

December 21, 2012

REGULAR MEETING MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
December 21, 2012

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:05 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman (by telephone); Anita M. Cummings, Ares G. Dalianis, Garrett P. FitzGerald,<sup>1</sup> and Susan Moylan Krey, Commissioners; Daniel Stralka, Executive Director; Andrew Barris (by telephone), Assistant Executive Director; Roneta Taylor (by telephone), Mark Magill (by telephone), Rich Fetter (by telephone), Julie Moscardelli (by telephone), Roger Nondorf, and Will Walker, Illinois Department of Central Management Services; Barb Piwowarski and Jeanette Okulinski, Illinois Department of Employment Security; Dawn DeFraties (by telephone), Illinois Historic Preservation Agency; Ronald Rascia, Illinois Workers' Compensation Commission; and Beth Duesterhaus (by telephone) and Kathy Barrow (by telephone), Administrative & Regulatory Shared Services Center.

MOTION TO ALLOW PARTICIPATION AT MEETING BY AUDIO CONFERENCE

Executive Director Daniel Stralka advised that he had been notified in advance that Chairman Chris Kolker was prevented from physically attending the December meeting at the Commission's Chicago office due to employment purposes and wished to attend by audio conference.

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 3-0 TO ALLOW CHAIRMAN KOLKER TO ATTEND THE MEETING BY AUDIO CONFERENCE.**

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD NOVEMBER 16, 2012

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 4-0 TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD NOVEMBER 16, 2012.**

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

At this time, in accordance with the Open Meetings Act and the Rules of the Civil Service Commission, Executive Director Daniel Stralka offered an opportunity for any person to address members of the Commission. Hearing no response, the meeting proceeded to the next agenda item.

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<sup>1</sup> Commissioner Garrett FitzGerald arrived at the meeting at 11:10 a.m.



V. 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.....	135	14
Agriculture.....	335	16
Arts Council.....	17	2
Capitol Development Board.....	45	0
Central Management Services.....	1,541	114
Children and Family Services.....	2,845	50
Civil Service Commission.....	4	0
Commerce & Economic Opportunity.....	377	69
Commerce Commission.....	75	0
Corrections.....	10,972	105
Criminal Justice Authority.....	59	5
Deaf and Hard of Hearing Comm.....	6	1
Developmental Disabilities Council.....	8	1
Emergency Management Agency.....	87	6
Employment Security.....	1,761	28
Environmental Protection Agency.....	830	16
Financial & Professional Regulation.....	454	43
Gaming Board.....	141	6
Guardianship and Advocacy.....	101	7
Healthcare and Family Services.....	2,088	25
Historic Preservation Agency.....	166	14
Human Rights Commission.....	14	2
Human Rights Department.....	137	8
Human Services.....	11,898	79
Illinois Sentencing Policy Advisory Council.....	2	2
Insurance.....	239	14
Investment Board.....	2	2
Juvenile Justice.....	1,169	21
Labor.....	94	11
Labor Relations Board Educational.....	11	2
Labor Relations Board State.....	17	2
Law Enforcement Training & Standards Bd.....	17	2
Lottery.....	144	7
Military Affairs.....	119	3
Natural Resources.....	1,113	28
Pollution Control Board.....	21	2
Prisoner Review Board.....	16	0
Property Tax Appeal Board.....	25	1
Public Health.....	1,073	40
Racing Board.....	3	1
Revenue.....	1,604	51
State Fire Marshal.....	126	12
State Police.....	1,140	7
State Police Merit Board.....	5	1
State Retirement Systems.....	94	2
Transportation.....	2,204	0
Veterans' Affairs.....	1,311	9
Workers' Compensation Commission.....	131	8
<b>TOTALS.....</b>	<b>44,776</b>	<b>839</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. Requests for 4d(3) Exemption**

Executive Director Daniel Stralka reported:

- As to Item C, the agency requested that this be continued to January.
- As to Items D1-D3, these requests are all from the Department of Employment Security and all report to the Executive Deputy Director of Service Delivery who reports to the Director. Item D1 is the Assistant Deputy Director of Service Delivery; D2 is the Manager of the Employment Services program; D3 is the Manager of the Unemployment Insurance program. These were first up for consideration at the Commission's September meeting. All remaining issues with these requests have been resolved during this time period which mostly involved clarifying the organizational structure of the agency and these positions.

