

February 15, 2013

REGULAR MEETING MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
February 15, 2013

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 10:35 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman; 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; Chris Nichols (by telephone), Roneta Taylor (by telephone), and Mark Magill (by telephone), Illinois Department of Central Management Services; Dawn DeFraties (by telephone), Illinois Historic Preservation Agency; Bobbie Wanzo, Illinois Department of Human Rights; Ashley Cross, Illinois Department of Juvenile Justice; and Beth Duesterhaus and Connie Westfall (by telephone), Administrative & Regulatory Shared Services Center.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD JANUARY 18, 2013

**IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 3-0 TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD JANUARY 18, 2013. COMMISSIONER KREY ABSTAINED.**

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, Chairman Chris Kolker 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 FitzGerald arrived at the meeting at 10:40 a.m.

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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.....	130.....	14
Agriculture.....	325.....	16
Arts Council.....	17.....	2
Capitol Development Board.....	46.....	0
Central Management Services.....	1,512.....	107
Children and Family Services.....	2,783.....	51
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	376.....	69
Commerce Commission.....	73.....	0
Corrections.....	11,123.....	105
Criminal Justice Authority.....	58.....	5
Deaf and Hard of Hearing Comm.....	6.....	1
Developmental Disabilities Council.....	8.....	1
Emergency Management Agency.....	88.....	5
Employment Security.....	1,678.....	31
Environmental Protection Agency.....	809.....	16
Financial & Professional Regulation.....	441.....	43
Gaming Board.....	141.....	6
Guardianship and Advocacy.....	102.....	7
Healthcare and Family Services.....	2,068.....	25
Historic Preservation Agency.....	164.....	15
Human Rights Commission.....	14.....	2
Human Rights Department.....	134.....	8
Human Services.....	11,480.....	78
Illinois Sentencing Policy Advisory Council.....	2.....	2
Insurance.....	235.....	14
Investment Board.....	3.....	2
Juvenile Justice.....	1,156.....	23
Labor.....	87.....	11
Labor Relations Board Educational.....	10.....	2
Labor Relations Board State.....	18.....	2
Law Enforcement Training & Standards Bd.....	15.....	2
Lottery.....	139.....	7
Military Affairs.....	116.....	3
Natural Resources.....	1,099.....	27
Pollution Control Board.....	19.....	2
Prisoner Review Board.....	16.....	0
Property Tax Appeal Board.....	27.....	1
Public Health.....	1,067.....	40
Racing Board.....	3.....	1
Revenue.....	1,631.....	51
State Fire Marshal.....	129.....	12
State Police.....	1,104.....	7
State Police Merit Board.....	5.....	1
State Retirement Systems.....	94.....	2
Transportation.....	2,359.....	0
Veterans' Affairs.....	1,306.....	9
Workers' Compensation Commission.....	130.....	8
<b>TOTALS.....</b>	<b>44,350.....</b>	<b>836</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, 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. Late yesterday, the agency requested that this request be continued again since they have recently implemented layoffs which precluded them from providing any additional information to Staff on this request. Chairman Kolker noted that this request has been continued for several months now and suggested denying the request to continue. He indicated the agency can resubmit when prepared to proceed. The rest of the Commissioners concurred with this approach.
- As to Item D, the agency has requested that this request be withdrawn.
- As to Item E, this request is for the Chief Fiscal Officer at the Department of Human Rights, a position that reports to the Director. This position has principal policy responsibility for all fiscal and budgetary matters, a function that has traditionally supported exemption. For that reason, Staff recommended approval of this request. Bobbie Wanzo, Deputy Director for the Department of Human Rights, added that this position served on the Executive Committee of the agency.
- As to Item F, this request is for a legislative liaison position at the Department of Insurance, a position that reports to the Legislative Director who reports to the Director. This position was previously granted a two-year term exemption back in March of 2011 because there was uncertainty whether it would be included in a collective bargaining unit, not because there was a concern over its function qualifying for exemption. It was subsequently excluded by the Labor Relations Board. For that reason, Staff recommended approval of this request.
- As to Item G, this request is for the Chief Legislative Liaison at the Department of Juvenile Justice, a position that reports to the Director. This is the only such position at the agency performing a function that has traditionally supported exemption. For these reasons, Staff recommended approval of this request. Ashley Cross, Chief of Staff for Juvenile Justice, confirmed that this is the only legislative liaison at the agency.
- As to Item H1, Executive Director Stralka noted that this was an agency-requested rescission which was inadvertently excluded from the Commission's November list of rescissions.
- As to Item H2, Executive Director Stralka explained that the agency has requested that this request be withdrawn after withdrawing its requested exemption for Item D. Staff had no objection to this request.

