

February 15, 2018

REGULAR MEETING AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
FEBRUARY 15, 2018

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

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD JANUARY 18, 2018

WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD JANUARY 18, 2018?

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> |
|---|------------------------|-----------------------------------|
| Abraham Lincoln Presidential Library & Museum | 63 | 13 |
| Aging..... | 135 | 19 |
| Agriculture | 321 | 18 |
| Arts Council | 14 | 2 |
| Capitol Development Board | 31 | 0 |
| Central Management Services..... | 864 | 66 |
| Children and Family Services..... | 2,556 | 53 |
| Civil Service Commission..... | 3 | 0 |
| Commerce & Economic Opportunity..... | 247 | 66 |
| Commerce Commission | 59 | 0 |
| Corrections | 11,967 | 109 |
| Criminal Justice Authority..... | 44 | 7 |
| Deaf and Hard of Hearing Comm..... | 4 | 1 |
| Developmental Disabilities Council..... | 6 | 1 |
| Emergency Management Agency..... | 62 | 8 |
| Employment Security | 1,043 | 29 |
| Environmental Protection Agency..... | 598 | 18 |
| Financial & Professional Regulation..... | 360 | 48 |
| Gaming Board | 145 | 5 |
| Guardianship and Advocacy | 101 | 8 |
| Healthcare and Family Services | 1,627 | 26 |
| Human Rights Commission..... | 14 | 2 |
| Human Rights Department..... | 121 | 10 |
| Human Services..... | 12,759 | 82 |
| Illinois Torture Inquiry Relief Commission | 3 | 1 |
| Independent Tax Tribunal | 1 | 0 |
| Innovation and Technology..... | 1,237 | 59 |
| Insurance | 209 | 17 |
| Investment Board | 4 | 2 |
| Juvenile Justice..... | 924 | 28 |
| Labor | 74 | 11 |
| Labor Relations Board Educational..... | 10 | 3 |
| Labor Relations Board State..... | 13 | 2 |
| Law Enforcement Training & Standards Bd. | 23 | 3 |
| Lottery | 135 | 8 |
| Military Affairs..... | 129 | 3 |
| Natural Resources..... | 1,106 | 34 |
| Pollution Control Board | 16 | 2 |
| Prisoner Review Board..... | 16 | 1 |
| Property Tax Appeal Board..... | 31 | 1 |
| Public Health | 1,077 | 40 |
| Racing Board..... | 2 | 1 |
| Revenue..... | 1,346 | 45 |
| State Fire Marshal | 123 | 11 |
| State Police..... | 913 | 10 |
| State Police Merit Board | 7 | 2 |
| State Retirement Systems | 93 | 3 |
| Transportation | 3,112 | 0 |
| Veterans' Affairs | 1,278 | 10 |
| Workers' Compensation Commission..... | 116 | 11 |
| TOTALS..... | 45,142 | 899 |

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)

* * *

C. Illinois Department of Corrections – proposed exemption

| | |
|------------------|---------------------------|
| Position Number | 40070-29-00-400-00-01 |
| Functional Title | Chief of Women’s Division |
| Incumbent | Vacant |
| Supervisor | 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.”

WILL THE COMMISSION GRANT THE REQUEST FOR 4d(3) EXEMPTION FOR THE FOLLOWING POSITION?

C: Chief of Women’s Division (DOC)

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 revision by the Director of the Illinois Department of Central Management Services:

- B. Cook I**
- Cook II**
- Corrections Food Service Supervisor I**
- Corrections Food Service Supervisor II**
- Corrections Food Service Supervisor III**
- Dietitian**
- Food Services Program Manager**

Classification Analysis: “The Department of Central Management Services, Bureau of Personnel, Division of Technical Services, Class Studies Unit has worked with state agencies to produce this class study to accommodate statutory changes to The Food Handling Regulation Enforcement Act (410 ILCS 625/3). According to the Illinois Department of Public Health (DPH), effective January 1, 2018, per Public Act PA-100-0194, the Illinois Food Service Sanitation Manager Certification (FSSMC)-also known as the Food Service Sanitation Certificate (FSSC)-is eliminated. The requirements of completing the training and passing a certification exam remain in place. However, the certificate now issued will be identified as a Certified Food Protection Manager (CFPM), which is accredited by the American National Standards Institute (ANSI) Conference for Food Protection (CFP). The DPH has ceased issuance of the FSSMC. Currently valid FSSMC's remain valid until the expiration date of each of the individual certificates. After January 1, 2018, persons whose FSSMC expires and any new applicants must complete an approved training program, and pass an approved exam in order to receive ANSI approval as a Certified Food Protection Manager (CFPM). Many third-party service providers administer tests that meet the ANSI-CFP accreditation standards. These service providers are granted authority by the ANSI to certify the applicant.