As to D1, it has principal policy development responsibility for all programs under Service Delivery at the agency which includes Unemployment Insurance and Employee Services. It is similar to the previously exempted Assistant Deputy Director for Business Services at the agency. For this reason, Staff recommended approval of this request.

D2 and D3 are positions also under Service Delivery. These positions have principal policy implementation responsibility for major programs of the agency. Employee Services includes programs to assist the unemployed in finding new employment. Unemployment Insurance is to provide benefits to applicants and is self-explanatory. For these reasons, Staff recommended approval of these requests. Barb Piwowarski, Deputy Director of Administration, Illinois Department of Employment Security, expressed agreement with this summation.

- As to Item E, the agency requested that this be continued to January.
- As to Items F1-F4, the agency has requested that Item F2 be withdrawn and that Item F3 be continued to January. The two remaining requests are both from the Department of Central Management Services and involve the establishment of a new Bureau called Agency Services.

Item F1 is the Deputy Director for this Bureau which includes programs such as Vehicles, I-Cycle/Waste Reduction, Surplus, Printing, and Mail/Messenger. It reports to a statutory Assistant Director. For these reasons, Staff recommended approval of this request.

Item F4 is the I-Cycle/Waste Reduction Manager, a position that reports to the Deputy Director. This position has principal policy implementation responsibility for these statewide recycling programs under the Illinois Solid Waste Management Act. For this reason, Staff recommended approval of this request. Will Walker, Central Management Services Deputy Director, expressed agreement with this summation.



- As to Items G1-G2, these requests are from the Department of Children and Family Services and are for Deputy Chiefs of Staff who report to the Chief of Staff who reports to the Director. They were previously submitted for exemption in September and denied. The agency subsequently clarified the position descriptions and resubmitted them for exemption. Item G1 is in Cook County and has principal policy responsibility as the Chief Administrative Law Judge for the agency's administrative hearings unit. As the Commission has exempted similar such positions in other agencies, Staff recommended approval of this request. Item G2 is in Sangamon County and has principal policy responsibility for the agency's placement resources programs. These programs had previously supported the exemption of a position that is in the process of being abolished. Staff recommended approval of this request and will monitor progress of the abolishment to ensure there is no overlap of exempt positions with this program.
- As to Item H, this request is for the Chief Technology Officer at the Illinois Department of Employment Security, a position that reports to the Chief Information Officer who reports to the Director. This position does not have any principal policy responsibility as it reports to a 4d(3) exempt Chief Information Officer, and the Information Technology program is a support program and not an operational program of the agency. Commission staff is unaware of any agency outside of Central Management Services that has more than one 4d(3) exempt Information Technology position. For that reason, it was the Staff recommendation to deny this request.

Barb Piwowski explained that this position makes policy decisions in the technology area while the Chief Information Officer is more focused on the business programs of the agency. It will be deciding which systems the agency develops or acquires to ensure there is no interruption in the services the agency performs in paying benefits and collecting taxes, an area the State is "woefully" behind on. Such responsibilities require a candidate with a specialized skill set.

Commissioner Dalianis inquired of Executive Director Stralka the ramifications of granting an exemption to two positions in an agency's Information Technology program. Executive Director Stralka responded that it sets a precedent whereby all other agencies may now submit requests for multiple principal policy exempt positions in this program area, an area which only recently has been utilized to support such exemptions. He noted the difficulty in rationalizing how multiple positions in a support program area can support principal policy exemptions. In addition, there are a large number of exempt positions in the Bureau of Communications and Computer Services in the Department of Central Management Services which may overlap with agency position responsibilities in this area.

