

April 20, 2012

REGULAR MEETING AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
April 20, 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 MARCH 16, 2012

WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD MARCH 16, 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	144.....	11
Agriculture	359.....	16
Arts Council	18.....	2
Capitol Development Board.....	42.....	0
Central Management Services.....	1,610.....	113
Children and Family Services	2,893.....	49
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	397.....	67
Commerce Commission	77.....	0
Corrections.....	11,343.....	105
Criminal Justice Authority	63.....	5
Deaf and Hard of Hearing Comm.	7.....	1
Developmental Disabilities Council.....	8.....	1
Emergency Management Agency.....	90.....	6
Employment Security.....	1,773.....	25
Environmental Protection Agency	855.....	16
Financial & Professional Regulation.....	469.....	42
Gaming Board.....	127.....	5
Guardianship and Advocacy	103.....	7
Healthcare and Family Services	2,125.....	25
Historic Preservation Agency.....	174.....	11
Human Rights Commission.....	14.....	2
Human Rights Department.....	141.....	8
Human Services	12,861.....	76
Illinois Sentencing Policy Advisory Council	2.....	2
Illinois Torture Inquiry Relief Commission	2.....	1
Insurance.....	254.....	13
Investment Board	2.....	1
Juvenile Justice	1,225.....	20
Labor.....	88.....	9
Labor Relations Board Educational.....	11.....	2
Labor Relations Board State.....	17.....	2
Law Enforcement Training & Standards Bd.	18.....	2
Lottery.....	149.....	6
Medical District Commission.....	2.....	0
Military Affairs	122.....	3
Natural Resources	1,191.....	28
Pollution Control Board.....	22.....	1
Prisoner Review Board.....	19.....	0
Property Tax Appeal Board.....	22.....	1
Public Health.....	1,086.....	41
Racing Board.....	2.....	1
Revenue.....	1,723.....	52
State Fire Marshal	142.....	12
State Police.....	1,211.....	5
State Police Merit Board	5.....	1
State Retirement Systems.....	94.....	2
Transportation	3,207.....	0
Veterans' Affairs.....	1,294.....	9
Workers' Compensation Commission.....	132.....	8
TOTALS	47,739.....	815

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 Department of Employment Security – Proposed Exemption (continued from March 16, 2012)

Position Number	40070-44-70-100-00-01 position number changed on 3/16/12 to: 40070-44-40-500-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Revenue
Functional Title	Project Manager for IDES Misclassified Worker Program
Incumbent	Vacant
Supervisor	Manager of Revenue Division who 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.”

D. Illinois Department of Employment Security – Proposed Exemption

Position Number	40070-44-40-010-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Programs
Functional Title	Assistant Deputy Director of Programs
Incumbent	Vacant
Supervisor	Executive Deputy Director of Programs who 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.”

E. Illinois Department of Human Services – Proposed Exemption

Position Number	40070-10-00-000-11-03
Position Title	Senior Public Service Administrator
Bureau/Division	Secretary’s Office
Functional Title	Executive Director, Juvenile Justice Commission
Incumbent	Vacant
Supervisor	Secretary
Location	Sangamon 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: Project Manager for IDES Misclassified Worker Program (Employment Security)

D: Assistant Deputy Director of Programs (Employment Security)

E: Executive Director, Juvenile Justice Commission (Human Services)

F. Report on Section 4d(3) Exempt Positions in Bargaining Units

V. CLASS SPECIFICATIONS

- **None submitted.**

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.

Agency	2/29/12	3/31/12	3/31/11
Aging	0	1	0
Agriculture	0	0	1
Central Management Services	1	0	0
Children and Family Services	1	2	3
Corrections	0	1	0
Employment Security	2	1	2
Healthcare and Family Services	2	3	1
Historic Preservation Agency	1	1	1
Human Services	1	1	2
Natural Resources	15	8	8
Property Tax Appeal Board	0	0	2
State Fire Marshal	1	1	0
Transportation	5	10	5
Veterans' Affairs	0	0	1
Totals	29	29	26

IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

DA-6-12

Employee	Aretha Rogers	Appeal Date	08/01/11
Agency	Human Services	Decision Date	03/30/12
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Conduct unbecoming	Proposal for Decision	Discharge upheld.

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

DA-10-12

Employee	Tammy S. Brown	Appeal Date	8/22/11
Agency	Human Services	Decision Date	4/05/12
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Violations of abuse and neglect policy, and reporting and investigations policy	Proposal for Decision	60 day suspension plus duration of suspension pending discharge.

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

DA-42-12

Employee	Theodore Welch	Appeal Date	1/30/12
Agency	Human Services	Decision Date	4/06/12
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Violation of supervision of assigned individuals policy, failure to perform duties, and conduct unbecoming	Proposal for Decision	Discharge upheld.

