MINUTES ILLINOIS CIVIL SERVICE COMMISSION March 18, 2011

I. OPENING OF MEETING AT 11:05 A.M. AT 160 N. LASALLE ST., SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman (by telephone); Barbara J. Peterson, Betty A. Bukraba, and Ares G. Dalianis, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director (by telephone); Jan Oncken, Julie O'Brien, and Mark Magill (by telephone), Illinois Department of Central Management Services; Bridget Devlin, Illinois Department of Commerce and Economic Opportunity (by telephone); Tim Cena, Illinois Department of Insurance; and Jodie Winnett, Illinois Department of Revenue.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD FEBRUARY 18, 2011

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER PETERSON, AND THE MOTION ADOPTED 5-0 TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 18, 2011.

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions¹

	Total	Number of Exempt
<u>Agency</u>	Employees	<u>Positions</u>
Aging	1/15	10
Agriculture	418	16
Arts Council		
Capitol Development Board		
Central Management Services		
Children and Family Services		
Civil Service Commission		
Commerce & Economic Opportunity		
Commerce Commission		
Corrections	,	
Criminal Justice Authority		
Deaf and Hard of Hearing Comm		1
Developmental Disabilities Council	9 .	1
Emergency Management Agency	91 .	7
Employment Security		
Environmental Protection Agency		
Financial & Professional Regulation		
Gaming Board	88 .	5
Guardianship and Advocacy		
Healthcare and Family Services		
Historic Preservation Agency	189 .	9
Human Rights Commission	14 .	2
Human Rights Department	145 .	8
Human Services		
Insurance	246 .	11
Investment Board	2 .	1
Juvenile Justice		
Labor		
Labor Relations Board Educational		
Labor Relations Board State		
Law Enforcement Training & Standards	Rd 17	2
Medical District Commission		
Military Affairs		
Natural Resources		
Pollution Control Board		
Prisoner Review Board		
Property Tax Appeal Board		
Public Health	,	
Racing Board		
Revenue		
State Fire Marshal		
State Police		
State Police Merit Board		
State Retirement Systems		
Transportation		
Veterans' Affairs		
Workers' Compensation Commission	176 .	8
TOTALS	49,743 .	802

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¹ Source: Illinois Department of Central Management Services Report on Exempt Positions.

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 III. Reg. 3485, effective March 3, 2010)

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C. Requests for 4d(3) Exemption and Proposed Rescission of 4d(3) Exemption

Executive Director Daniel Stralka reported:

As to Item C1-9, these requests are to continue the exemptions for nine Federal Stimulus Administrators for Central Management Services. The Accountability Administrator position (C1) reports to the Director of Central Management Services and the remaining positions all report to the Accountability Administrator. These were all originally granted 24 month exemptions on April 17, 2009. They were established in response to the passage of the American Reinvestment and Recovery Act (ARRA) to participate in making decisions regarding which projects or programs will be submitted to the federal government to compete for federal stimulus funding, and then to monitor the selected projects to address issues that arose after the receipt of funding. While it was originally thought that the ARRA projects would be completely administered within two years, delays have now pushed that back to early 2013. There are a total of 565 open projects with awards of \$5 billion spread across 15 state agencies. Only one agency has filed a final report for its grants. At the present time, only four of the nine requested positions are filled. After discussions with CMS, it was acknowledged that not all would be required or would be able to be filled for the duration of the program and Items C4, C8, and C9 would probably be abolished. Since the program that justified the granting of the limited term exemptions in the first place remains, there is good cause to continue the exemption of these positions until the expiration of this program. For these reasons, Staff recommended denial of Items C4, C8, and C9 and approval of the remaining requests for 24 months.

Julie O'Brien, Associate Director, OMB Chief Accountability Office, noted that the actual stimulus award throughout the State is closer to \$13 billion and \$5 billion is just the amount managed by the Federal Stimulus Administrators. Approximately half has been expended so far. Chairman Kolker inquired whether that is why the additional 24 months is needed, which Julie O'Brien confirmed and noted the extensive reporting requirements they must adhere to as mandated by the federal government. Commissioner Peterson inquired as to the success of the program in creating employment opportunities throughout the State. Julie O'Brien responded that thousands have been created, most through Illinois Department of Transportation construction projects and Illinois Department of Commerce and Economic Opportunity job training projects.

 As to Item D, this request is for the Assistant Deputy Director of Entrepreneurship, Innovation and Technology, a position that reports to the Deputy Director who reports to the Director of the Department of Commerce and Economic Opportunity (DCEO). This position had its exemption rescinded on May 21, 2010 due to extended vacancy as the agency never responded to the rescission notice.

