



REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
December 21, 2017

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:00 A.M. AT 160 N. LASALLE STREET, SUITE S-901, CHICAGO, IL AND 607 E. ADAMS STREET, SUITE 801, SPRINGFIELD, IL BY INTERACTIVE VIDEO CONFERENCE

II. PRESENT

Chairman Timothy D. Sickmeyer (by telephone); G.A. Finch, David Luechtefeld, Jane Ryan, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director and Andrew Barris, Assistant Executive Director; John Logsdon and Chris Nickols, Illinois Department of Central Management Services; and Demetrius Norton.

MOTION TO ALLOW PARTICIPATION AT MEETING BY AUDIO CONFERENCE

Executive Director Daniel Stralka advised that he had been notified in advance that Chairman Timothy D. Sickmeyer was prevented from physically attending the December 21, 2017 meeting at the Commission's Springfield office due to family emergency and wished to attend by audio conference.

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER FINCH, AND THE MOTION ADOPTED 4-0 TO ALLOW CHAIRMAN SICKMEYER TO ATTEND THE MEETING BY AUDIO CONFERENCE.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD NOVEMBER 16, 2017

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0, TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD NOVEMBER 16, 2017.

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 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.





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

A. Report on Exempt Positions from Department of Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Abraham Lincoln Presidential Library & Museum	58	13
Aging.....	134	19
Agriculture	335	18
Arts Council	11	2
Capitol Development Board.....	32	0
Central Management Services	884	73
Children and Family Services.....	2,579	53
Civil Service Commission	4	0
Commerce & Economic Opportunity	243	66
Commerce Commission	59	0
Corrections	12,126	109
Criminal Justice Authority.....	51	7
Deaf and Hard of Hearing Comm.....	4	1
Developmental Disabilities Council.....	6	1
Emergency Management Agency.....	68	8
Employment Security	1,057	29
Environmental Protection Agency.....	610	18
Financial & Professional Regulation.....	377	48
Gaming Board	150	5
Guardianship and Advocacy	103	8
Healthcare and Family Services	1,673	26
Human Rights Commission.....	14	2
Human Rights Department	120	10
Human Services.....	12,823	82
Illinois Torture Inquiry Relief Commission	3	1
Independent Tax Tribunal	1	0
Innovation and Technology	1,178	57
Insurance	210	17
Investment Board	4	2
Juvenile Justice.....	955	28
Labor	74	11
Labor Relations Board Educational.....	10	3
Labor Relations Board State.....	13	2
Law Enforcement Training & Standards Bd.	23	3
Lottery	144	8
Military Affairs.....	129	3
Natural Resources.....	1,143	33
Pollution Control Board	16	2
Prisoner Review Board.....	18	1
Property Tax Appeal Board.....	32	1
Public Health	1,098	40
Racing Board.....	2	1
Revenue.....	1,375	45
State Fire Marshal	129	12
State Police.....	985	10
State Police Merit Board	7	2
State Retirement Systems	95	3
Transportation	2,235	0
Veterans' Affairs	1,263	10
Workers' Compensation Commission.....	126	12
TOTALS.....	44,789	905





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. Request for 4d(3) Exemption

Executive Director Daniel Stralka reported the following:

- As to Item C, this request was from the Department of Natural Resources and is for a Division Manager of Parks & Recreation, a position that reports to the Deputy Director of Land Management who reports to the Director. This request was originally submitted to the Commission back in June but Central Management Services asked that it not be placed on an agenda at that time. Commission staff held the request until being asked to place it on this month's agenda. There is a provisional appointment to this position which expires on January 18, 2018.

This position is the principal policy developer and administrator for the Division of Parks & Recreation, the largest program under Land Management. It has a budget of more than \$80,000,000 and 420 authorized positions to manage 390 facilities throughout the State of Illinois. This includes our State Parks which have over 44,000,000 visitors each year. Parks & Recreation also produces other programs designed to facilitate the use of the agency's resources. This position has significant independent authority on behalf of the agency to run this program. Considering the nature of the program and the independent authority of the position, Staff recommended approval of this exemption request.

