

February 21, 2019

REGULAR MEETING AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
FEBRUARY 21, 2019

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 17, 2019

WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD JANUARY 17, 2019?

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.

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	73	12
Aging	130	19
Agriculture	317	18
Arts Council	14	2
Capitol Development Board	35	0
Central Management Services	848	53
Children and Family Services	2,632	53
Civil Service Commission	3	0
Commerce & Economic Opportunity	218	65
Commerce Commission	51	0
Corrections	12,793	110
Criminal Justice Authority	52	7
Deaf and Hard of Hearing Comm	3	1
Developmental Disabilities Council	5	1
Emergency Management Agency	65	10
Employment Security	1,094	29
Environmental Protection Agency	601	16
Financial & Professional Regulation	376	48
Gaming Board	152	7
Guardianship and Advocacy	95	8
Healthcare and Family Services	1,520	26
Human Rights Commission	13	2
Human Rights Department	115	10
Human Services	12,427	79
Illinois Torture Inquiry Relief Commission	3	1
Independent Tax Tribunal	1	0
Innovation and Technology	1,231	60
Insurance	205	17
Investment Board	3	2
Juvenile Justice	842	28
Labor	72	11
Labor Relations Board Educational	10	3
Labor Relations Board State	13	2
Law Enforcement Training & Standards Bd.	22	3
Lottery	144	8
Military Affairs	139	3
Natural Resources	1,162	33
Pollution Control Board	16	2
Prisoner Review Board	23	1
Property Tax Appeal Board	34	2
Public Health	1,120	40
Racing Board	3	1
Revenue	1,406	46
State Fire Marshal	126	12
State Police	907	8
State Police Merit Board	6	2
State Retirement Systems	99	3
Transportation	2,916	0
Veterans' Affairs	1,201	10
Workers' Compensation Commission	111	12
TOTALS	45,447	886

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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C1. Illinois Department of Central Management Services – proposed exemption

Position Number	40070-37-25-000-00-01
Functional Title	HR Internal Personnel Manager
Incumbent	Tricia Pineda
Supervisor	Deputy Director, Bureau of Personnel who reports to the Chief Administrative Officer who reports to the Director
Location	Sangamon County

C2. Illinois Department of Central Management Services – proposed exemption

Position Number	37015-37-06-000-01-01
Functional Title	Governmental Affairs Legislative Liaison
Incumbent	vacant
Supervisor	Deputy Director, Governmental Affairs who reports to the Assistant Director who reports to the Director
Location	Sangamon County

C3. Illinois Department of Central Management Services – proposed exemption

Position Number	40070-37-00-0000-30-01
Functional Title	Emergency Management Director
Incumbent	vacant
Supervisor	Director
Location	Sangamon County

C4. Illinois Department of Central Management Services – proposed exemption

Position Number	40070-37-20-000-10-01
Functional Title	Assistant Deputy Director, Bureau of Personnel
Incumbent	vacant
Supervisor	Deputy Director, Bureau of Personnel who reports to the Chief Administrative Officer who reports to the Director
Location	Sangamon County

C5. Illinois Department of Central Management Services – proposed exemption

Position Number	40070-37-70-110-00-01
Functional Title	Senior Labor Relations Counsel
Incumbent	vacant
Supervisor	Deputy General Counsel, Labor Relations who reports to the General Counsel who reports to the Director
Location	Sangamon County

D1. Illinois Gaming Board – proposed exemption

Position Number	40070-50-69-200-00-01
Functional Title	Deputy Administrator of Finance and Audit
Incumbent	vacant
Supervisor	Administrator
Location	Sangamon County

D2. Illinois Gaming Board – proposed exemption

Position Number	40070-50-69-600-00-01
Functional Title	Deputy Administrator of Enforcement
Incumbent	vacant
Supervisor	Administrator
Location	Cook County

E1. Illinois Department of Healthcare & Family Services – proposed exemption

Position Number	40070-33-70-200-00-61
Functional Title	Chief Fiscal Officer
Incumbent	vacant
Supervisor	Division Administrator who reports to the Director
Location	Sangamon County

E2. Illinois Department of Healthcare & Family Services – proposed exemption

Position Number	40070-33-20-010-00-61
Functional Title	Deputy Administrator of Operations
Incumbent	vacant
Supervisor	Division Administrator who reports to the Director
Location	Sangamon County

E3. Illinois Department of Healthcare & Family Services – proposed exemption

Position Number	40070-33-10-000-00-61
Functional Title	Administrator of Personnel and Administrative Services
Incumbent	vacant
Supervisor	Deputy Director for Human Resources who reports to the Director
Location	Sangamon County