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

- E: Chief Fiscal Officer (Human Rights)**
- F: Legislative Liaison (Insurance)**
- G: Chief of Intergovernmental Relations (Juvenile Justice)**

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

- C: Chief Technology Officer (Employment Security)**

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

- D: Manager of Insurance Compliance Outreach Program  
(Workers' Compensation Commission)**

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 5-0 TO RESCIND THE EXEMPTION FOR THE FOLLOWING POSITION:**

- H1: Manager, Historic Sites (Historic Preservation)**

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 5-0 TO ACCEPT THE WITHDRAWAL OF THE REQUEST TO RESCIND THE EXEMPTION FOR THE FOLLOWING POSITION:**

- H2: Education and Research Manager (Workers' Compensation Comm.)**

**The following 4d(3) exemption requests were granted on February 15, 2013:**

**E. Illinois Department of Human Rights**

Position Number	40070-49-10-100-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Administration
Functional Title	Chief Fiscal Officer
Incumbent	Lynne Turner
Supervisor	Director
Location	Cook County

**F. Illinois Department of Insurance**

Position Number	37015-14-02-110-00-01 <sup>2</sup>
Position Title	Public Service Administrator
Bureau/Division	Legislative Affairs
Functional Title	Legislative Liaison
Incumbent	Laura Jaskierski
Supervisor	Legislative Director who reports to the Director
Location	Cook County

**G. Illinois Department of Juvenile Justice**

Position Number	40070-27-00-001-00-02
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Chief of Intergovernmental Relations
Incumbent	Vacant
Supervisor	Chief of Staff who reports to the Director
Location	Sangamon County

**The following 4d(3) exemption request was denied on February 15, 2013:**

**C. 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

**The following 4d(3) exemption request was withdrawn on February 15, 2013:**

**D. 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

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<sup>2</sup> This position was granted exemption for a period of two years, expiring March 15, 2013.

**The exemption was rescinded on February 15, 2013 for the following position:**

Item	Agency	Position Number	Functional Title
H1	Historic Preservation Agency	40070-48-20-000-00-01	Manager, Historic Sites

**The request for rescission of exemption was withdrawn on February 15, 2013 for the following position:**

Item	Agency	Position Number	Functional Title
H2	Workers' Compensation	40070-50-37-040-00-01	Education and Research Mgr.

VI. CLASS SPECIFICATIONS

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

- Chemist 1
- Chemist 2
- Chemist 3
  
- Clinical Laboratory Technologist Trainee
- Clinical Laboratory Technologist 1
- Clinical Laboratory Technologist 2

Assistant Executive Director Barris inquired from Ben Fokum, Illinois Department of Central Management Services Technical Services, as to the specific difference between the two series since they both seemed to deal with experiments in a laboratory setting. Ben Fokum explained that the Chemist series focused on conducting tests on the composition of substances while the Clinical Laboratory Technologist series focused on interpreting the results of tests. Assistant Executive Director Barris explained to the Commissioners that the revisions were agreed to by the collective bargaining unit and that no changes in salary would result in the revisions.

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY CHAIRMAN KOLKER, AND THE MOTION ADOPTED 5-0 TO APPROVE THE REVISION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE MARCH 1, 2013:**

**Clinical Laboratory Technologist Trainee**  
**Clinical Laboratory Technologist 1**  
**Clinical Laboratory Technologist 2**

**Chemist 1**  
**Chemist 2**  
**Chemist 3**

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**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY CHAIRMAN KOLKER, 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 CHAIRMAN KOLKER, SECONDED BY COMMISSIONER DALIANIS, 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 10:55 a.m.

PRESENT

Chris Kolker, Chairman; 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	12/31/12	<b>1/31/13</b>	1/31/12
Aging	1	<b>0</b>	0
Central Management Services	1	<b>0</b>	1
Children and Family Services	4	<b>3</b>	2
Employment Security	0	<b>1</b>	11
Healthcare and Family Services	5	<b>2</b>	2
Historic Preservation Agency	0	<b>0</b>	1
Human Services	2	<b>1</b>	1
Insurance	0	<b>1</b>	0
Natural Resources	3	<b>4</b>	6
Revenue	2	<b>5</b>	0
State Fire Marshal	0	<b>0</b>	1
State Police Merit Board	0	<b>1</b>	0
Transportation	0	<b>4</b>	3
Veterans' Affairs	0	<b>2</b>	0
Totals	18	<b>24</b>	28

X. INTERLOCUTORY APPEAL

S-12-13

Employee	Marie Dismukes	Appeal Date	09/13/12
Agency	Juvenile Justice	Decision Date	02/01/13
Type	Suspension	ALJ	Daniel Stralka
Issue(s)	Agency rescinded the suspension	Proposal for Decision	Grant the Motion to Dismiss for no jurisdiction.