Commissioner FitzGerald asked Barb Piwowski to elaborate on how developing system architecture ties in to policy making decisions. Piwowski responded that the determining the issue of what architecture an agency is to use is itself a policymaking decision. She pointed out how the agency is presently utilizing 1980s architecture for its systems. Commissioner FitzGerald further inquired if the Chief Information Officer was filled. Barb Piwowski indicated it was and that person needs a technologically advanced resource to make the architecture policy. Rich Fetter, Deputy Director of the



Bureau of Communications and Computer Services, elaborated on the system architecture issue. He acknowledged it can be perceived that the State is woefully behind in some areas, but the present protocol is for an agency to make the business decisions while his Bureau then makes the final decision on the architecture. They have Statewide computing infrastructure responsibility.

Commissioner FitzGerald noted that a very important job is not the equivalent of a principal policy exempt position. Commissioner Cummings opined that this position appears to lack sufficient policy making responsibilities to warrant exemption. After additional discussion, it was the consensus of the Commissioners to continue this matter to January for the agency to provide additional information as to why this position warrants a principal policy exemption.

- As to Item I, the agency requested that this be withdrawn.
- As to Items J1-J2, these requests are from the Department of Juvenile Justice and are for two Regional Administrators for the Aftercare Services Program. Both positions report to the Deputy Director of Aftercare Services, a position that reports to the Director. The Aftercare Services program is the equivalent of the parole program at the Department of Corrections but for juvenile offenders. The Commission previously approved exemption requests for similar positions at the Department of Corrections. For these reasons, Staff recommended approval of these requests.
- As to Item K, the agency requested that this be continued to January.
- As to Items L1-L3, these requests are from the Bureau of Communications and Computer Services (BCCS) in the Department of Central Management Services, and all these positions report to the Bureau's Deputy Director who reports to the Director.

Item L1 is the Enterprise Architecture and Strategy Executive and L2 is the Enterprise Project Management Office Executive. While Staff has been sufficiently informed to believe that ultimately both will qualify for exemption, there remained some minimal concerns about overlap with existing exempt positions at BCCS. Both are technical positions and the Deputy Director was present to address these requests.

Item L3 is the Chief Customer Officer at BCCS and has principal policy responsibilities in managing the Information Technology Service Desk and other end user support activities. Considering the scope of such a position and the importance of maintaining end user access to the State's system, Staff recommended approval of this request.

Rich Fetter explained how Item L1 establishes policies for developing Statewide system architecture. The computer infrastructure this position has responsibility for needs to meet the business goals of the various agencies and other end-users. It does not have sole responsibility in this area, but it has primary responsibility because it is a collaborative effort with the BCCS senior leadership team.



Item L2 is in charge of all programs and projects that BCCS runs. It has significant interaction with other State agencies and external entities since these are usually part of a larger grid.

Chairman Kolker indicated he had concerns that these responsibilities may overlap with other exempt positions and suggested that this matter be continued to allow these to be addressed. Rich Fetter inquired if this meant the Commission was seeking additional information. Chairman Kolker replied affirmatively, noting his growing concern over granting principal policy exemptions for so many technical positions in the State.

- As to Item M, this request is for the Agency Procurement Officer and Contract and Procurement Manager at the Illinois Historic Preservation Agency, a position that reports to the Director. Along with typical agency procurement functions, it also negotiates contracts and operational agreements specific to the agency. As the Commission has approved exemptions for similar positions in the past, Staff recommended approval of this request. Dawn DeFraties, Human Resources Director for the Illinois Historic Preservation Agency, expressed agreement with this summation.
- As to Item N, this request is for the Senior Policy Advisor at the Illinois Emergency Management Agency, a position that reports to the Director. This position was first granted a term exemption back in 2008 because there were concerns over its inclusion in a collective bargaining unit. It was granted a total of five subsequent extensions while the Commission waited for resolution of the collective bargaining status. The last extension expires this month. The agency submitted this request for another extension. However, the position is now vacant and the agency did not respond to Staff's request for additional information. For these reasons, Staff recommended denial of this request. Roneta Taylor, Central Management Services Technical Services, indicated that she had inquired of Labor Relations as to the current status of this position but did not receive any response.

