

May 20, 2011

AGENDA  
ILLINOIS CIVIL SERVICE COMMISSION  
May 20, 2011

I. OPENING OF MEETING AT 1:00 P.M. AT 400 WEST MONROE STREET, SUITE 306, SPRINGFIELD, ILLINOIS

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD ON APRIL 15, 2011

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON APRIL 15, 2011?**

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 .....	147 .....	10
Agriculture .....	417 .....	16
Arts Council .....	19 .....	2
Capitol Development Board .....	46 .....	0
Central Management Services .....	1,404 .....	112
Children and Family Services .....	2,918 .....	48
Civil Service Commission .....	4 .....	0
Commerce & Economic Opportunity .....	422 .....	66
Commerce Commission .....	79 .....	0
Corrections .....	11,771 .....	103
Criminal Justice Authority .....	62 .....	5
Deaf and Hard of Hearing Comm. ....	7 .....	1
Developmental Disabilities Council .....	9 .....	1
Emergency Management Agency .....	91 .....	7
Employment Security .....	1,857 .....	29
Environmental Protection Agency .....	888 .....	16
Financial & Professional Regulation .....	474 .....	41
Gaming Board .....	92 .....	5
Guardianship and Advocacy .....	106 .....	7
Healthcare and Family Services .....	2,251 .....	25
Historic Preservation Agency .....	187 .....	9
Human Rights Commission .....	14 .....	2
Human Rights Department .....	152 .....	8
Human Services .....	13,325 .....	73
Illinois Torture Inquiry Relief Commission .....	1 .....	1
Insurance .....	248 .....	12
Investment Board .....	2 .....	1
Juvenile Justice .....	1,228 .....	20
Labor .....	77 .....	7
Labor Relations Board Educational .....	13 .....	2
Labor Relations Board State .....	16 .....	2
Law Enforcement Training & Standards Bd .....	18 .....	2
Medical District Commission .....	2 .....	0
Military Affairs .....	121 .....	3
Natural Resources .....	1,217 .....	26
Pollution Control Board .....	21 .....	1
Prisoner Review Board .....	19 .....	0
Property Tax Appeal Board .....	25 .....	1
Public Health .....	1,086 .....	40
Racing Board .....	2 .....	0
Revenue .....	1,996 .....	58
State Fire Marshal .....	136 .....	12
State Police .....	1,275 .....	4
State Police Merit Board .....	5 .....	1
State Retirement Systems .....	87 .....	2
Transportation .....	2,443 .....	0
Veterans' Affairs .....	1,237 .....	8
Workers' Compensation Commission .....	172 .....	7
<b>TOTALS .....</b>	<b>48,189 .....</b>	<b>796</b>

**B. Governing Rule – Section 1.142 Jurisdiction B Exemptions**

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
  - 1) The amount and scope of principal policy making authority;
  - 2) The amount and scope of principal policy administering authority;
  - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
  - 4) The capability to bind the agency, board or commission to a course of action;
  - 5) The nature of the program for which the position has principal policy responsibility;
  - 6) The placement of the position on the organizational chart of the agency, board or commission;
  - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

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**C. Illinois Dept. of Children and Family Services – Proposed Exemption (continued from April 15, 2011 meeting)**

Position Number	40070-16-20-200-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Budget and Finance
Functional Title	Manager, Medicaid Certification and Program Services
Incumbent	Vacant
Supervisor	Deputy Director of Budget & Finance, who reports to the Director
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.”

**D. Illinois Department of Public Health – Proposed Exemption**

Position Number	40070-20-01-040-00-81
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Performance Management
Functional Title	Deputy Director for the Office of Performance Management
Incumbent	Vacant
Supervisor	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 Financial and Professional Regulation – Proposed Exemption**

Position Number	40070-13-40-350-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Professional Regulation
Functional Title	Coordinator of Real Estate Appraisal
Incumbent	Vacant
Supervisor	Director of Professional Regulation
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.”

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

Position Number	40070-37-10-100-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Bureau of Communication & Computer Services
Functional Title	Executive Contract and Software License Manager
Incumbent	Vacant
Supervisor	Deputy Director, Bureau of Communication & Computer Services, who reports to the Director
Location	Sangamon County

**CMS Recommendation:** “This position meets the reporting criteria of the Commission Rules and considering the similarity of this position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

**G1. Illinois Department of Revenue – Proposed Exemption**

Position Number	40070-25-00-000-20-01
Position Title	Senior Public Service Administrator
Bureau/Division	Labor Relations
Functional Title	Chief Labor Relations Director
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

**G2. Illinois Department of Revenue – Proposed Exemption**

Position Number	40070-25-10-300-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Administrative Services
Functional Title	Chief Financial Reporting Director
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

**CMS Recommendation:** “These positions do meet the reporting criteria of the Commission Rules and considering the similarities of these requested positions with those of other 4d(3) exempt positions, I recommend 4d(3) exemptions.”