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

RV-49-11

Employee	Sarah Sullivan	Appeal Date	5/05/11
Agency	Healthcare	Decision Date	3/23/12
Type	Rule Violation	ALJ	Andrew Barris
Issue(s)	Violation of Section 301.170 of the Personnel Rules and Sections 310.20, 310.80, 310.90 and 310.100 of the Pay Plan	Proposal for Decision	Violation of Sections 301.170 of the Personnel Rules and Sections 310.20 and 310.90(e) of the Pay Plan; Sullivan is entitled to a starting salary of \$4,388 as of July 7, 2011.

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

X. APPEALS DISMISSED WITHOUT DECISION ON THE MERITS

DA-45-12

Employee	Lakeshia Jones	Appeal Date	02/21/12
Agency	Agriculture	Decision Date	03/09/12
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Unauthorized absences, failure to provide medical certification, and failure to follow instructions	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn.

DA-47-12

Employee	Shanard B. Montgomery	Appeal Date	3/09/12
Agency	Human Services	Decision Date	3/30/12
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Violation of abuse and neglect policy	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn.

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

XI. AMENDMENTS TO THE PERSONNEL RULES

Section 2650.10 Organization

- a) The Director shall have general administrative and policy authority regarding SECA.
- b) An Advisory Board to assist in implementing and regulating the State and University Employees Combined Appeal (SECA) is established under the chairmanship of the Director (or his/her designee).
 - 1) The following persons shall be invited to be members of the Advisory Board: five or more State employees "at large" representing employee interests; the prior year's SECA chairperson; the Lieutenant Governor or his/her designee; a representative of a State employee labor organization; a representative from a Retirement System; and the appointed SECA Chairperson for the current year. The at-large members and the labor organization representative shall be appointed by the Director.
 - 2) No State employee members shall serve ~~more than~~ three-year term consecutive one-year terms. State employee members may serve no more than two consecutive three-year terms.

- 3) The Advisory Board shall meet at least quarterly.
 - 4) The function of the Advisory Board is to advise the Director on SECA matters, including:
 - A1) Discussion and planning of the administration and conduct of the annual campaign.
 - B2) Review of combined campaign materials, educational programs, publicity efforts, campaign goals and recognition-award programs.
 - C3) Selection process for SECA coordinators.
 - D4) Verification of continuing eligibility through the Comptroller's Office.
 - E5) Candidate search and presentation of any proposed third party manager to the Qualified Charitable Organizations for approval and establishment of proposed duties of any third party manager.
 - F6) Any other issues determined to be consistent with the functions of the Advisory Board.
 - 5) A representative from each Qualified Charitable Organization may attend and speak at each Advisory Board meeting, but shall not have a vote on the Advisory Board.
- c) A chairperson for each annual SECA shall be appointed by the Governor. The chairperson shall serve on the Advisory Board to assist the Director on functions specified in subsections (b)(4)(B) and (C)(2) and ~~(b)(3)~~. Each chief officer shall appoint an executive coordinator for each annual campaign. SECA coordinators or other agency employees shall be permitted work time to perform their responsibilities, including campaign briefings and training, distribution of literature, collection of pledge cards, telephone and contact with representatives of the Qualified Charitable Organizations. SECA coordinators will be permitted to request liaisons to assist where an agency has multiple worksites. SECA liaisons will be given time to meet with their coordinator for training and related events. Any State employee who volunteers for a charity event shall contribute time solely during non-work hours.

Section 302.30 Veterans Preference

- a) Appropriate preference in entrance examinations shall be granted to qualified persons who have been members of the armed forces of the United States or to qualified persons who, while citizens of the United States, were members of the armed forces of allies of the United States in time of hostilities with a foreign country (as set forth in Section 8b7 of the Personnel Code) and to certain other persons as set forth in this Section.