Executive Director Stralka pointed out that the position description indicates it is not Rutan exempt. Historically, the Commission has for the most part only considered positions for exemption that had previously been determined by the staff of Central Management Services to be Rutan exempt. The Rutan exemption standards have historically been broader than those for principal policy exemptions. That is why the indication that this position is Rutan covered was a concern to the Staff. He noted this is a time of uncertainty when it comes to Rutan exemption determinations with the insertion of the Special Master into the process. After additional inquiry, Central Management Services indicated that even though the position description form indicates it is Rutan covered, that will not prevent the agency from filling the position without the requirement to utilize open competitive lists or the like. That was historically a concern of the Commission. Even though it would determine a position is exempt from Jurisdiction B and hiring constraints therein, the agency would not be free to utilize, for example, political considerations as a factor due to a Rutan covered determination. That no longer appears to be the case moving forward. Staff was advised that there will be additional information forthcoming on the Rutan determinations in the next few months.

Commissioner Luechtefeld asked for additional information about the position's duties. Since there was no agency representative present, Executive Director Stralka added that the Division of Parks & Recreation is the largest in Land Management. This position oversees the entire Division which includes all the State parks as well as programs related to them such as hunting safety and disabled access. Commissioner Ryan indicated she was unsure why this position was not found to be Rutan exempt





given the size and scope of the program. Executive Director Stralka replied that Staff inquired if the agency or Central Management Services was aware of the reason for the Rutan covered determination but neither had a response. He added that there appears to be a change in the whole Rutan exemption process. First, the phrase itself may become obsolete and replaced by the term “Shakman exempt” referencing positions appropriate for political affiliation to be a factor in the selection process. Second, the process may be getting turned around whereby the determination of whether a principal policy exempt position is Shakman exempt may end up simply being conditioned on the Commission’s finding it is appropriate for a Section 4d(3) exemption. This is all still being fleshed out.

Commissioner Ryan then suggested that due to the uncertainty of the Rutan exemption process it may be more appropriate to approve the exemption for a one year term. That would allow the Commission to reconsider whether the position still qualifies for exemption after the Rutan exemption determination process becomes more settled. Commissioner Luechtefeld added that the qualifications could change at any time and this would allow the Commission to avoid approving a permanent exemption for this position. Chairman Sickmeyer indicated he remained uncertain why this position would not qualify to be Rutan exempt, a viewpoint that Commissioner Ryan agreed with. Commissioner Finch inquired when it was that a one year term exemption would expire. Executive Director Stralka replied that the Commission had previously set forth that a term exemption expires on the scheduled meeting day of the last month of the term due to the uncertainty of what day of the month the Commission’s meeting would fall on. In this case, that would be the scheduled meeting day in December 2018.

IT WAS MOVED BY COMMISSIONER RYAN, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO GRANT THE EXEMPTION REQUEST FOR THE FOLLOWING POSITION FOR THE PERIOD OF ONE YEAR:

C: Division of Parks and Recreation (Natural Resources)

The following 4d(3) exemption request was granted on December 21, 2017 for a period of one year:

C. Illinois Department of Natural Resources – proposed exemption

Position Number	40070-12-32-000-00-01
Functional Title	Division of Parks and Recreation
Incumbent	Vacant
Supervisor	Deputy Director-Land Management who reports to the Director
Location	Sangamon County





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.

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

- B. Construction Supervisor 1 (abolish)**
Construction Supervisor 2 (abolish)
Construction Supervisor (create)
- C. Financial Institutions Examiner Trainee (revise)**
Financial Institutions Examiner 1 (revise)
Financial Institutions Examiner 2 (revise)
Financial Institutions Examiner 3 (revise)
- D. Juvenile Justice Specialist Intern (revise)**
Juvenile Justice Specialist (revise)
Juvenile Justice Supervisor (revise)
Juvenile Justice Chief of Security (revise)

Assistant Executive Director Andrew Barris indicated that as previously stated, Central Management Services, Technical Services is in the process of cleaning up the language in the class specifications as a whole as a strategy to accurately reflect the responsibilities and requirements of the classes.

- As to Item B, the proposed abolishment, revision and/or creation regarding the Construction Supervisor classes is based upon this strategy as the Construction Supervisor I class has not been used since 2009 and the Construction Supervisor II class has not been used since 2012.