F. Illinois Department of Human Rights – proposed exemption

Position Number	40070-49-50-100-10-02
Functional Title	Chief Litigation Attorney-Fair Housing
Incumbent	vacant
Supervisor	Chief Legal Counsel who reports to the Director
Location	Cook County

G. Illinois Department of Human Services – proposed exemption

Position Number	40070-10-41-010-00-01
Functional Title	Chief of Staff, Rehabilitation Services
Incumbent	vacant
Supervisor	Director of Division of Rehabilitation Services, who reports to the Assistant Secretary, who reports to the Secretary
Location	Cook County

H. Illinois Department of Juvenile Justice – proposed exemption

Position Number	37015-27-00-001-00-03
Functional Title	Labor Relations Administrator
Incumbent	vacant
Supervisor	Chief of Staff, who reports to the Director
Location	Kane County

I1. Illinois Department of Public Health – proposed exemption

Position Number	40070-20-06-202-00-21
Functional Title	Regional Health Officer-Peoria
Incumbent	vacant
Supervisor	Director
Location	Peoria County

I2. Illinois Department of Public Health – proposed exemption

Position Number	40070-20-06-206-00-61
Functional Title	Regional Health Officer-Champaign
Incumbent	vacant
Supervisor	Director
Location	Champaign County

J1. Illinois Department of Revenue – proposed exemption

Position Number	40070-25-00-000-01-01
Functional Title	Deputy Director
Incumbent	vacant
Supervisor	Director
Location	Sangamon County

J1. Illinois Department of Revenue – proposed exemption

Position Number	40070-25-07-900-00-01
Functional Title	Deputy General Counsel – Criminal Prosecution
Incumbent	vacant
Supervisor	General Counsel who reports to the Director
Location	Cook County

CMS recommendation: “As a result of the Shakman litigation and the subsequent review of exempt positions by the Shakman Special Master, OEIG’s Hiring and Employment Monitoring Unit (HEM), and the Department of Central Management Services, the Acting Director is recommending 4d(3) exemption for the positions [above].”

WILL THE COMMISSION GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITION?

- C1: HR Internal Personnel Manager (CMS)**
- C2: Governmental Affairs Legislative Liaison (CMS)**
- C3: Emergency Management Director (CMS)**
- C4: Assistant Deputy Director, Bureau of Personnel (CMS)**
- C5: Senior Labor Relations Counsel (CMS)**
- D1: Deputy Administrator of Finance and Audit (IGB)**
- D2: Deputy Administrator of Enforcement (IGB)**
- E1: Chief Fiscal Officer (HFS)**
- E2: Deputy Administrator of Operations (HFS)**
- E2: Administrator of Personnel and Administrative Services (HFS)**
- F: Chief Litigation Attorney-Fair Housing (DHR)**
- G: Chief of Staff, Rehabilitation Services (DHS)**
- H: Labor Relations Administrator (DJJ)**
- I1: Regional Health Officer-Peoria (DPH)**
- I2: Regional Health Officer-Champaign (DPH)**
- J1: Deputy Director (DOR)**
- J2: Deputy General Counsel-Criminal Prosecution (DOR)**

V. 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; and
- f) The relation of the class specifications to any applicable collective bargaining agreement.

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

B. **Hearing and Speech Technician 2**
Hearing and Speech Associate
Hearing and Speech Specialist
Hearing and Speech Advanced Specialist

CMS Technical Services analysis: “Pursuant to changes to the Illinois School Code (105 ILCS 5/21b-20), effective July 1, 2013, the Illinois State Board of Education (ISBE) transitioned educators and school support personnel from a certification system to a licensure system, to simplify and clarify understanding of credentials within its purview. The Illinois Department of Central Management Services (DCMS) has undertaken a classification plan review and initiated class specification revisions to essentially replace obsolete ‘certification’ language with corresponding new licensure and endorsement language. The system conversion reduces numerous certifications to three licenses. They are:

- Professional Educator License (PEL)
- Educator License with Stipulations (ELS)
- Substitute Teaching License (STL)

PELs and ELSs also carry endorsements which further identify a license-holder's area(s) of qualification in which he/she may serve, such as grade-level ranges and content/subject-matter of instruction. The ISBE license conversion prompted a review of all class specifications

within the State of Illinois classification plan that may be affected. Among these are the Hearing & Speech Specialist (HSS) and Hearing & Speech Advanced Specialist (HSAS). During the study, the DCMS Class Studies Unit expanded the review to include the Hearing & Speech Associate (HSA) and the Hearing & Speech Technician II (HST2) class specifications.