- b) To be eligible, applicant must have received discharge under honorable conditions and served under one or more of the following conditions:
- 1) Served, for at least six months, in the armed forces of the United States, the Illinois National Guard, or any reserve component of the armed forces of the United States; ~~or, while a U.S. citizen, must have been a member of the armed forces of an ally of the U.S. in time of hostilities with a foreign country; or~~
 - 2) While a U.S. citizen, been a member of the armed forces of an ally of the U.S. in time of hostilities with a foreign country; or
 - 3) Discharged on the grounds of hardship; or
 - 4) Released from active duty because of a service connected disability; or
 - 5) Served for the duration of hostilities regardless of the length of engagement.
- c) Preference will be in the form of points added to the final grades of persons who otherwise qualify and are entitled to appear on the list of those eligible for appointments. Preference in entrance examinations will be granted as follows:
- 1) Ten points shall be added to the entrance examination grade for ~~such~~ veteran eligibles currently holding proof of a service connected disability from the U.S. Department of United States Veterans Affairs Administration or from ~~such~~ allied country for service connected disabilities or if the veteran is a purple heart recipient.
 - 2) Five points shall be added to the entrance examination grade for ~~such~~ veteran eligibles who have served during a time of hostilities with a foreign country and; who meet the qualifications set forth in subsection (b); ~~but~~ who do not qualify for 10 points under subsection (c)(1).
 - 3) A person not eligible for a preference under subsection (c)(1) or (c)(2) is qualified for a preference of 3 points if the person has served in the armed forces of the United States, the Illinois National Guard, or any reserve component of the armed forces of the United States and the person:
 - A) served for at least 6 months and has been discharged under honorable conditions; or
 - B) has been discharged on the grounds of hardship; or
 - C) was released from active duty because of a service connected disability.

- 4) An active member of the National Guard or a reserve component of the armed forces of the United States is eligible for the preference described in subsection (c)(3) if the member meets the service requirements of ~~this subsection (c)(3)~~.
- d) If category ratings are used, the veteran eligibles in each category shall be preferred for appointment before the non-veteran eligibles in the same category.
- e) The following shall be entitled to the same preference to which the veteran would have been entitled under this Section:~~A surviving unremarried spouse of a veteran who suffered a service connected death or the spouse of a veteran who suffered a service connected disability that prevents the veteran from qualifying for civil service employment shall be entitled to the same preference to which the veteran would have been entitled under this Section:~~
 - 1) a surviving unremarried spouse or civil union partner, who has not subsequently married or entered into a civil union, of a veteran who suffered a service connected death; or
 - 2) the spouse or civil union partner of a veteran who suffered a service connected disability that prevents the veteran from qualifying for civil service employment.
- f) A preference shall also be given to the following individuals: 10 points for one parent of ~~an un~~an unmarried veteran who is not married or in a civil union partnership who suffered a service connected death or a service connected disability that prevents the veteran from qualifying for civil service employment. The first parent to receive a civil service appointment shall be the parent entitled to the preference.
- g) Before a veteran's preference is granted, the Department of Central Management Services must verify the applicant's entitlement to the preference by requiring a certified copy of the applicant's most recent DD-214 (Certificate of Release or Discharge from Active Duty) or other evidence of the applicant's most recent honorable discharge from the Armed Forces of the United States. The Department of Central Management Services shall determine whether the documentation submitted by the applicant is acceptable. To be acceptable, the documentation submitted must be an authentic, official record of the United States Armed Forces evidencing the individual's military service. It is the responsibility of each agency head to obtain documentary verification that persons seeking preference under this Section are entitled to such preference. Copies of verifying documents (discharge information such as a DD-214) shall be submitted to the Department of Central Management Services.

Section 303.165 Family Military Leave

- I. a) An employee who is the current spouse, civil union partner or parent of a person called to military service lasting longer than 30 days with a state or the United States, pursuant to the order of the Governor or the President, who wishes to be absent from work in order to meet or fulfill responsibilities arising from the employee's role in his or her family or as head of the household, is eligible to request up to 30 days of unpaid Family Military Leave (FML) during the time the State or federal deployment orders are in effect.
- b) The leave shall be granted to an employee who has been employed for at least 12 months and has worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.
- II. c) Any request for FML shall be in writing by the employee submitted not less than 14 calendar days in advance of the intended date the FML will commence if the leave will consist of 5 or more consecutive workdays. Employees requesting FML for less than 5 consecutive workdays shall give as much advance notice as is practicable. The employee shall consult with the employer to schedule the leave so as not to unduly disrupt the operations of the employer.
- III. d) Except in cases of emergency, FML shall be taken in full day increments only. The employee will be required to document the reason for the emergency nature of the need for leave in writing within two days after the employee's return to work.
- IV. e) The employee shall provide certification from the proper military authority to verify eligibility for the FML requested.
- V. f) An employee shall not be eligible to take FML unless he or she has exhausted all accrued vacation leave, personal leave, compensatory leave, equivalent earned time, maternity/paternity leave, and any other time away from work with pay. Exceptions to this exhaustion requirement are sick leave, disability leave and unpaid leave under the Family Military Leave Act [820 ILCS 151].
- VI. g) Upon expiration of the FML, the employee is entitled to be restored to the position held by the employee when the leave commenced or to an equivalent position. These restoration rights do not apply if the employer establishes that the restoration is denied due to conditions unrelated to the employee's exercise of rights under the Family Military Leave Act.

