

February 17, 2012

REGULAR MEETING AGENDA  
ILLINOIS CIVIL SERVICE COMMISSION  
February 17, 2012

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:00 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD JANUARY 20, 2012

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD JANUARY 20, 2012?**

IV. 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> |
|--|------------------------|-----------------------------------|
| Aging.....                                       | 142.....               | 10                                |
| Agriculture.....                                 | 355.....               | 16                                |
| Arts Council.....                                | 19.....                | 2                                 |
| Capitol Development Board.....                   | 44.....                | 0                                 |
| Central Management Services.....                 | 1,609.....             | 114                               |
| Children and Family Services.....                | 2,878.....             | 49                                |
| Civil Service Commission.....                    | 4.....                 | 0                                 |
| Commerce & Economic Opportunity.....             | 391.....               | 67                                |
| Commerce Commission.....                         | 77.....                | 0                                 |
| Corrections.....                                 | 11,469.....            | 105                               |
| Criminal Justice Authority.....                  | 64.....                | 5                                 |
| Deaf and Hard of Hearing Comm.....               | 7.....                 | 1                                 |
| Developmental Disabilities Council.....          | 9.....                 | 1                                 |
| Emergency Management Agency.....                 | 91.....                | 6                                 |
| Employment Security.....                         | 1,787.....             | 25                                |
| Environmental Protection Agency.....             | 855.....               | 16                                |
| Financial & Professional Regulation.....         | 463.....               | 42                                |
| Gaming Board.....                                | 116.....               | 5                                 |
| Guardianship and Advocacy.....                   | 102.....               | 7                                 |
| Healthcare and Family Services.....              | 2,150.....             | 26                                |
| Historic Preservation Agency.....                | 176.....               | 10                                |
| Human Rights Commission.....                     | 14.....                | 2                                 |
| Human Rights Department.....                     | 145.....               | 8                                 |
| Human Services.....                              | 12,953.....            | 76                                |
| Illinois Sentencing Policy Advisory Council..... | 2.....                 | 2                                 |
| Illinois Torture Inquiry Relief Commission.....  | 2.....                 | 1                                 |
| Insurance.....                                   | 253.....               | 13                                |
| Investment Board.....                            | 2.....                 | 1                                 |
| Juvenile Justice.....                            | 1,235.....             | 20                                |
| Labor.....                                       | 91.....                | 9                                 |
| Labor Relations Board Educational.....           | 11.....                | 2                                 |
| Labor Relations Board State.....                 | 17.....                | 2                                 |
| Law Enforcement Training & Standards Bd.....     | 18.....                | 2                                 |
| Lottery.....                                     | 149.....               | 3                                 |
| Medical District Commission.....                 | 2.....                 | 0                                 |
| Military Affairs.....                            | 120.....               | 3                                 |
| Natural Resources.....                           | 1,188.....             | 28                                |
| Pollution Control Board.....                     | 21.....                | 1                                 |
| Prisoner Review Board.....                       | 19.....                | 0                                 |
| Property Tax Appeal Board.....                   | 25.....                | 1                                 |
| Public Health.....                               | 1,073.....             | 41                                |
| Racing Board.....                                | 2.....                 | 1                                 |
| Revenue.....                                     | 1,743.....             | 52                                |
| State Fire Marshal.....                          | 143.....               | 12                                |
| State Police.....                                | 1,227.....             | 5                                 |
| State Police Merit Board.....                    | 5.....                 | 1                                 |
| State Retirement Systems.....                    | 88.....                | 2                                 |
| Transportation.....                              | 2,483.....             | 0                                 |
| Veterans' Affairs.....                           | 1,308.....             | 8                                 |
| Workers' Compensation Commission.....            | 132.....               | 8                                 |
| <b>TOTALS.....</b>                               | <b>47,279.....</b>     | <b>812</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. Illinois Historic Preservation Agency – Proposed Exemption**

|                  |   |
|------------------|---|
| Position Number  | 40070-48-30-000-00-02                       |
| Position Title   | Senior Public Service Administrator         |
| Bureau/Division  | Director’s Office                           |
| Functional Title | Division Manager of Preservation Services   |
| Incumbent        | Vacant                                      |
| Supervisor       | Deputy Director who reports to the Director |
| Location         | Sangamon County                             |