**IT WAS MOVED BY COMMISSIONER FITZGERALD, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 5-0 TO CONTINUE THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:**

**C: Mental Health & Addiction Recovery Management Supervisor (Corrections)**

**E: Public Affairs Director (Natural Resources)**

**F3: Project Manager-Statewide Print (Central Management Services)**

**H: Chief Technology Officer (Employment Security)**

**K: Manager of Insurance Compliance Outreach Prog. (Workers' Comp. Comm.)**

**L1: Enterprise Architecture & Strategy Executive (Central Management Services)**

**L2: Enterprise Project Management Office Executive (Central Management Services)**



**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 5-0 TO ACCEPT THE WITHDRAWAL OF 4D(3) EXEMPTION REQUEST FOR THE FOLLOWING POSITIONS:**

**F2: Project Manager, Bureau of Agency Services (Central Management Services)**

**I: Bureau Chief, Bureau of Expenditure Accounting (Human Services)**

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER FITZGERALD, AND THE MOTION ADOPTED 5-0 TO DENY THE REQUEST FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITION:**

**N: Senior Policy Advisor (Emergency Management Agency)**

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 5-0 TO GRANT THE REQUEST FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:**

**D1: Assistant Deputy Director of the Bureau of Service Delivery (Employment Security)**

**D2: Employment Services Program Manager (Employment Security)**

**D3: Unemployment Insurance Program Manager (Employment Security)**

**F1: Deputy Director, Bureau of Agency Services (Central Management Services)**

**F4: I-Cycle/Waste Reduction Manager (Central Management Services)**

**G1: Deputy Chief of Staff-Cook County (Children & Family Services)**

**G2: Deputy Chief of Staff-Downstate (Children & Family Services)**

**J1: Regional Administrator-Aftercare Services-Cook County/Northern (Juvenile Justice)**

**J2: Regional Administrator-Aftercare Services-Central/Southern (Juvenile Justice)**

**L3: Chief, Customer Support Division (Central Management Services)**

**M: Agency Procurement Officer (Historic Preservation Agency)**





**The following 4d(3) exemption requests were continued on December 21, 2012:**

**C. Illinois Department of Corrections**

Position Number	40070-29-02-500-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Programs and Support Services
Functional Title	Mental Health & Addiction Recovery Management Supervisor
Incumbent	Vacant
Supervisor	Chief of Programs & Support Services, who reports to the Assistant Director, who in turn reports to the Director
Location	Will County

**E. Illinois Department of Natural Resources**

Position Number	40070-12-00-010-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of the Director
Functional Title	Public Affairs Director
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

**F3. Illinois Department of Central Management Service**

Position Number	40070-37-01-000-40-01
Position Title	Senior Public Service Administrator
Bureau/Division	Agency Services
Functional Title	Project Manager-Statewide Print
Incumbent	Vacant
Supervisor	Deputy Director, Bureau of Agency Services, who reports to the Assistant Director, who in turn reports to the Director
Location	Sangamon County

**H. Illinois Department of Employment Security**

Position Number	40070-44-30-500-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Information Services Bureau
Functional Title	Chief Technology Officer
Incumbent	Vacant
Supervisor	Chief Information Officer who reports to the Director
Location	Cook County



**K. Illinois Workers' Compensation Commission**

Position Number	40070-50-37-011-00-02
Position Title	Senior Public Service Administrator
Bureau/Division	Insurance Compliance
Functional Title	Manager of Insurance Compliance Outreach Program
Incumbent	Vacant
Supervisor	Insurance Compliance Manager who reports to the Chairman
Location	Cook County

**L1. Illinois Department of Central Management Services**

Position Number	40070-37-10-000-30-01
Position Title	Senior Public Service Administrator
Bureau/Division	Enterprise Architecture & Strategy
Functional Title	Enterprise Architecture & Strategy Executive
Incumbent	Vacant
Supervisor	Deputy Director, Bureau of Communications & Computer Services, who reports to the Assistant Director, who in turn reports to the Director
Location	Sangamon County