Classes in the State of Illinois classification plan that are affected by this conversion are the Cook I, Cook II, Corrections Food Service Supervisor I, Corrections Food Service Supervisor II, Corrections Food Service Supervisor III, Dietitian and Food Services Program Manager. The relevant sections of the class specifications have been modified to acknowledge the statutory changes and their effects. Though exact wording may vary between the specifications, we are proposing the following as the new standard language to adopt for these titles:

‘Requires the possession of a current Food Service Sanitation Certificate issued by the Illinois Department of Public Health, or requires possession of a Certified Food Protection Manager (CFPM) certification from a program accredited by the American National Standards Institute (ANSI) Conference for Food Protection (CFP).’

Other revisions unrelated to the certificate transition are proposed as well. These are a result of reviewing the contents of each class specification, and determining the appropriate updates to enhance their classification. Notable among these changes are a) lead worker duties have been explicitly incorporated into the Corrections Food Service Supervisor II class specification; and b) working supervisor duties have been incorporated into the Corrections Food Service Supervisor III class specification. Prior to this proposal, these functions were more vaguely identified on the documents but common assignments for positions allocated to these classes. Many aspects of the Cook I, Cook II and Dietitian class specifications were updated and clarified for contemporary relevance.

All elements of this proposal have been developed with the cooperation and approval of the state agencies that use these titles. All details may be reviewed in the drafts of the class specifications of the Cook I, Cook II, Corrections Food Service Supervisor I, Corrections Food Service Supervisor II, Corrections Food Service Supervisor III, Dietitian, and Food Services Program Manager that are part of this proposal.”

WILL THE COMMISSION APPROVE THE REVISION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE ON MARCH 1, 2018?

- B. Cook I**
- Cook II**
- Corrections Food Service Supervisor I**
- Corrections Food Supervisor II**
- Corrections Food Supervisor III**
- Dietitian**
- Food Services Program Manager**

WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF BUT NOT INCLUDED 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

WILL THE COMMISSION DISAPPROVE ANY AMENDMENTS TO PERSONNEL RULES RECEIVED BY THE COMMISSION STAFF BUT NOT INCLUDED IN THIS AGENDA TO ALLOW ADEQUATE STUDY?

VIII. 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?

IX. RECONVENE THE REGULAR OPEN MEETING

X. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period, 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. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Appointment Reports.

| Agency | 12/31/17 | 1/31/18 | 1/31/17 |
|---------------------------------------|-----------------|----------------|----------------|
| Aging | 0 | 1 | 0 |
| Agriculture | 1 | 0 | 0 |
| Arts Council | 2 | 3 | 0 |
| Central Management Services | 6 | 4 | 1 |
| Commerce and Economic Opportunity | 1 | 1 | 0 |
| Emergency Management Agency | 0 | 0 | 0 |
| Employment Security | 7 | 9 | 1 |
| Financial and Professional Regulation | 2 | 2 | 0 |
| Gaming Board | 0 | 0 | 1 |
| Guardianship & Advocacy | 1 | 0 | 1 |
| Healthcare and Family Services | 5 | 3 | 0 |
| Human Services | 21 | 22 | 6 |
| Innovation & Technology | 7 | 4 | 0 |
| Insurance | 0 | 0 | 1 |
| Labor Relations Board-Educational | 2 | 2 | 0 |
| Natural Resources | 32 | 37 | 1 |
| Property Tax Appeal Board | 1 | 0 | 0 |
| Public Health | 0 | 3 | 0 |
| State Fire Marshal | 1 | 0 | 0 |
| State Police | 6 | 4 | 0 |
| State Retirement Systems | 1 | 1 | 2 |
| Transportation | 8 | 16 | 0 |
| Veterans' Affairs | 3 | 4 | 0 |
| Workers' Compensation Commission | 1 | 1 | 1 |
| Totals | 108 | 117 | 15 |

XI. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL

DA-21-18

| | | | |
|-------------|----------------|-----------------------|-------------------|
| Employee | Cornell Hudson | Appeal Date | 10/12/17 |
| Agency | Agriculture | Decision Date | 02/01/18 |
| Appeal Type | Discharge | Proposal for Decision | Discharge upheld. |
| ALJ | Daniel Stralka | | |

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

XII. APPEALS TERMINATED WITHOUT DECISIONS ON THE MERITS

DA-36-17

| | | | |
|-------------|-----------------|-----------------------|---|
| Employee | Karen A. Fraase | Appeal Date | 2/16/17 |
| Agency | Agriculture | Decision Date | 1/23/18 |
| Appeal Type | Discharge | Proposal for Decision | Dismissed subject to approval of Commission; withdrawn. |
| ALJ | Andrew Barris | | |

DA-26-18

| | | | |
|-------------|----------------|-----------------------|---|
| Employee | Dave J. Oleson | Appeal Date | 12/18/17 |
| Agency | Corrections | Decision Date | 01/29/18 |
| Appeal Type | Discharge | Proposal for Decision | Dismissed subject to approval of Commission; withdrawn. |
| ALJ | Andrew Barris | | |

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSALS FOR DECISION IN THE ABOVE MATTERS?

XIII. STAFF REPORT

XIV. ANNOUNCEMENT OF NEXT REGULAR OPEN MEETING

The next regular open meeting is to be held at 11:00 a.m. on Thursday, March 15, 2018 by interactive video conference in the Springfield and Chicago offices of the Commission.

XV. MOTION TO ADJOURN