

March 17, 2017

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
March 17, 2017

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:00 A.M. AT 160 N. LASALLE ST., SUITE S-901, CHICAGO, IL AND 607 E. ADAMS ST., SUITE 801, SPRINGFIELD, IL BY INTERACTIVE VIDEO CONFERENCE

I. PRESENT

Chairman Timothy D. Sickmeyer; Anita M. Cummings, G.A. Finch, David Luechtefeld, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director and Jane Ryan, Exemption Monitor; Roneta Taylor and Chris Nickols, Illinois Department of Central Management Services; and Jack Vrett, Office of the Governor.

II. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD FEBRUARY 17, 2017

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0, TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD FEBRUARY 17, 2017. COMMISSIONER ANITA CUMMINGS ABSTAINED.

III. 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, 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.

March 17, 2017

IV. 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>
Aging.....	145.....	19
Agriculture.....	310.....	20
Arts Council.....	9.....	2
Capitol Development Board.....	42.....	0
Central Management Services.....	1,298.....	97
Children and Family Services.....	2,549.....	54
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	290.....	71
Commerce Commission.....	58.....	0
Corrections.....	11,566.....	109
Criminal Justice Authority.....	53.....	7
Deaf and Hard of Hearing Comm.....	5.....	1
Developmental Disabilities Council.....	8.....	1
Emergency Management Agency.....	65.....	8
Employment Security.....	1,055.....	31
Environmental Protection Agency.....	648.....	18
Financial & Professional Regulation.....	399.....	49
Gaming Board.....	167.....	6
Guardianship and Advocacy.....	93.....	8
Healthcare and Family Services.....	1,872.....	27
Historic Preservation Agency.....	127.....	17
Human Rights Commission.....	14.....	2
Human Rights Department.....	122.....	10
Human Services.....	12,648.....	82
Illinois Torture Inquiry Relief Commission.....	3.....	1
Independent Tax Tribunal.....	1.....	0
Innovation and Technology.....	30.....	14
Insurance.....	226.....	17
Investment Board.....	3.....	2
Juvenile Justice.....	993.....	28
Labor.....	77.....	12
Labor Relations Board Educational.....	7.....	3
Labor Relations Board State.....	14.....	2
Law Enforcement Training & Standards Bd.....	21.....	2
Lottery.....	141.....	8
Military Affairs.....	126.....	3
Natural Resources.....	1,037.....	32
Pollution Control Board.....	17.....	2
Prisoner Review Board.....	21.....	1
Property Tax Appeal Board.....	30.....	1
Public Health.....	1,058.....	42
Racing Board.....	2.....	1
Revenue.....	1,423.....	48
State Fire Marshal.....	116.....	12
State Police.....	968.....	10
State Police Merit Board.....	7.....	2
State Retirement Systems.....	103.....	3
Transportation.....	3,038.....	0
Veterans' Affairs.....	1,266.....	11
Workers' Compensation Commission.....	119.....	11
TOTALS.....	44,394.....	907

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. Requests for 4d(3) Exemption

Exemption Monitor Jane Ryan reported the following:

- Item C is a request from Central Management Services (CMS) for an Assistant Deputy Director of the Illinois Office of Communication and Information (IOCI) reporting to the Deputy Director of the IOCI who reports to the Chief Administrative Officer who reports to the Director. This position was rescinded May 20, 2016 as part of the overall changes to Media Administrators. While CMS’ role has changed, it continues to have a substantial portfolio due to the size and scope of the agency. The Deputy Director position maintains principal policy authority as a policy advisor, media spokesperson, and communications strategist. The Assistant Deputy Director sought by this request will have principal policy authority over CMS publications. This includes editorial, design, and distribution services and staff responsible for large bureaus/divisions within CMS such as the Business Enterprise Program (minority business recruitment), Rapid Results, Surplus Property/Fleet Management, Bureau of Benefits, Bureau of Strategic Sourcing (BOSS), Property Management, and others. The position is similar to other large agencies with extensive areas of responsibility. Therefore, Staff recommended approval of this exemption request. CMS representative Roneta Taylor agreed with the information presented. Executive Director Stralka noted that historically CMS had two Media Administrators. This would put them at the same level of Public Information Officers.