**L2. Illinois Department of Central Management Services**

Position Number	40070-37-17-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Enterprise Project Management Office
Functional Title	Enterprise Project Management Office Executive
Incumbent	Vacant
Supervisor	Deputy Director, Bureau of Communications & Computer Services, who reports to the Assistant Director, who in turn reports to the Director
Location	Cook County

**The following 4d(3) exemption requests were withdrawn on December 21, 2012:**

**F2. Illinois Department of Central Management Services**

Position Number	40070-37-01-000-30-01
Position Title	Senior Public Service Administrator
Bureau/Division	Agency Services
Functional Title	Project Manager, Bureau of Agency Services
Incumbent	Vacant
Supervisor	Deputy Director, Bureau of Agency Services, who reports to the Assistant Director, who in turn reports to the Director
Location	Cook County



**I. Illinois Department of Human Services**

Position Number	40070-10-00-420-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Fiscal Services
Functional Title	Bureau Chief, Bureau of Expenditure Accounting
Incumbent	Vacant
Supervisor	Chief Financial Officer who reports to the Assistant Secretary, who in turn reports to the Secretary
Location	Sangamon County

**The following 4d(3) exemption request was denied on December 21, 2012:**

**N. Illinois Emergency Management Agency**

Position Number	37015-50-17-040-00-03
Position Title	Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Senior Policy Advisor <sup>2</sup>
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

**The following 4d(3) exemption requests were granted on December 21, 2012:**

**D1. Illinois Department of Employment Security**

Position Number	40070-44-20-010-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Service Delivery
Functional Title	Assistant Deputy Director of the Bureau of Service Delivery
Incumbent	Vacant
Supervisor	Executive Deputy Director of Service Delivery who reports to the Director
Location	Cook County

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<sup>2</sup> This position was granted exemption for a term of six months on June 15, 2012.



**D2. Illinois Department of Employment Security**

Position Number	40070-44-21-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Service Delivery/Employment Services Program
Functional Title	Employment Services Program Manager
Incumbent	Bennett R. Krause
Supervisor	Executive Deputy Director of Service Delivery who reports to the Director
Location	Sangamon County

**D3. Illinois Department of Employment Security**

Position Number	40070-44-22-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Service Delivery/Unemployment Insurance Program
Functional Title	Unemployment Insurance Program Manager
Incumbent	Frank G. DeMore
Supervisor	Executive Deputy Director of Service Delivery who reports to the Director
Location	Cook County

**F1. Illinois Department of Central Management Services**

Position Number	40070-37-01-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Agency Services
Functional Title	Deputy Director, Bureau of Agency Services
Incumbent	Vacant
Supervisor	Assistant Director who reports to the Director
Location	Cook County

**F4. Illinois Department of Central Management Services**

Position Number	40070-37-01-000-50-01
Position Title	Senior Public Service Administrator
Bureau/Division	Agency Services
Functional Title	I-Cycle/Waste Reduction Manager
Incumbent	Vacant
Supervisor	Deputy Director, Bureau of Agency Services, who reports to the Assistant Director, who in turn reports to the Director
Location	Sangamon County



**G1. Illinois Department of Children & Family Services**

Position Number	40070-16-00-220-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Deputy Chief of Staff-Cook County
Incumbent	Vacant
Supervisor	Chief of Staff who reports to the Director
Location	Cook County

**G2. Illinois Department of Children & Family Services**

Position Number	40070-16-00-230-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Deputy Chief of Staff-Downstate
Incumbent	Vacant
Supervisor	Chief of Staff who reports to the Director
Location	Rock Island County

**J1. Illinois Department of Juvenile Justice**

Position Number	40070-27-00-310-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Aftercare Services
Functional Title	Regional Administrator-Cook County/Northern Region
Incumbent	Vacant
Supervisor	Deputy Director of Aftercare Services who reports to the Director
Location	Cook County

**J2. Illinois Department of Juvenile Justice**

Position Number	40070-27-00-320-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Aftercare Services
Functional Title	Regional Administrator-Central/Southern Region
Incumbent	Vacant
Supervisor	Deputy Director of Aftercare Services who reports to the Director
Location	Sangamon County