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER FITZGERALD, 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 WITHDRAWAL OF HER DISCIPLINARY SUSPENSION RESULTED IN DISMUKES NOT BEING SUSPENDED FOR MORE THAN 30 DAYS IN ANY 12 MONTH PERIOD, AND THEREFORE, THE COMMISSION HAS NO JURISDICTION OVER THIS MATTER, RESULTING IN THE DISMISSAL OF HER APPEAL.**

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

XI. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

DA-11-13

Employee	Mark Bacarella	Appeal Date	09/10/12
Agency	Transportation	Decision Date	02/01/13
Appeal Type	Discharge	Proposal for Decision	Discharge upheld.
ALJ	Daniel Stralka		

**IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO REVERSE THE ADMINISTRATIVE LAW JUDGE’S PROPOSAL FOR DECISION TO UPHOLD THE DISCHARGE. IT IS HEREBY DETERMINED THAT THE WRITTEN CHARGES FOR DISCHARGE HAVE NOT BEEN PROVEN BY A PREPONDERANCE OF THE EVIDENCE. THE TESTIMONY BY BACARELLA THAT HE SUFFERED FROM ANXIETY WAS SUBSTANTIATED BY HIS PHYSICIAN AND THE MEDICAL REVIEW OFFICER; THAT HE WAS ON SERTRALINE WHICH COULD CAUSE SHY BLADDER AS HIS PHYSICIAN INDICATED, AND HIS PHYSICIAN THAT HE HAS HAD PATIENTS WHO WERE ON SERTRALINE AND SUFFERED FROM SHY BLADDER WAS SUFFICIENT TO REBUT THE FINDING BY A PREPONDERANCE OF THE EVIDENCE THAT BACARELLA WAS NOT SUFFERING FROM SHY BLADDER. THIS FINDING THAT BACARELLA**

**WAS SUFFERING FROM SHY BLADDER IS THE EQUIVALENT OF BACARELLA HAVING A MEDICAL CONDITION THAT PRECLUDES COLLECTION OF ENOUGH URINE. THEREFORE, BACARELLA DID NOT HAVE A POSITIVE DRUG TEST RESULT ON JUNE 26, 2012.**

<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>		

**DR-10-13**

Petitioner	Healthcare and Family Services	Appeal Date	09/07/12
		Decision Date	01/14/13
Type	Declaratory Ruling	ALJ	Andrew Barris
Ruling Requested	Interpretation of final decision of the Commission in RV-49-11	Proposal for Decision	Sarah Sullivan's salary should be \$4,388 as of July 16, 2010

**IT WAS MOVED BY COMMISSIONER FITZGERALD, 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 INTERPRETATION OF THE FINAL DECISION OF THE COMMISSION IN RV-49-11 IS THAT SARAH SULLIVAN'S SALARY SHOULD BE \$4,388 AS OF JULY 16, 2010.**

<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>		

**XII. STAFF REPORT**

Executive Director Daniel Stralka reported:

- The General Assembly passed SB1556 which the Governor is expected to sign. By allowing the Governor to exclude up to 3580 positions from collective bargaining units, this has the potential of eliminating the issue of principal policy exempt positions in bargaining units. In addition, it is anticipated that it will add up to 1000 State positions to the merit comp rolls so that their sole avenue to contest select employment actions will be through the Civil Service Commission. Staff will continue to monitor the impact of this legislation. Commissioner Krey suggested moving up the timeframes for mailing of proposals for decision if the workload increases due to the impact of this bill. After additional discussion in which all the Commissioners participated, it was agreed to monitor the workload before making any changes.

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- With regard to the move of the Commission's Springfield office, we have agreed with Central Management Services on a floor plan for our new space in the Illinois State Police Building. We are awaiting further direction on this matter.
- The Commission has formalized its policy on Compensatory Time and Earned Equivalent Time for its employees.
- The Commission received notice from the Auditor General that it has completed its draft report on the LAC141 audit on management positions in the State. Staff will prepare a response.
- HB1533 is pending which would remove employees of the Illinois Sentencing Policy Advisory Committee from Personnel Code coverage.
- As to the FY 2013 budget, the requested supplemental appropriation passed.
- As to the FY 2014 budget, Staff continues to work with the Governor's Office of Management and Budget in preparing an acceptable appropriation request.

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held Friday, March 15, 2013 at 10:30 a.m. in the Commission's Chicago office.

XIV. MOTION TO ADJOURN

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER FITZGERALD, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 11:15 A.M.**