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO GRANT THE EXEMPTION REQUEST FOR THE FOLLOWING POSITION:

C: Assistant Deputy Director, Office of Communication & Information (CMS)

The following 4d(3) exemption request was granted on March 17, 2017:

C. Illinois Department of Central Management Services

Position Number	40070-37-80-300-00-01
Functional Title	Assistant Deputy Director, Illinois Office of Communication and Information
Incumbent	Vacant
Supervisor	Deputy Director, Illinois Office of Communication and Information who reports to the Chief Administrative Officer who reports to the Director
Location	Cook County

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.

The following class titles were submitted for creation and revision by the Director of the Illinois Department of Central Management Services (CMS):

B. Corrections Vocational Instructor (revise)
Juvenile Justice Vocational Instructor (create)

C. Pharmacy Technician (revise)
Pharmacy Lead Technician (revise)

Assistant Executive Director Barris reported that Staff recommended the approval of the creation and revisions to the proposed class specifications, all of which were agreed to through collective bargaining. He noted that the Vocational Instructor revision provides more descriptive specifications of the work that will be done while providing identifiable differentials among the class that are sufficiently significant to permit the assignment of individual positions to the appropriate classes which outweighed any concerns over promotional opportunities. Regarding the Pharmacy Technician classes, the revisions are necessary pursuant to the Pharmacy Practice Act.

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO APPROVE THE CREATION AND REVISION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE APRIL 1, 2017:

B. Corrections Vocational Instructor (revise)
Juvenile Justice Vocational Instructor (create)

C. Pharmacy Technician (revise)
Pharmacy Lead Technician (revise)

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

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

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, 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.

VII. MOTION TO CLOSE A PORTION OF THE MEETING

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER FINCH, AND BY ROLL CALL VOTE THE MOTION ADOPTED 4-0 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	CUMMINGS	YES
FINCH	YES	LUECHTEFELD	YES
URLACHER	YES		

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VIII. RECONVENE THE OPEN MEETING

- II. Upon due and proper notice, the regular open meeting of the Illinois Civil Service Commission was reconvened at 160 N. LaSalle St., Suite S-901, Chicago, IL and 607 E. Adams St., Suite 801, Springfield, IL by interactive video conference at 11:52 a.m.

PRESENT

Chairman Timothy D. Sickmeyer; Anita M. Cummings, G.A. Finch, David Luechtefeld and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris, Assistant Executive Director.

IX. 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	1/31/17	2/28/17	2/29/16
Central Management Services	1	0	2
Employment Security	1	0	1
Financial and Professional Regulation	0	0	1
Gaming Board	1	0	0
Guardianship and Advocacy Comm.	1	0	0
Healthcare and Family Services	0	0	5
Human Services	6	1	15
Insurance	1	0	2
Natural Resources	1	2	6
State Retirement Systems	2	2	3
Transportation	0	14	7
Workers' Compensation Commission	1	0	3
Totals	15	19	45

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X. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

DA-14-17

Employee	Chandra L. Kanosky	Appeal Date	9/09/16
Agency	Human Services	Decision Date	3/03/17
Appeal Type	Discharge	Proposal for Decision	Uphold discharge.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE TO UPHOLD THE DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED MARCH 3, 2017.

SICKMEYER	YES	CUMMINGS	YES
FINCH	YES	LUECHTEFELD	YES
URLACHER	YES		

DA-15-17¹

Employee	James Nam	Appeal Date	9/13/16
Agency	Workers' Compensation	Decision Date	3/03/17
Appeal Type	Discharge	Proposal for Decision	60-day suspension plus duration of suspension pending discharge.
ALJ	Daniel Stralka		

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER FINCH, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE THAT THE PROVEN CHARGES WARRANT A 60-DAY SUSPENSION PLUS DURATION OF SUSPENSION PENDING DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED MARCH 3, 2017.

SICKMEYER	YES	CUMMINGS	YES
FINCH	YES	LUECHTEFELD	YES
URLACHER	YES		

¹ Illinois Workers' Compensation Commission v. James Nam, DA-15-17 was consolidated with Illinois Workers' Compensation Commission v. James Nam, S-1-17.

DA-24-17

Employee	Jeffrey E. Hopkins	Appeal Date	11/07/16
Agency	Natural Resources	Decision Date	03/02/17
Appeal Type	Discharge	Proposal for	90-day suspension plus duration
ALJ	Andrew Barris	Decision	of suspension pending discharge.

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER LUECHTEFELD, AND BY ROLL CALL VOTE OF 3-2 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE THAT THE PROVEN CHARGES WARRANT A 90-DAY SUSPENSION PLUS DURATION OF SUSPENSION PENDING DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED MARCH 2, 2017.