- As to Item C, the revisions to the Financial Institutions Examiner classes were necessary to accurately reflect a discrepancy in the desirable requirements of the Financial Institutions Examiner II and III title due to an inadvertent change to the Financial Institutions Examiner III reflecting the same required experience level as the Financial Examiner II title.
- As to Item D, the revisions to the Juvenile Justice classes are necessary to accommodate Public Act 100-0019 effective January 1, 2018 which will redefine the requirements for the positions subject to the Juvenile Justice Act. Assistant Executive Director Barris inquired of John Logsdon at CMS Technical Services if the terms “accredited college or university” as used in the Public Act meant the same thing as “recognized college or university” as used in the proposed class specifications. Logsdon indicated that the terms had the same meaning. All of the class specifications at issue were agreed to through collective bargaining and Logsdon indicated that none of the revisions would result in a pay increase. Logsdon also explained that the pay rate for the Construction Supervisor class had yet to be determined until the class specification is approved by the Civil Service Commission and petitioned for and certified into a collective bargaining unit.

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER RYAN, AND THE MOTION ADOPTED 5-0 TO APPROVE THE ABOLISHMENT, CREATION AND REVISION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE JANUARY 1, 2018:

- B. Construction Supervisor 1 (abolish)**
Construction Supervisor 2 (abolish)
Construction Supervisor (create)
- C. Financial Institutions Examiner Trainee (revise)**
Financial Institutions Examiner 1 (revise)
Financial Institutions Examiner 2 (revise)
Financial Institutions Examiner 3 (revise)
- D. Juvenile Justice Specialist Intern (revise)**
Juvenile Justice Specialist (revise)
Juvenile Justice Supervisor (revise)
Juvenile Justice Chief of Security (revise)

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER FINCH, 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

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER RYAN, 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 URLACHER, 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.

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	RYAN	YES
URLACHER	YES		





IX. RECONVENE THE OPEN MEETING

Upon due and proper notice, the regular open meeting of the Illinois Civil Service Commission was reconvened at 160 N. LaSalle Street, Suite S-901, Chicago, Illinois and 607 E. Adams Street, Suite 801, Springfield, Illinois by interactive video conference at 11:40 a.m.

PRESENT

Chairman Timothy D. Sickmeyer (by telephone); G.A. Finch, David Luechtefeld, Jane Ryan, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director and Andrew Barris, Assistant Executive Director; and Demetrius Norton.

X. NON-MERIT APPOINTMENT REPORT

Set forth below is the number of consecutive non-merit appointments made by each agency as reported by Central Management Services.

Agency	10/31/17	11/30/17	11/30/16
Aging	1	1	0
Agriculture	2	1	0
Arts Council	0	2	0
Central Management Services	7	6	0
Commerce and Economic Opportunity	0	1	0
Employment Security	2	7	0
Financial and Professional Regulation	3	3	0
Gaming Board	2	1	1
Guardianship & Advocacy	1	1	1
Healthcare and Family Services	4	8	1
Historic Preservation Agency	3	0	0
Human Services	20	19	9
Innovation & Technology	6	7	0
Insurance	1	1	1
Labor Relations Board-Educational	2	2	0
Natural Resources	15	24	7
Property Tax Appeal Board	1	1	0
State Fire Marshal	1	2	1
State Police	7	6	0
State Retirement Systems	1	1	0
Transportation	5	7	2
Veterans' Affairs	0	3	0
Workers' Compensation Commission	0	1	1
Totals	84	105	24





XI. INTERLOCUTORY APPEALS

RV-16-18

Petitioner	William L. Grant, II	Appeal Date	09/15/17
Agency	Central Mgmt. Services	Decision Date	11/29/17
Type	Rule Violation	ALJ	Andrew Barris
Issue(s)	Failure to file information requested by Commission	Proposal for Decision	Dismissed for default subject to approval of Commission.