The HSA class is a trainee level designed for graduates of speech-language pathology or audiology programs that are not yet licensed to perform services and treatment under the clinical supervision of a licensed speech-language pathologist or audiologist while employed by the State of Illinois. This clinical practicum allows the HSA to qualify for the examination to obtain licensure through the Illinois Department of Financial and Professional Regulation (IDFPR). The HSS and HSAS classes are a working level class and an advanced level class, respectively, charged with providing communication disorder therapy to clients of the Illinois Department of Human Services (OHS) and the Department of Juvenile Justice (DJJ), which requires the IDFPR licensure as a speech-language pathologist or audiologist. Some HAS, HSS and HSAS positions are in educational programs administered by the OHS such as the Illinois School for the Deaf and the Illinois School for the Visually Impaired, or the DJJ, which places them under the regulatory authority of the ISBE. The HSS and HSAS positions must also possess a PEL with endorsement as a speech-language pathologist. After extensive consultation with the utilizing agencies, it was determined that possession of both licenses (the IDFPR speech-language pathologist or audiologist license and the ISBE Professional Educator License with endorsement as a speech-language pathologist) would be mandated as part of the desirable requirements of both the HSS and HSAS class specifications. Each of the class specifications was revised adding several clarifying phrases, and some expansion on the disorders treated and services rendered. An Illustrative Example of Work has been inserted into the class specifications for the HSS and HSAS specifically to address and clarify duties performed in a school setting.

The HST2 class specification was revised to more completely identify the various roles, supervision requirements and knowledge, skills, and abilities required of this class. The HST2 performs services under the authority of a licensed speech-language pathologist or a licensed audiologist. The type of supervision exercised over this class is mixed. The HST2 may be supervised in the clinical setting by either an HSS or HSAS, while the more administrative supervisory functions may be carried out by another class, such as a Public Service Administrator or Senior Public Service Administrator with programmatic supervisory responsibilities.

The DCMS Division of Technical Services recommends these changes to assist the State of Illinois in complying with refinements in pertinent regulations and improve the practical understanding and use of the Hearing & Speech Technician II, Hearing & Speech Associate, Hearing & Speech Specialist and Hearing & Speech Advanced Specialist classes.”

C. Public Administration Intern

CMS Technical Services analysis: “The changes to the Education and Experience Section of the Public Administration Intern have been made to reflect that acceptable educational requirements are not restricted to possession of a bachelor's degree, but also include higher

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degrees (e.g. master's degree, doctorate. etc.). The listed recency requirement of 18 months is applied to the most recent degree obtained that is no lower than a bachelor's degree. Other changes have been made to the draft class specifications to update language pertaining to verbal and written skills.”

WILL THE COMMISSION APPROVE THE REVISION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE ON MARCH 1, 2019?

- B. Hearing and Speech Technician 2**
 - Hearing and Speech Associate**
 - Hearing and Speech Specialist**
 - Hearing and Speech Advanced Specialist**

- C. Public Administration Intern**

WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF BUT NOT INCLUDED IN THIS AGENDA TO ALLOW ADEQUATE STUDY?

VI. 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?

VII. 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?

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VIII. RECONVENE THE REGULAR OPEN MEETING

IX. INTERLOCUTORY APPEAL

DA-4-19

Employee	Shawn R. Bradbury	Appeal Date	8/01/18
Agency	Central Mgmt. Services	Decision Date	2/07/19
Appeal Type	Discharge	Proposal for Decision	Grant Motion to Dismiss for no jurisdiction.
ALJ	Andrew Barris		

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

X. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL

DA-49-18

Employee	William M. Valentine	Appeal Date	6/11/18
Agency	Corrections	Decision Date	2/08/19
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?

XI. APPEAL TERMINATED WITHOUT DECISIONS ON THE MERITS

DA-12-19

Employee	William A. Marks	Appeal Date	12/17/18
Agency	Transportation	Decision Date	02/11/19
Appeal Type	Discharge	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn.
ALJ	Andrew Barris		

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

XII. STAFF REPORT

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XIII. ANNOUNCEMENT OF NEXT REGULAR OPEN MEETING

The next regular open meeting is to be held at 11:00 a.m. on Thursday, March 21, 2019 in the Chicago and Springfield offices of the Commission by interactive video conference.

XIV. MOTION TO ADJOURN