**L3. Illinois Department of Central Management Services**

Position Number	40070-37-18-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Customer Support Division
Functional Title	Chief, Customer Support Division
Incumbent	Vacant
Supervisor	Deputy Director, Bureau of Communications & Computer Services, who reports to the Assistant Director, who in turn reports to the Director
Location	Sangamon County

**M. Illinois Historic Preservation Agency**

Position Number	40070-48-00-600-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Agency Procurement Officer
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

VI. CLASS SPECIFICATIONS

- None Submitted

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 5-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.**

VII. MOTION TO CLOSE A PORTION OF THE MEETING

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER KREY, 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), 2(c)(5), AND 2(c)(11) OF THE OPEN MEETINGS ACT.**

<b>KOLKER</b>	<b>YES</b>	<b>CUMMINGS</b>	<b>YES</b>
<b>DALIANIS</b>	<b>YES</b>	<b>FITZGERALD</b>	<b>YES</b>
<b>KREY</b>	<b>YES</b>		



VIII. RECONVENE THE OPEN MEETING

Upon due and proper notice the regular open meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Suite S-901, Chicago, Illinois at 11:55 a.m.

PRESENT

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

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 Illinois Department of Central Management Services' Consecutive Non-Merit Report.

Agency	10/31/12	<b>11/30/12</b>	11/30/11
Aging	2	<b>2</b>	0
Agriculture	1	<b>1</b>	3
Central Management Services	0	<b>2</b>	2
Children and Family Services	5	<b>5</b>	4
Employment Security	0	<b>0</b>	6
Healthcare and Family Services	5	<b>5</b>	6
Historic Preservation Agency	3	<b>0</b>	1
Human Services	3	<b>2</b>	0
Natural Resources	10	<b>2</b>	13
Property Tax Appeal Board	0	<b>0</b>	0
Revenue	3	<b>3</b>	0
Transportation	10	<b>1</b>	4
Veterans' Affairs	1	<b>1</b>	0
Totals	43	<b>24</b>	39



X. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

**DA-8-13**

Employee	Laverne F. Lloyd	Appeal Date	09/04/12
Agency	Human Services	Decision Date	12/07/12
Appeal Type	Discharge	Proposal for Decision	Appeal granted; employee to be reinstated.
ALJ	Daniel Stralka		

**IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER DALIANIS, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE’S PROPOSAL FOR DECISION THAT THE WRITTEN CHARGES FOR DISCHARGE HAVE NOT BEEN PROVEN SO THE DISCHARGE IS SET ASIDE IN WHOLE AND LAVERNE F. LLOYD IS TO BE REINSTATED TO HER POSITION OF MENTAL HEALTH TECHNICIAN I WITH THE ILLINOIS DEPARTMENT OF HUMAN SERVICES.**

<b>KOLKER</b>	<b>YES</b>	<b>CUMMINGS</b>	<b>YES</b>
<b>DALIANIS</b>	<b>YES</b>	<b>FITZGERALD</b>	<b>YES</b>
<b>KREY</b>	<b>YES</b>		

**RV-21-08**

Employee	Gregory D. Douglas	Appeal Date	12/03/07
Agency	Central Management Services and other agencies	Decision Date	09/20/12 <sup>3</sup>
Appeal Type	Rule Violation	ALJ	Daniel Stralka
Issue(s)	Failure to be interviewed for posted promotions	Proposal for Decision	No violation.

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER KREY, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM, MODIFY, AND ADOPT THE ADMINISTRATIVE LAW JUDGE’S PROPOSAL FOR DECISION. IT WAS AFFIRMED THAT THE PETITIONER HAS NOT PROVEN BY A PREPONDERANCE OF THE EVIDENCE THAT A VIOLATION OF THE PERSONNEL CODE OR PERSONNEL RULES OCCURRED AS ALLEGED. THE PROPOSAL FOR DECISION IS MODIFIED TO STRIKE ANY REFERENCE TO SECTION 1.141 OF THE RULES OF THE CIVIL SERVICE COMMISSION AND THE COMMISSION’S LACK OF ENFORCEMENT AUTHORITY OVER PROVISIONS OF COLLECTIVE BARGAINING AGREEMENTS. SECTION 10**

<sup>3</sup> The proposal for decision was dated September 20, 2012. Douglas requested additional time to file his response to the proposal for decision. An extension of time was granted to December 14, 2012.