This position is in a program that is on the same level as eight other operational programs at the agency that have 4d(3) exempt Deputy Directors and Assistants. Entrepreneurship, Innovation and Technology addresses what the agency considers

to be a wide-open and untapped niche of business persons or entities which initiate or finance new profitable ventures with innovative or original/inventive ideas creating jobs for Illinois. The agency cited this position's policy responsibilities in directing the Environmental/Clean Air Assistance and Broadband Technology Assistance programs. For the former, it will assist businesses in understanding and complying with their environmental obligations. This program is at DCEO and not the Illinois Environmental Protection Agency because DCEO is not a regulatory agency. For the latter, this position is charged with expanding the introduction of broadband infrastructure throughout the State – especially in economically disadvantaged areas – to attract economic investment in these areas. The agency cited several statutory bases for these programs.

The agency has indicated that there are not any other programs for which it will be seeking additional 4d(3) exemptions for Assistant Deputy Directors. Considering the position's responsibilities as well as noting that the agency had merged two independent programs to make the Entrepreneurship, Innovation and Technology program so that there was a net decrease in 4d(3) exemptions and that the position had been exempt prior to rescission for extended vacancy, Staff recommended approval of this request.

- As to Item E, this request is for a legislative liaison position at the Department of Insurance, a position that reports to the Legislative Affairs Director who reports to the Director. This is only the second legislative position at the agency. Staff recommended approval of this request as the Commission has traditionally approved requests for similar positions. However, since this is a Public Service Administrator position and its inclusion or exclusion in a collective bargaining unit is still at issue, Staff recommended limiting this to a 24 month exemption. Chairman Kolker inquired as to the current status of the position. Executive Director Stralka responded that information from the agency indicated it was seeking exclusion from a bargaining unit from the Illinois Labor Relations Board.
- As to Item F, this request is for a Chief Information Security Officer at the Department of Revenue, a position that reports to the Director. It is common knowledge regarding the type and amount of financial information that this agency is responsible for safeguarding. Recent audit findings as well as Internal Revenue Service (IRS) directives and external security consultant reports have led it to create this position which will have principal policy responsibilities for establishing and implementing policies to ensure all this information especially paper information is maintained in a secure environment consistent with IRS directives and external consultant recommendations. The agency indicated this position will also have similar responsibilities with regard to the security of electronic information, but Staff's investigation concluded that those principal policy responsibilities lie more with the agency's Information Technology Program Administrator and Central Management Services, Bureau of Communication and Computer Services staff. However, the security of the paper information was sufficient for Staff to recommend approval of this request.

Jodie Winnett, Associate Director, Illinois Department of Revenue, added that the agency takes its responsibility to secure the data it receives and maintains seriously. The IRS has been tightening its data security requirements, especially for individual and business income tax information. The IBM security consultants made many recommendations addressing the handling, storage, and destruction of paper records received and maintained by the agency. This position has principal policy responsibilities to ensure that the agency follows through with these recommendations and is in compliance with mandated requirements. Commissioner Dalianis inquired if IBM was assisting in identifying a candidate for the position. Jodie Winnett responded that there is no candidate but IBM assisted in drafting the position description. Chairman Kolker inquired whether other agencies were also bound to secure such data. Jodie Winnett noted that there are other agencies which are affected by these enhanced regulations, but she was unaware how they were responding to them. Chairman Kolker noted for the record how this decision is nonprecedential with regard to other agencies should they be seeking principal policy exemption for related positions. Executive Director Stralka inquired of Mark Magill, Central Management Services Technical Services, whether he was aware of any such requests to which he responded negatively. Executive Director Stralka also inquired the reasons why the Director recommended approval of this request. Mark Magill responded it was due to the placement of the position on the organizational chart as well as the amount and type of information the position was responsible for.