**H. Illinois Department of Natural Resources – Proposed Exemption**

Position Number	40070-12-20-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Architecture, Engineering, and Grants
Functional Title	Director
Incumbent	Vacant
Supervisor	Deputy Director, who reports to the Director
Location	Sangamon County

**CMS Recommendation:** “This position meets the reporting criteria of the Commission Rules and considering the similarities of the requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

**I. Illinois Department of Natural Resources – Proposed Exemption**

Position Number	40070-12-00-120-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of the Director
Functional Title	Special Assistant to the Director
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

**CMS Recommendation:** “This position meets the reporting criteria of the Commission Rules and considering the similarities of the 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: Manager, Medicaid Certification and Program Services (Children and Family Services)**
- D: Deputy Director, Office of Performance Management (Public Health)**
- E: Coordinator of Real Estate Appraisal (Financial & Professional Regulation)**
- F: Executive Contract & Software License Manager (Central Management Services)**
- G1: Chief Labor Relations Director (Department of Revenue)**
- G2: Chief Financial Reporting Director (Department of Revenue)**
- H: Director, Office of Architecture, Engineering, and Grants (Natural Resources)**
- I: Special Assistant to the Director (Natural Resources)**

**J. Proposed Rescissions in accordance with Section 1.142(b) of the Rules of the Civil Service Commission**

On April 18, 2011 the Executive Director sent notice to the Director of Central Management Services of the proposed rescissions of 23 current 4d(3) exempt positions which may no longer meet the requirements for exemption. According to information provided by Central Management Services, these positions were granted exempt status but have been vacant for an extended period of time. Each affected agency director was also provided with a courtesy notice of this proposed action. After resolving a number of issues with several of the proposed rescissions, the following is a list of the positions that will now be put forth before the Commission for formal consideration of rescission of their exemption. Section 1.142(b) also provides that withdrawal of exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status positions which will ensure responsive and accountable administrative control of the programs of the agency.

	<b>Agency</b>	<b>Position Number</b>	<b>Functional Title</b>
J1	Central Mgmt. Services	40070-37-80-100-01-22	IOCI, Media Administrator
J2	Corrections	40070-29-62-200-00-01	Assistant Warden Programs-Pinckneyville
J3	Corrections	40070-29-86-200-00-01	Assistant Warden Programs-Vienna
J4	Corrections	40070-29-98-300-00-01	Assistant Warden Operations-Hill
J5	Corrections	40070-29-99-200-00-01	Asst, Warden Programs-Western IL
J6	Juvenile Justice	40070-27-00-100-00-01	Deputy Director, Operations
J7	Juvenile Justice	40070-27-17-300-00-01	Assistant Warden, Operations-IYC Chicago
J8	Juvenile Justice	40070-27-20-200-00-01	Asst. Warden Programs-Harrisburg
J9	Juvenile Justice	40070-27-35-200-00-01	Assistant Warden Programs-Joliet
J10	Revenue	40070-25-00-100-60-01	Policy Advisor, Informal Conf. Board

**WILL THE COMMISSION RESCIND THE EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS?**

- J1: IOCI, Media Administrator (Central Management Services)**
- J2: Assistant Warden Programs-Pinckneyville (Corrections)**
- J3: Assistant Warden Programs-Vienna (Corrections)**
- J4: Assistant Warden Operations-Hill (Corrections)**
- J5: Assistant Warden Programs-Western Illinois (Corrections)**
- J6: Deputy Director, Operations (Juvenile Justice)**
- J7: Assistant Warden, Operations-IYC Chicago (Juvenile Justice)**
- J8: Assistant Warden Programs-Harrisburg (Juvenile Justice)**
- J9: Assistant Warden Programs-Joliet (Juvenile Justice)**
- J10: Policy Advisor, Informal Conference Board (Revenue)**

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V. CLASS SPECIFICATIONS

The following class titles were submitted for creation by the Director of Central Management Services:

**Educator Trainee (HR-010)**

**Educator Trainee (RC-063)**

CMS Classification Analysis: “The study was initiated as a result of a desire by staff at the Department of Human Services (DHS) to obtain additional candidates for their Educator positions; they felt that the requirements on the Educator class limit their ability to recruit teachers. The requirements for the Educator class specification include: “Requires a bachelor's degree and a valid Initial, Standard, or Master Illinois' teaching certificate in the area of specialization appropriate to the subject matter and type of students.”

DHS staff did not express a desire to change the Educator requirements, but instead sought the creation of a new class to “level the playing field” with school districts, both public and private. Currently, school districts not in state government may hire a student who has successfully completed all coursework to graduate with a degree in education, but has not yet finished the student teaching requirement. Per the requirements for the Educator class, the State of Illinois is unable to hire a student until after graduation.

The requirements for the proposed Educator Trainee include: “Requires completion of all coursework necessary to obtain a teaching certificate, but not including student teaching.” The creation of the Educator Trainee should enable State of Illinois institutions to hire qualified applicants on a more equal footing with the school districts. The Educator Trainee class will be used to allow students to complete their student teaching in State facilities, while being employed by the State. If students successfully complete the student teaching and obtain the required teaching certificate within the 3 to 6 months timeframe, they would be promoted to the Educator class.