**OF THE PERSONNEL CODE LIMITS THE COMMISSION’S REMEDIAL AUTHORITY IN RULE VIOLATION APPEALS TO VIOLATIONS OF “THIS ACT,” A CLEAR REFERENCE TO THE PERSONNEL CODE AND THE OTHER JURISDICTIONS THAT DERIVE FROM IT. THE PUBLIC SECTOR COLLECTIVE BARGAINING AGREEMENT THAT THE PETITIONER INSISTENTLY REFERENCED THROUGHOUT THESE PROCEEDINGS ORIGINATED FROM ANOTHER ACT, THE ILLINOIS PUBLIC LABOR RELATIONS ACT. SINCE IT DOES NOT DERIVE FROM THE PERSONNEL CODE, FOR PURPOSES OF THIS RULE VIOLATION APPEAL, THERE WAS NO NEED FOR IT TO BE CONSIDERED OR REFERENCED IN ANY WAY, SHAPE OR FORM.**

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

**RV-21-12**

Employee	Michael P. Marshall	Appeal Date	09/21/11
Agency	Healthcare & Family Services	Decision Date	11/27/12
Appeal Type	Rule Violation	ALJ	Andrew Barris
Issue(s)	Violation of Section 301.170 of the Personnel Rules and Sections 310.20, 310.80, 310.90 & 310.100 of Pay Plan	Proposal for Decision	No violation.

**IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER DALIANIS, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO MODIFY AND ADOPT THE ADMINISTRATIVE LAW JUDGE’S PROPOSALS FOR DECISION. THE PETITIONER HAS PROVEN BY A PREPONDERANCE OF THE EVIDENCE THAT A REDUCTION OF HIS SALARY FROM \$3,800 TO \$3,229 PER MONTH WAS IN VIOLATION OF THE PERSONNEL RULES AND PAY PLAN. THE EVIDENCE INDICATES THAT MARSHALL WAS OFFERED A SALARY OF \$3,800 BY THE DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES. HE ACCEPTED THE OFFER, HE DETRIMENTALLY RELIED UPON THE SALARY AMOUNT WHEN HE ACCEPTED THE OFFER, AND HE WAS PAID THAT SALARY WHILE WORKING IN THE POSITION. A REDUCTION OF MARSHALL’S SALARY IN THIS CASE IS NEITHER CONSISTENT WITH LAW NOR DOES IT ASSIST IN THE ADMINISTRATION OF GOOD PERSONNEL PRACTICES FOR THE STATE OF ILLINOIS UNDER SECTION 301.170 OF THE PERSONNEL RULES. IN ADDITION, IT IS NEITHER EQUITABLE NOR IN THE “BEST INTEREST” OF HEALTHCARE AND FAMILY SERVICES AND THE STATE OF ILLINOIS UNDER SECTION 310.90(e) OF THE PAY PLAN TO REDUCE MARSHALL’S SALARY IN THIS CASE. MOREOVER, MARSHALL’S LAST SALARY AT THE DEPARTMENT OF REVENUE WAS NOT APPROVED BY THE**