**CMS Recommendation:** “This position meets 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.”

**D. Illinois Department of Central Management Services – Proposed Exemption**

|                  |   |
|------------------|---|
| Position Number  | 40070-37-60-000-01-01   |
| Position Title   | Senior Public Service Administrator   |
| Bureau/Division  | Bureau of Property Management   |
| Functional Title | Compliance and Accountability Officer   |
| Incumbent        | Vacant  |
| Supervisor       | Deputy Director of the Bureau of Property Management, who reports to the Chief Operating Officer, who in turn reports to the Director |
| Location         | Cook 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 EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS?**

- C: Division Manager of Preservation Services (Illinois Historic Preservation Agency)**
- D: Compliance and Accountability Officer (Central Management Services-Bureau of Property Management)**

**V. CLASS SPECIFICATIONS**

- None submitted.

February 17, 2012

**WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY?**

VI. 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?**

VII. RECONVENE THE REGULAR OPEN MEETING

VIII. 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 Department of Central Management Services' Consecutive Non-Merit Appointment Reports.

| <b>Agency</b>                  | <b>12/31/11</b> | <b>1/31/12</b> | <b>1/31/11</b> |
|--------------------------------|-----------------|----------------|----------------|
| Aging                          | 0               | <b>0</b>       | 1              |
| Central Management Services    | 1               | <b>1</b>       | 0              |
| Children and Family Services   | 2               | <b>2</b>       | 4              |
| Employment Security            | 6               | <b>11</b>      | 6              |
| Healthcare and Family Services | 5               | <b>2</b>       | 2              |
| Historic Preservation Agency   | 1               | <b>1</b>       | 1              |
| Human Services                 | 0               | <b>1</b>       | 6              |
| Natural Resources              | 8               | <b>6</b>       | 15             |
| Property Tax Appeal Board      | 0               | <b>0</b>       | 1              |
| State Fire Marshal             | 0               | <b>1</b>       | 1              |
| Transportation                 | 4               | <b>3</b>       | 11             |
| Veterans' Affairs              | 1               | <b>0</b>       | 0              |
| <b>Totals</b>                  | 28              | <b>28</b>      | 48             |

IX. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL

**DA-29-12**

|           |                                     |                       |  |
|-----------|-------------------------------------|-----------------------|--|
| Employee  | Julian Avila                        | Appeal Date           | 10/25/11                                 |
| Agency    | Veterans' Affairs                   | Decision Date         | 02/03/12                                 |
| Type      | Discharge                           | ALJ                   | Andrew Barris                            |
| Charge(s) | Violation of Personal Conduct Rules | Proposal for Decision | Charge is proven and warrants discharge. |

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

February 17, 2012

X. APPEALS DISMISSED WITHOUT DECISION ON THE MERITS

**S-38-12**

|           |   |                       |   |
|-----------|---|-----------------------|---|
| Employee  | LaVondas Young                          | Appeal Date           | 01/24/12  |
| Agency    | Human Services                          | Decision Date         | 02/07/12  |
| Type      | Suspension                              | ALJ                   | Andrew Barris   |
| Charge(s) | Failure to follow policy and procedures | Proposal for Decision | Dismissed subject to approval of Commission; withdrawn. |

**DA-41-12**

|           |                                |                       |   |
|-----------|--------------------------------|-----------------------|---|
| Employee  | Lisa C. Murray                 | Appeal Date           | 1/30/12   |
| Agency    | Corrections                    | Decision Date         | 2/08/12   |
| Type      | Discharge                      | ALJ                   | Daniel Stralka  |
| Charge(s) | Violations of Rules of Conduct | Proposal for Decision | Dismissed subject to approval of Commission; withdrawn. |

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

XI. REVIEW OF AMENDMENTS TO THE OPEN MEETINGS ACT

XII. STAFF REPORT

XIII. ANNOUNCEMENT OF NEXT REGULAR OPEN MEETING

**The next regular open meeting is to be held on Friday, March 16, 2012 at 11:00 a.m. in the Commission's Chicago office.**

XIV. MOTION TO ADJOURN