- VII. h) An intermittent employee shall be nonscheduled for the duration of the required leave.
- VIII. i) This leave will not extend to any type of appointment that is 6 months or less in duration
j) Time utilized under the Family Military Leave Act is not deducted from an employee's creditable service, continuous service, vacation accrual or seniority date.

Section 303.166 Civil Air Patrol Leave

- IX. a) An employee is eligible to request up to 30 days of unpaid Civil Air Patrol Leave (CAPL) to perform a civil air patrol mission.
- X. b) CAPL shall be granted to an employee who has been employed for at least 12 months and has worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.
- XI. c) Any request for CAPL shall be in writing by the employee and submitted not less than 14 calendar days in advance of the intended date the CAPL will commence if the leave will consist of 5 or more consecutive workdays. Employees requesting CAPL for less than 5 consecutive workdays shall give as much advance notice as is practicable. The employee shall consult with the employer to schedule the leave so as not to unduly disrupt the operations of the employer.
- XII. d) The employee shall provide certification from the Civil Air Patrol authority to verify eligibility for the CAPL requested.
- XIII. e) An employee eligible to take CAPL shall not be required to have exhausted all accrued vacation leave, personal leave, compensatory leave, equivalent earned time, maternity/paternity leave, sick leave, disability leave, and any other time away from work with pay.
- XIV. f) Upon expiration of the leave, the employee is entitled to be restored to the position held by the employee when the leave commenced or to an equivalent position. These restoration rights do not apply if the employer establishes that the restoration is denied due to conditions unrelated to the employee's exercise of rights under the Civil Air Patrol Leave Act [820 ILCS 148].
- XV. g) During any CAPL, an employee shall be allowed to continue his or her benefits at his or her own expense, unless previously negotiated with the employer.

- XVI. h) An intermittent employee shall be nonscheduled for the duration of the required leave.
- XVII. i) This leave will not extend to any type of appointment that is 6 months or less in duration.
 - j) Time utilized under the Civil Air Patrol Leave Act is not deducted from an employee's creditable service, continuous service, vacation accrual or seniority date.

Section 303.175 Disaster Service Leave With Pay

- a) Any employee, except those in temporary, emergency or per diem status, who is a certified disaster service volunteer of the American Red Cross or volunteers for assignment to the Illinois Emergency Management Agency in accordance with the Illinois Emergency Management Agency Act [20 ILCS 3305] or the Emergency Management Assistance Compact Act [45 ILCS 151] may be granted leave with pay for up to 20 working days in any 12-month period for disasters within the United States or its territories. The leave may be granted upon request of the American Red Cross or the Illinois Emergency Management Agency for employees to participate in specialized disaster relief services for the American Red Cross or for the Illinois Emergency Management Agency. Leaves under this Section are subject to approval of the employee's agency considering operating needs.
- b) Disasters must be either:
 - 1) disasters designated at a Level III and above in the American National Red Cross Regulations and Procedures; or
 - 2) any disaster declared by proclamation of the Governor under Section 7 of the Illinois Emergency Management Agency Act [5 ILCS 335/2].
- c) The American Red Cross and the Illinois Emergency Management Agency shall coordinate requests for services outside of Illinois through the Illinois State Emergency Operations Center.

Section 305.290 Extends Jurisdiction A, B and C (July 1, 2012)

- a) Effective July 1, 2012, the Personnel Code Jurisdictions A, B and C will be extended to the Department of Central Management Services' Illinois Office of Communication and Information position performing work as a Nuclear Safety Information Specialist II; and to the Illinois Commerce Commission positions performing work as Management Secretary I, Human Resource Analyst, Senior Financial and Budget Assistant, Human Resource Clerk, or Transportation Industry Customer Service Representative I.

- b) With the exception of those employees who have already been determined qualified, the affected employees cited in subsection (a) will be required to qualify within six months in the same kind of examination as those required for entrance examinations for comparable positions. All other appointments subsequent to July 1, 2012 will be made pursuant to provisions of the Illinois Personnel Code and the rules of the Department of Central Management Services (see 80 Ill. Adm. Code 301, 302, 303, 304, 310 and 320). No provision of this Section in any way affects the status of employees already holding certified status under the Illinois Personnel Code. All other provisions of the Illinois Personnel Code and rules of the Department of Central Management Services will apply to the affected employees effective July 1, 2012.

XII. STAFF REPORT

XIII. ANNOUNCEMENT OF NEXT REGULAR OPEN MEETING

The next regular open meeting is to be held on Friday, May 18, 2012 at 1:00 p.m. in the Commission's Springfield office.

XIV. MOTION TO ADJOURN