**DIRECTOR OF CENTRAL MANAGEMENT SERVICES UNTIL AFTER MARSHALL LEFT REVENUE FOR HEALTHCARE AND FAMILY SERVICES ON FEBRUARY 1, 2011. THEREFORE, THE LAST EFFECTIVE SALARY UPON WHICH MARSHALL'S HEALTHCARE AND FAMILY SERVICES SALARY SHOULD BE BASED WAS THE SALARY HE RECEIVED AT THE SPRINGFIELD POLICE DEPARTMENT IN 2009 IN THE AMOUNT OF \$3,878 PER MONTH AS ACCURATELY ENTERED ON HIS CMS-100 RELIED UPON BY THE AGENCY IN MAKING ITS HIRING AND STARTING SALARY DETERMINATION AT HEALTHCARE AND FAMILY SERVICES. ALTHOUGH THERE IS NO EVIDENCE OF A RULE ESTABLISHING A SPECIFIC TIME FRAME IN WHICH HEALTHCARE AND FAMILY SERVICES AND THE DIRECTOR OF CENTRAL MANAGEMENT SERVICES HAVE TO APPROVE A SALARY OR SALARY CHANGE, SECTION 310.20 AT LEAST REQUIRES THAT CHANGES "AFFECTING EMPLOYEE PAY" BE SUBMITTED "PROMPTLY." IN THIS CASE, CENTRAL MANAGEMENT SERVICES' APPROVAL OF MARSHALL'S REVENUE SALARY OCCURRED (APRIL 28, 2011) ALMOST FOUR MONTHS AFTER HE STARTED AT REVENUE (JANUARY 3, 2011) AND ALMOST THREE MONTHS AFTER HE LEFT REVENUE AND BEGAN WORK AT HEALTHCARE AND FAMILY SERVICES (FEBRUARY 1, 2011). CENTRAL MANAGEMENT SERVICES' APPROVAL OF THE CHANGE IN MARSHALL'S SALARY AT HEALTHCARE AND FAMILY SERVICES FROM \$3,800 TO \$3,229 PER MONTH OCCURRED (APRIL 28, 2011) ALMOST THREE MONTHS AFTER HE BEGAN EMPLOYMENT AT HEALTHCARE AND FAMILY SERVICES (FEBRUARY 1, 2011). FOR THESE REASONS, THE CHANGE TO MARSHALL'S SALARY AT HEALTHCARE AND FAMILY SERVICES WAS NOT SUBMITTED "PROMPTLY" AS REQUIRED BY SECTION 310.20 OF THE PAY PLAN. THE AGENCY IS DIRECTED TO COME INTO COMPLIANCE WITH SECTION 301.170 OF THE PERSONNEL RULES AND SECTIONS 310.20 AND 310.90(e) OF THE PAY PLAN BY RESTORING MARSHALL'S SALARY AS IF THE CHANGE IN SALARY DID NOT OCCUR AS APPROVED BY THE DIRECTOR OF CENTRAL MANAGEMENT SERVICES ON APRIL 28, 2011.**

<b>KOLKER</b>	<b>YES</b>	<b>CUMMINGS</b>	<b>YES</b>
<b>DALIANIS</b>	<b>YES</b>	<b>FITZGERALD</b>	<b>YES</b>
<b>KREY</b>	<b>YES</b>		

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

Assistant Executive Director Barris reported that after review of the Minutes, the need for confidentiality still exists as to all those Minutes. Commissioner Dalianis inquired into the process of the review and Assistant Executive Andrew Barris explained that he reviewed the agendas and minutes of the last six months and, combined with the fact that there were no public requests for disclosure, there did not appear to be a need to remove their confidentiality.



**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER FITZGERALD, 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.**

XII. APPROVAL OF THE DESTRUCTION OF THE AUDIO VERBATIM RECORDINGS OF CLOSED SESSIONS PRIOR TO DECEMBER 2010 IN ACCORDANCE WITH THE OPEN MEETINGS ACT

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER FITZGERALD, AND THE MOTION ADOPTED 5-0 THAT THE DESTRUCTION OF THE AUDIO VERBATIM RECORDINGS OF CLOSED SESSIONS PRIOR TO DECEMBER 2010<sup>4</sup> IS APPROVED IN ACCORDANCE WITH THE OPEN MEETINGS ACT.**

XIII. STAFF REPORT

Commissioner Dalianis inquired as to the status of the Commission's pending move of its Springfield office. Executive Director Daniel Stralka replied that they are still working out floor plan issues with the proposed space in the Illinois State Police facility.

XIV. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held Friday, January 18, 2013 at 10:30 a.m. in the Commission's Chicago office.

XV. MOTION TO ADJOURN

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 12:00 P.M.**

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<sup>4</sup> The Commission voted on July 15, 2011 to maintain verbatim recordings for a minimum of 24 months before destruction.

