

Position Number	40070-11-01-800-00-01 <sup>A</sup>
Position Title	Senior Public Service Administrator
Bureau/Division	Executive Office
Functional Title	Agency Procurement Officer
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

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

**D. Illinois Historic Preservation Agency – Proposed Exemption**

Position Number	40070-48-57-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Abraham Lincoln Presidential Library & Museum (ALPLM)
Functional Title	ALPLM Director of Education
Incumbent	Vacant
Supervisor	ALPLM Deputy Director, who reports to the ALPLM Director, who in turn 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.”

**E. Illinois Department of Revenue – Proposed Exemption**

Position Number	37015-25-04-000-02-01
Position Title	Public Service Administrator
Bureau/Division	Legislative Office
Functional Title	Legislative Liaison
Incumbent	Vacant
Supervisor	Manager of Legislative Office 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.”

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<sup>A</sup> The exemption for this position was previously rescinded on November 19, 2010.



**F. Illinois State Police – Proposed Exemption**

Position Number	13851-21-00-700-30-01
Position Title	Executive 1
Bureau/Division	Office of the Director/Governmental Affairs
Functional Title	Legislative Liaison
Incumbent	Vacant
Supervisor	Chief, Governmental Affairs 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.”

**G. Illinois Workers’ Compensation Commission – Proposed Exemption**

Position Number	40070-50-37-000-20-01
Position Title	Senior Public Service Administrator
Bureau/Division	Legislative Affairs
Functional Title	Legislative Liaison
Incumbent	Vacant
Supervisor	Chairman
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: Agency Procurement Officer (Agriculture)**
- D: ALPLM Director of Education (Historic Preservation Agency)**
- E: Legislative Liaison (Revenue)**
- F: Legislative Liaison (State Police)**
- G: Legislative Liaison (Workers’ Compensation Commission)**



VI. CLASS SPECIFICATIONS

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

Firearms Eligibility Analyst Trainee

Firearms Eligibility Analyst I

Firearms Eligibility Analyst II

**CMS Classification Analysis:** “Effective July 9, 2013, Public Act 98-63, the Firearm Concealed Carry Act, became state law (430 ILCS 66), which requires an Illinois Concealed Carry License in order for an individual to carry a concealed firearm in Illinois (excluding current peace officers and retired police officers eligible under a federally approved retired officer concealed carry program).

February 2013, in anticipation of the Firearm Concealed Carry Act, the Department of Illinois State Police (ISP) requested the development of a new class to encompass positions that would independently perform criminal and mental health history record research, and independently approve, deny, and/or revoke concealed carry permits and Firearm Owner’s Identification (FOID) cards. During the initial meeting with ISP, they indicated that ISP has Office Associates and Office Coordinators performing these type of FOID card eligibility duties, in which these positions are in the ‘Office Series’ and the AFSCME RC-014 clerical employees bargaining unit. However, ISP stated that only about 1/3 of those employees are able to perform the essential functions of the job.

We looked at the State Police Crime Information Evaluator class and the Office Specialist class to try to fulfill ISP’s need without new class development. The State Police Crime Information Evaluator ‘performs technical and paraprofessional functions monitoring and controlling the flow of information into the Violent Crime Information Tracking and Linking or Uniform Crime Reporting database system.’ The Office Specialist is a higher level title found within the ‘Office Series’ and serves as a paraprofessional, and may assist in regulating, monitoring and controlling program or client service program provided by the agency; or receives and evaluates documents, licenses, permits and contractual agreements to determine acceptability or conformance to eligibility requirements according to rules and regulations. However, Illinois State Police indicated that there was a large amount of training needed in the research component of the job in order to be able to make firearms eligibility decisions, and that they would like a Trainee title to bring in and train people in firearms eligibility analysis. In addition, ISP indicated that they want a worker level, an expert level job title, and they would like for employees to only be hired into worker level and expert level jobs by promoting through the series. Due to the independence of action and decision making, and the work rules being requested, the State Police Crime Evaluator and Office specialist classes were found not to be acceptable classes for determining firearms eligibility for ISP.



Because of the specificity of the firearms eligibility analysis and determinations, and these functions statutorily designated to the ISP, other general titles such as Administrative Assistant I & II, Executive I & II, and other ‘licensing’ titles such as Licensing Assistant and Licensing Investigator Series were found not to be suitable in fulfilling ISP’s request.