As to Item G, this proposed rescission was continued from last month since the Commissioners had unanswered questions regarding its extended vacancy and efforts to fill the position. These questions could not be answered because no agency representative was present. Staff has since had additional communication with the Agency Director and staff who provided information that approval to fill the position should occur within the next month or two. With that representation – and with the proviso that if still vacant it will be on the Commission's May agenda for rescission – Staff recommended denial of this proposed rescission.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND THE MOTION ADOPTED 5-0 TO GRANT AND DENY THE REQUEST FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

- C1: Governor's ARRA Accountability Administrator (CMS)
- **C2:** Federal Stimulus Administrator (Central Management Services)
- **C3:** Federal Stimulus Administrator (Central Management Services)
- C4: Federal Stimulus Administrator (Central Management Services)
- C5: Federal Stimulus Administrator (Central Management Services)
- **C6:** Federal Stimulus Administrator (Central Management Services)
- C7: Federal Stimulus Administrator (Central Management Services)
- **C8:** Federal Stimulus Administrator (Central Management Services)
- **C9:** Federal Stimulus Administrator (Central Management Services)
- D: Assistant Deputy Director (Commerce & Economic Opportunity)
- **E:** Legislative Liaison (Insurance)
- F: Chief Information Security Officer (Revenue)

The following 4d(3) exemption requests were granted for a period of 24 months on March 18, 2011:

C1. Illinois Department of Central Management Services²

Position Number	40070-37-00-000-50-01 (previously 40070-37-03-50-05)
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office/American Recovery & Reinvestment Act-ARRA
Functional Title	Governor's ARRA Accountability Administrator
Incumbent	Julie O'Brien
Supervisor	Director
Location	Cook County

C2. Illinois Department of Central Management Services

Position Number	40070-37-00-000-50-02 (previously 40070-37-03-000-50-01)
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office/American Recovery & Reinvestment Act-ARRA
Functional Title	Federal Stimulus Administrator
Incumbent	Vacant
Supervisor	Governor's ARRA Accountability Administrator who reports to
	the Director
Location	Sangamon County

C3. Illinois Department of Central Management Services

Position Number	40070-37-00-000-50-03 (previously 40070-37-03-000-50-02)
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office/American Recovery & Reinvestment Act-ARRA
Functional Title	Federal Stimulus Administrator
Incumbent	Mary Collier
Supervisor	Governor's ARRA Accountability Administrator who reports to the Director
Location	Sangamon County

C5. Illinois Department of Central Management Services

Position Number	40070-37-00-000-50-06 (previously 40070-37-03-000-50-06)
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office/American Recovery & Reinvestment Act-ARRA
Functional Title	Federal Stimulus Administrator
Incumbent	Vacant
Supervisor	Governor's ARRA Accountability Administrator who reports to
	the Director
Location	Cook County

² Items C1, C2, C3, C through C9 were previously granted exemption for 24 months on April 17, 2009.

C6. Illinois Department of Central Management Services

Position Number	40070-37-00-000-50-07 (previously 40070-37-03-000-50-07)
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office/American Recovery & Reinvestment Act-ARRA
Functional Title	Federal Stimulus Administrator
Incumbent	Sanjay Patel
Supervisor	Governor's ARRA Accountability Administrator who reports to
	the Director
Location	Cook County

C7. Illinois Department of Central Management Services

Position Number	40070-37-00-000-50-08 (previously 40070-37-03-000-50-08)
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office/American Recovery & Reinvestment Act-ARRA
Functional Title	Federal Stimulus Administrator
Incumbent	Meghann Smith
Supervisor	Governor's ARRA Accountability Administrator who reports to
	the Director
Location	Cook County

E. Illinois Department of Insurance

Position Number	37015-14-02-110-00-01
Position Title	Public Service Administrator
Bureau/Division	Legislative Affairs
Functional Title	Legislative Liaison
Incumbent	Vacant
Supervisor	Legislative Director who reports to the Director
Location	Sangamon County

The following 4d(3) exemption requests were granted on March 18, 2011:

D. Illinois Department of Commerce & Economic Opportunity³

Position Number	40070-42-00-700-06-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Entrepreneurship, Innovation and Technology
Functional Title	Assistant Deputy Director
Incumbent	Vacant
Supervisor	Deputy Director who reports to the Director
Location	Cook County

³ The exemption for Item D was rescinded on May 21, 2010.

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F. Illinois Department of Revenue

Position Number	40070-25-60-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Information Security
Functional Title	Chief Information Security officer
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

The following 4d(3) exemption requests were denied on March 18, 2011:

C4. Illinois Department of Central Management Services

Position Number	40070-37-00-000-50-04 (previously 40070-37-03-000-50-03)
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office/American Recovery & Reinvestment Act-ARRA
Functional Title	Federal Stimulus Administrator
Incumbent	Vacant
Supervisor	Governor's ARRA Accountability Administrator who reports to
	the Director
Location	Sangamon County

C8. Illinois Department of Central Management Services

Position Number	40070-37-00-000-50-09 (previously 40070-37-03-000-50-09)
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office/American Recovery & Reinvestment Act-ARRA
Functional Title	Federal Stimulus Administrator
Incumbent	Vacant
Supervisor	Governor's ARRA Accountability Administrator who reports to the Director
Location	Cook County