As the Educator class is also used by the Departments of Corrections and Juvenile Justice, staff in those agencies were asked to review the draft class specification and to comment upon same. Their suggested modifications have been incorporated into the proposed Educator Trainee class specification and the Department of Human Services agrees with the changes made.”

**WILL THE COMMISSION APPROVE THE CREATION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE JUNE 1, 2011?**

**Educator Trainee (HR-010)**

**Educator Trainee (RC-063)**

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



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VI. MOTION TO GO INTO EXECUTIVE SESSION

**PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT, WILL THE COMMISSION HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS FILED WITH THE COMMISSION, LITIGATION, AND/OR SPECIFIED EMPLOYMENT MATTERS?**

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VII. RECONVENE MEETING

VIII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Appointment Reports.

<b>Agency</b>	<b>3/31/11</b>	<b>4/30/11</b>	<b>4/30/10</b>
Aging	0	<b>0</b>	1
Agriculture	1	<b>0</b>	0
Central Management Services	0	<b>1</b>	0
Children and Family Services	3	<b>2</b>	6
Employment Security	2	<b>5</b>	3
Healthcare and Family Services	1	<b>3</b>	1
Historic Preservation Agency	1	<b>1</b>	1
Human Services	2	<b>1</b>	2
Natural Resources	8	<b>9</b>	1
Property Tax Appeal Board	2	<b>3</b>	1
Transportation	5	<b>1</b>	0
Veterans' Affairs	1	<b>0</b>	0
<b>Totals</b>	26	<b>26</b>	16

IX. INTERLOCUTORY APPEALS

**RV-7-11**<sup>1</sup>

Petitioner	Brenda L. Crouse	Appeal Date	07/22/10
Agency	Transportation and Central Management Services	Decision Date	04/22/11
Type	Rule Violation	ALJ	Andrew Barris
Issue(s)	No jurisdiction	Proposal for Decision	Dismissed subject to approval of Commission.

<sup>1</sup> RV-7-11 and RV-8-11 were consolidated on April 22, 2011.

**RV-8-11**

Petitioner	Linda L. Bumgarner	Appeal Date	07/22/10
Agency	Transportation and Central Management Services	Decision Date	04/22/11
Type	Rule Violation	ALJ	Andrew Barris
Issue(s)	No jurisdiction	Proposal for Decision	Dismissed subject to approval of Commission.

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

**S-44-11**

Employee	Judith A. Motluck	Appeal Date	03/22/11
Agency	Human Services	Decision Date	05/06/11
Type	Suspension	ALJ	Daniel Stralka
Issue(s)	Motion to Dismiss; no jurisdiction	Proposal for Decision	Grant Motion to Dismiss.

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

X. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

**DA-20-11**

Employee	Mariah Welch	Appeal Date	09/14/10
Agency	Corrections	Decision Date	05/06/11
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Allowed trading and trafficking between housing unit offenders, brought contraband into Correctional Center & trafficked to an offender, socialized with offenders.	Proposal for Decision	Charges are partially proven and warrant 60-day suspension in lieu of discharge.

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

**DA-24-11**

Employee	Sammy L. Hines	Appeal Date	10/14/10
Agency	Human Services	Decision Date	05/04/11
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Mental abuse of an individual; providing false/conflicting info. during an investigation	Proposal for Decision	Charges are partially proven and warrant 60-day susp. in lieu of discharge.

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

**DA-31-11**

Employee	Adrienne D. Hinds	Appeal Date	11/19/10
Agency	Human Services	Decision Date	05/02/11
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Conduct unbecoming	Proposal for Decision	Charges are proven and warrant discharge.

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

**DA-32-11**

Employee	Victoria S. Senor	Appeal Date	12/03/10
Agency	Human Services	Decision Date	05/06/11
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Sleeping on duty	Proposal for Decision	Charges are proven and warrant discharge.

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

**RV-55-10**

Petitioner	George T. Rivera	Appeal Date	06/14/10
Agency	Transportation	Decision Date	04/25/11
Type	Rule Violation	ALJ	Andrew Barris
Allegation(s)	Violation of Personnel Rules Sections 302.435 and 302.790	Proposal for Decision	No violation.

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

**RV-22-11**

Petitioner	Rick D. Anderson	Appeal Date	09/22/10
Agency	Central Management Services	Decision Date	04/22/11
Type	Rule Violation	ALJ	Andrew Barris
Allegation(s)	Violation of Personnel Rules Section 303.45	Proposal for Decision	Violation of Personnel Rules Section 303.30; CMS directed to reinstate Anderson's Step 4 grievance for review and final determination.

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

XI. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

**DA-42-11**

Employee	Ida C. Johnson	Appeal Date	03/07/11
Agency	Human Services	Decision Date	05/05/11
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Recipient physical abuse	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn (settled).

**DA-46-11**

Employee	Ashley Hanneken	Appeal Date	04/13/11
Agency	Human Services	Decision Date	05/09/11
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Unauthorized absences	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn.

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

XII. STAFF REPORT

XIII. ANNOUNCEMENT OF NEXT MEETING

**The next regular meeting is to be held on Friday, June 17, 2011 at 11:00 a.m. in the Commission's Chicago office.**

XIV. MOTION TO ADJOURN