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

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	RYAN	YES
URLACHER	YES		

DA-17-18

Employee	Monica L. Barry	Appeal Date	09/27/17
Agency	Central Mgmt. Services	Decision Date	11/28/17
Type	Discharge	ALJ	Andrew Barris
Issue(s)	Motion to Dismiss for no jurisdiction (employee resigned and appeal untimely filed)	Proposal for Decision	Grant Motion to Dismiss for no jurisdiction subject to approval of Commission.

IT WAS MOVED BY COMMISSIONER RYAN, SECONDED BY COMMISSIONER LUECHTEFELD, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL 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	RYAN	YES
URLACHER	YES		





XII. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEALS

DA-42-17

Employee	Demetrius Norton	Appeal Date	05/12/17
Agency	Corrections	Decision Date	11/30/17
Appeal Type	Discharge	Proposal for Decision	90-day suspension plus duration of suspension pending discharge.
ALJ	Daniel Stralka		

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER LUECHTEFELD, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL OF THE ADMINISTRATIVE LAW JUDGE THAT THE PARTIALLY PROVEN CHARGES WARRANT A 90-DAY SUSPENSION PLUS THE DURATION OF SUSPENSION PENDING DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED NOVEMBER 30, 2017.

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	RYAN	YES
URLACHER	YES		

XIII. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

DA-4-18

Employee	Morgan Knazze	Appeal Date	07/19/17
Agency	Corrections	Decision Date	11/28/17
Appeal Type	Discharge	Proposal for Decision	Dismissed subject to approval of Commission; settled.
ALJ	Andrew Barris		

S-6-18

Employee	Laura J. MacQueen	Appeal Date	08/09/17
Agency	Corrections	Decision Date	12/15/17
Appeal Type	Suspension	Proposal for Decision	Dismissed subject to approval of Commission; settled.
ALJ	Daniel Stralka		

IT WAS MOVED BY COMMISSIONER RYAN, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSALS OF THE ADMINISTRATIVE LAW JUDGES TO DISMISS THE APPEALS AS THEY WERE SETTLED.

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	RYAN	YES
URLACHER	YES		





XIV. 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 RYAN, 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.

XV. APPROVAL OF THE DESTRUCTION OF THE AUDIO VERBATIM RECORDINGS OF CLOSED SESSIONS PRIOR TO JULY 2015 IN ACCORDANCE WITH THE OPEN MEETINGS ACT

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER LUECHTEFELD, AND THE MOTION ADOPTED 5-0 THAT THE DESTRUCTION OF THE AUDIO VERBATIM RECORDINGS OF CLOSED SESSIONS PRIOR TO JULY 1, 2015¹ IS APPROVED IN ACCORDANCE WITH THE OPEN MEETINGS ACT.

XVI. STAFF REPORT

Executive Director Stralka reported that:

- He attended the first Chief Administrative Law Judge meeting called by the Deputy Director of the Bureau of Administrative Hearings on November 17. The goal of this group is to standardize some procedures among agencies. One area this could benefit the Commission is with the preparation of administrative review records. He will continue to attend on behalf of the Commission.
- Travel and other vouchers for fiscal year 2017 had previously been sent to the Comptroller for reimbursement. Please advise him when payment has occurred.
- It is hoped that the Commission's new Exemption Monitor position will be finalized by the end of the year.
- The Public Accountability Report for 2017 that Beckie Daniken prepared was completed and submitted to the Comptroller. It was accepted on December 8 and will be available for viewing on the Comptroller's website.

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





Assistant Executive Director Barris informed the Commission that a request for a hearing was made in writing by an attorney from Chicago regarding his client's placement on a Department of Aging Registry regarding abuse and neglect. Barris explained that the Commission has no jurisdiction or even a mechanism to address such an appeal by a home health care worker. Executive Director Stralka added that this was the same issue that the Commission addressed last month after a member of the public called the Commission to inquire about appealing her placement on the Registry. Barris explained that such contacts were the result of ambiguous language in an amendment to the Adult Protective Services Act. Executive Director Stralka explained that a letter had been sent on behalf of Chairman Sickmeyer to the Department of Aging requesting that the agency focus on cleaning up the ambiguous language in the next legislative session.

XVII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held on January 18, 2018 at 11:00 a.m. in the Chicago and Springfield offices by interactive video conference.

XVIII. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER FINCH, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 12:01 P.M.