C9. Illinois Department of Central Management Services

Position Number	40070-37-00-000-50-10 (previously 40070-37-03-000-50-04)	
Position Title	Senior Public Service Administrator	
Bureau/Division	Director's Office/American Recovery & Reinvestment Act-ARRA	
Functional Title	Federal Stimulus Administrator	
Incumbent	Vacant	
Supervisor	Governor's ARRA Accountability Administrator who reports to	
Supervisor	the Director	
Location	Sangamon County	

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 5-0 TO DENY THE PROPOSED RESCISSION FROM 4D(3) EXEMPTION FOR THE FOLLOWING POSITION:

The following 4d(3) exemption rescission was denied on March 18, 2011:

Item	Agency	Position Number	Functional Title
G1	DJJ	40070-27-00-100-00-01	Deputy Director, Operations

V. <u>CLASS SPECIFICATIONS</u>

• None submitted.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND THE MOTION ADOPTED 5-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.

VI. MOTION TO GO INTO EXECUTIVE SESSION

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER DALIANIS, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0 TO HOLD AN EXECUTIVE SESSION PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

VII. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Suite S-901, Chicago, Illinois at 11:55 a.m.

PRESENT

Chris Kolker, Chairman (by telephone); Raymond W. Ewell, Barbara J. Peterson, Betty A. Bukraba, and Ares G. Dalianis, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris, Assistant Executive Director (by telephone).

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 Report.

Agency	1/31/11	2/28/11	2/28/10
Aging	1	1	1
Children and Family Services	4	4	4
Corrections	0	1	0
Employment Security	6	3	3
Healthcare and Family Services	2	1	2
Historic Preservation Agency	1	1	1
Human Services	6	2	0
Natural Resources	15	9	2
Property Tax Appeal Board	1	0	0
State Fire Marshal	1	1	0
Transportation	11	10	21
Totals	48	33	34

IX. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL

DA-27-10

Employee	Jessica A. Hamilton	Appeal Date	12/22/09
Agency	HFS	Decision Date	03/04/11
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Violation of Employee Handbook (Nov.	Proposal for	Charges are
	1994) Sections 205.1a(10) and (15); and	Decision	partially proven
	Section 210.4; Governor's Executive		and warrant
	Order #4; Personnel Code 20 ILCS		discharge.
	415/13(2); current Employee Handbook		
	Sections 605.1a#1, #4, #5, #10, #11,		
	#15; and Section 625.1		

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE CHARGES HAVE BEEN PARTIALLY PROVEN AND WARRANT DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED MARCH 4, 2011.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

X. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

DA-6-11

Employee	Charisse G. Tucker	Appeal Date	7/22/10
Agency	HFS	Decision Date	3/09/11
Type	Discharge	ALJ	Daniel Stralka
	Violation of Employee Handbook Sections 605; 605.1a#3, #10, #11, and #12; 610.2; and 610.4	1	Dismissed subject to Commission approval; settled.

DA-37-11

Employee	James C. Hatfield	Appeal Date	2/14/11
Agency	DHS	Decision Date	2/25/11
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Conduct unbecoming	Proposal for	Dismissed subject to Commission
	a state employee	Decision	approval; withdrawn.

S-38-11

Employee	Michael P. White	Appeal Date	2/16/11
Agency	DOC	Decision Date	3/03/11
Type	Suspension	ALJ	Andrew Barris
Charge(s)	Unauthorized absence	Proposal for	Dismissed subject to Commission
		Decision	approval; withdrawn.

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER BUKRABA, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGES' PROPOSALS FOR DECISION TO DISMISS THE APPEALS OF CHARISSE TUCKER, JAMES HATFIELD, AND MICHAEL WHITE.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

XI. STAFF REPORT

Executive Director Stralka reported:

- He attended the Commission's House Appropriation hearing on March 2 with Brian Collins. Because the Committee had not been supplied with revenue figures at that time, an additional hearing will be scheduled when that was established.
- The Statements of Economic Interest will be mailed directly to the Commissioners. He reminded the Commissioners to submit the completed forms to him in accordance with his Ethics Officer responsibilities. Commissioner Peterson noted that she had not yet received her form in the mail. None of the other Commissioners had received the forms as of March 18.

XII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular meeting to be held on Friday, April 15, 2011 at 11:00 a.m. in the Commission's Chicago office.

XIII. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER PETERSON, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 12:00 P.M.