SICKMEYER	YES	CUMMINGS	YES
FINCH	NO	LUECHTEFELD	YES
URLACHER	NO		

S-1-17

Employee	James Nam	Appeal Date	7/05/16
Agency	Workers' Compensation	Decision Date	3/03/17
Appeal Type	Suspension	Proposal for	Uphold 25-day paper
ALJ	Daniel Stralka	Decision	suspension.

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE TO UPHOLD THE 25-DAY PAPER SUSPENSION FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED MARCH 3, 2017.

SICKMEYER	YES	CUMMINGS	YES
FINCH	YES	LUECHTEFELD	YES
URLACHER	YES		

S-22-17

Employee	Scott Nailor	Appeal Date	10/18/16
Agency	Corrections	Decision Date	02/24/17
Appeal Type	Suspension	Proposal for Decision	Uphold 20-day suspension.
ALJ	Daniel Stralka		

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE TO UPHOLD THE 20-DAY SUSPENSION FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED FEBRUARY 24, 2017.

SICKMEYER	YES	CUMMINGS	YES
FINCH	YES	LUECHTEFELD	YES
URLACHER	YES		

XI. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

DA-33-17

Employee	Kimberly D. Prince	Appeal Date	1/30/17
Agency	Children & Family Services	Decision Date	3/06/17
Appeal Type	Discharge	Proposal for Decision	Dismissed; withdrawn.
ALJ	Andrew Barris		

S-35-17

Employee	David A. Ratkovich	Appeal Date	2/14/17
Agency	Human Services	Decision Date	2/17/17
Appeal Type	Suspension	Proposal for Decision	Dismissed; withdrawn.
ALJ	Daniel Stralka		

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER CUMMINGS, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSALS FOR DECISION OF THE ADMINISTRATIVE LAW JUDGES TO DISMISS THE APPEALS FOR THE REASONS SET FORTH IN THE PROPOSALS FOR DECISION.

SICKMEYER	YES	CUMMINGS	YES
FINCH	YES	LUECHTEFELD	YES
URLACHER	YES		

Chairman Sickmeyer and Commissioner Luechtefeld gave Executive Director Stralka authority to sign their names to the signature sheets in accordance with their votes.

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XII. STAFF REPORT

Executive Director Stralka reported that:

- He and Chairman Sickmeyer attended the Commission's Fiscal Year 2018 House Appropriation Hearing on March 8, 2017.
- Former Commissioner Susan Moylan-Krey was recognized for her years of service with the Civil Service Commission. By unanimous consent Staff was directed to prepare a formal certificate acknowledging her contributions.
- Commission Staff was monitoring the State's introduction of a new website called Working for a Better Illinois. This was created to prepare for the retention of replacement workers in the event of an AFSCME strike. The website appears to solicit basic information from interested citizens but is not a substitute for the usual and customary hiring procedures. The State would still be required to appoint any replacement workers in accordance with the Personnel Code and Personnel Rules. It appears that the State would utilize the emergency appointment process to hire replacement workers. This was reported in the local newspaper as the testimony of Director Michael Hoffman at the CMS Senate Appropriation hearing on March 15, 2017. The emergency appointment allows for the appointment of such workers but is limited to 60 days. There has also been an indication that the State would utilize contract employees as replacement workers. Over the decades the Commission has ruled several times on the use of contract workers since the Personnel Code states that all positions of employment with the State are covered unless otherwise exempted. Those rulings have, generally speaking, found that contract workers performing work similar to that of other Personnel Code covered employees is not allowed. Jane Ryan met with the Deputy Director of Personnel who indicated that the employment of replacement workers would be in accordance with the Personnel Code. In any event, Commission Staff will provide a more detailed analysis on this issue should a strike appear imminent.
- The Commission is scheduled to "go live" with its financial data conversion in accordance with the Enterprise Resource Planning program on April 1, 2017.

Chairman Sickmeyer indicated he will be out of town on the scheduled date for the April 2017 meeting and inquired of the Commissioners if the date can be moved to Thursday, April 20 at 11:00 a.m. Despite a conflict with Commissioner Cummings' schedule, it was the consensus of the Commissioners to proceed with the change the Chairman proposed.

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held Thursday, April 20, 2017 at 11:00 a.m.

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XIV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER FINCH, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 12:05 P.M.