We have developed a new class series for Firearms Eligibility Analyst (FEA) Trainee, FEA I, and FEA II for ISP. The FEA Trainee will receive six to twelve months of training in performing criminal and mental health history research and determining FOID card and concealed carry permit eligibility. The FEA I and FEA II will independently perform criminal and mental health history research, and will independently approve, deny and revoke Firearm Owner’s Identification (FOID) cards and concealed carry permits. The FEA II will perform all duties as the FEA I, and has additional higher level duties and responsibilities such as, but not limited to: Governor’s appeals, reinstatements of firearms privileges, keeping abreast of federal, State of Illinois and other states’ laws in regard to firearms and concealed carry eligibility, and assisting with the updating of policies and procedures regarding firearms eligibility for the State of Illinois.

Due to the independence of action, and firearms eligibility decisions being made based on thorough research of criminal and mental health history records, the FEA Trainee, FEA I, and FEA II duties and responsibilities are professional in nature and should require knowledge, skill and mental development equivalent to completion of four years of college.”

**WILL THE COMMISSION APPROVE THE CREATION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE ON JANUARY 1, 2014?**

**Firearms Eligibility Analyst Trainee**

**Firearms Eligibility Analyst I**

**Firearms Eligibility Analyst II**

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

VII. MOTION 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, WILL THE COMMISSION CLOSE A PORTION OF THE MEETING TO CONSIDER APPEALS FILED WITH THE COMMISSION, LITIGATION, AND/OR SPECIFIED EMPLOYMENT MATTERS?**



VIII. RECONVENE THE REGULAR OPEN MEETING

IX. 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	10/31/13	11/30/13	11/30/12
Aging	1	1	2
Agriculture	0	0	1
Central Management Services	0	0	2
Children and Family Services	0	1	5
Healthcare and Family Services	1	0	5
Historic Preservation Agency	1	0	0
Human Services	0	0	2
Natural Resources	1	1	2
Revenue	1	0	3
Transportation	0	0	1
Veterans' Affairs	0	0	1
<b>Totals</b>	5	3	24

X. INTERLOCUTORY APPEAL

**DA-8-14**

Employee	Ololade Sanusi	Appeal Date	11/08/13
Agency	Human Services	Decision Date	12/05/13
Type	Discharge	ALJ	Daniel Stralka
Issue(s)	Motion To Dismiss filed for no jurisdiction (employee not subject to jurisdiction B of the Personnel Code)	Proposal for Decision	Motion to Dismiss granted subject to approval of Commission; no jurisdiction.

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





XI. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

**DA-2-14**

Employee	James E. Simmons	Appeal Date	07/29/13
Agency	Corrections	Decision Date	12/05/13
Appeal Type	Discharge	Proposal for Decision	Charges are partially proven and warrant a 60-day suspension plus duration of suspension pending discharge.
ALJ	Daniel Stralka		

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

**S-44-13**

Employee	Charles E. Dehlinger	Appeal Date	05/31/13
Agency	Revenue	Decision Date	12/04/13
Appeal Type	Suspension	Proposal for Decision	Charge is proven and the suspension upheld.
ALJ	Andrew Barris		

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

**RV-30-13**

Employee	Larry Beck	Appeal Date	02/11/13
Agency	Corrections	Decision Date	11/22/13
Appeal Type	Rule Violation	Proposal for Decision	No violation.
ALJ	Andrew Barris		

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

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

**AFTER REVIEW OF THE CLOSED MEETING MINUTES PURSUANT TO THE OPEN MEETINGS ACT, WILL THE COMMISSION AGREE THAT THE NEED FOR CONFIDENTIALITY STILL EXISTS?**



December 20, 2013

XIII. APPROVAL OF THE DESTRUCTION OF THE AUDIO VERBATIM RECORDINGS OF CLOSED SESSIONS PRIOR TO JULY 1, 2011 IN ACCORDANCE WITH THE OPEN MEETINGS ACT

**WILL THE COMMISSION APPROVE THE DESTRUCTION OF THE AUDIO VERBATIM RECORDINGS OF CLOSED SESSIONS PRIOR TO JULY 1, 2011<sup>B</sup> IN ACCORDANCE WITH THE OPEN MEETINGS ACT?**

XIV. STAFF REPORT

XV. ANNOUNCEMENT OF NEXT REGULAR OPEN MEETING

**The next regular open meeting is to be held on Friday, January 17, 2014 at the new start time of 1:30 p.m. in the Commission's Springfield office.**

XVI. MOTION TO ADJOURN

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

