

February 15, 2018

REGULAR MEETING MINUTES
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

Chairman Timothy D. Sickmeyer; G.A. Finch, David Luechtefeld (by telephone), Jane Ryan, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director, Andrew Barris, Assistant Executive Director, and Sabrina Johnson, Exemption Monitor; and Karey Wanless and Bob Bowen, Illinois Department of Corrections.

MOTION TO ALLOW PARTICIPATION AT MEETING BY AUDIO CONFERENCE

Executive Director Daniel Stralka advised that he had been notified in advance that Commissioner David Luechtefeld was prevented from physically attending the February 15, 2018 meeting due to personal illness 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 COMMISSIONER LUECHTEFELD TO ATTEND THE MEETING BY AUDIO CONFERENCE.

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

IT WAS MOVED BY COMMISSIONER RYAN, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0, TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD JANUARY 18, 2018.

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.

February 15, 2018

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	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. Request for 4d(3) Exemption

Exemption Monitor Sabrina Johnson reported the following:

- As to Item C, this request is for a Chief of Women’s Division at the Illinois Department of Corrections, a position that reports to the Director. This position is responsible for monitoring three Women’s Correctional Facility operations and develops and implements policies and procedures established in Public Act 100-527. This Public Act created a Women’s Division with statewide authority, handling all phases of operations and developing training for all staff regarding gender-responsive and trauma informed practices. This position has the principal responsibility to develop statewide policies for all Women’s Correction Centers and Women’s Adult Transition Centers. Staff recommended approval of this exemption request. Bob Bowen, Chief of Staff at Illinois Department of Corrections, concurred with this presentation.

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO GRANT 4d(3) EXEMPTION FOR THE FOLLOWING POSITION:

C: Chief of Women’s Division (Corrections)

The following 4d(3) exemption was granted on February 15, 2018:

C. Illinois Department of Corrections

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

Assistant Executive Director Barris reported that to accommodate changes to the Food Handling Regulation Enforcement Action (410 ILCS 625/3) and pursuant to Public Act 100-0194, the Illinois Food Service Sanitation Manager Certification was eliminated. Based upon the limited information provided by Central Management Services, it appears that this certification represents training regarding the safe preparation and storage of food. This was never confirmed by CMS Technical Services and due to a scheduling error, a representative was not present to respond to this and other questions. With that said, the proposed revisions for some of the classes identified in the agenda utilized this certification in their desirable requirements. In the place of the Illinois Food Service Sanitation Manager Certification is an approved program in which employees must pass an American National Standards Institute exam to receive certification and is now a requirement under all the classes at issue. In fact, according to the proposed revisions, all the classes now require a Food Service Sanitation Certificate or a Certified Food Protection Manager certification. In addition to this change, several modifications were updated in the classes. As pointed out by CMS Technical Services, lead worker duties were specifically incorporated in the Corrections Food Service

February 15, 2018

Supervisor II classification and worker supervisor duties have been incorporated in the Corrections Food Service Supervisor III classification. It was unclear how some of these changes, especially in desirable requirements and duties of the position, might affect current employees within the class and any applicants and open positions in the class. For instance, was there a possibility of an open posted position within the Cook II class in which some applicants have applied and/or sought a grade for the position and met the desirable requirement of only six months of cooking experience, but now there is an additional requirement of the “mental development equivalent to the completion of high school” and the possession of a Food Service Sanitation Certificate or a Certified Food Protection Manager certification.

Chairman Sickmeyer indicated that he was contacted by Central Management Services about the revisions because the Department of Corrections wanted to get more applicants. Commissioner Ryan inquired about the differences between the use of the classes as applied to the Department of Corrections versus the Department of Human Services. Commissioner Finch asked about the necessity of so many different classes regarding food preparation and if this approach had been utilized for over the past 50 years and noted that it seemed excessively bureaucratic. Assistant Executive Director Barris explained that the Personnel Code was implemented in 1957 to set up a class specification system in which the class specifications would establish broad parameters for classes of positions containing specific positions within each class with individual position descriptions for each position falling within the parameters of the class specification.

The proposed revisions were agreed to through collective bargaining and no increases in compensation resulted from the revisions.

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER RYAN, AND THE MOTION ADOPTED 5-0 TO APPROVE THE REVISION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE 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**

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

February 15, 2018

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 11:20 a.m.

PRESENT

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

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	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

February 15, 2018

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		

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER RYAN, 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 DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED FEBRUARY 1, 2018.

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	RYAN	YES
URLACHER	YES		

XII. APPEALS TERMINATED WITHOUT DECISION 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		

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

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	RYAN	YES
URLACHER	YES		

February 15, 2018

XIII. STAFF REPORT

Executive Director Stralka reported that:

- Sabrina Johnson started work as the Commission's Exemption Monitor & Human Resources Manager on February 1, 2018.
- Chairman Sickmeyer was confirmed by the Senate on February 13, 2018.
- The annual ISL appropriation forms package required by the General Assembly was due the following day.

Assistant Executive Director Barris reported that:

- Commission Staff participated in one scheduled grievance hearing between July 1, 2017 and December 31, 2017 and another grievance hearing proceeded on December 1, 2017 in the absence of Commission Staff as confirmed notice of the hearing date was not received after Staff communicated to Central Management Services that he might not be able to participate on that date. Barris reported that the number of grievances at the 4th level on July 1, 2017 was 17; the number of grievances at the 4th level as of December 31, 2017 was 15; the number of 4th level hearings between July 1 and December 21, 2017 was 2; two grievances were dismissed and/or withdrawn and/or resolved without a hearing; and no grievances were addressed by the expedited process between the period July 1, and December 31, 2017.
- A proposed amendment to 20 ILCS 415/11 regarding the findings and decisions of the Commission and its authority to remand was introduced by Representative Thomas Morrison. Chairman Sickmeyer reported the bill number was HB 4728 and the proposed legislation was currently in Rules Committee.
- Commission Staff was currently tracking the following proposed legislation that might have an impact on the operations of the Commission: SB 0698, SB 1263, SB 1453, HB 4295. Chairman Sickmeyer reported that SB 0698 addressed the sunset date for certain partial exemptions.

Chairman Sickmeyer thanked Staff for their hard work while the Exemption Monitor position was vacant these last several months.

XIV. ANNOUNCEMENT OF NEXT MEETING

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

XV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER FINCH, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 11:30 A.M.