

June 16, 2017

REGULAR MEETING MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
June 16, 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

II. PRESENT

Chairman Timothy D. Sickmeyer; G.A. Finch, David Luechtefeld, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director and Jane Ryan, Exemption Monitor; and Sarah Kerley, Illinois Department of Central Management Services.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD MAY 19, 2017

**IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER FINCH, AND THE MOTION ADOPTED 4-0, TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD MAY 19, 2017.**

IV. 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.

V. 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.....	142.....	20
Agriculture.....	308.....	19
Arts Council.....	9.....	2
Capitol Development Board.....	42.....	0
Central Management Services.....	864.....	73
Children and Family Services.....	2,575.....	54
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	289.....	69
Commerce Commission.....	56.....	0
Corrections.....	11,835.....	109
Criminal Justice Authority.....	53.....	7
Deaf and Hard of Hearing Comm.....	5.....	1
Developmental Disabilities Council.....	7.....	1
Emergency Management Agency.....	65.....	8
Employment Security.....	1,052.....	30
Environmental Protection Agency.....	638.....	18
Financial & Professional Regulation.....	402.....	49
Gaming Board.....	164.....	5
Guardianship and Advocacy.....	93.....	8
Healthcare and Family Services.....	1,838.....	27
Historic Preservation Agency.....	124.....	17
Human Rights Commission.....	14.....	2
Human Rights Department.....	121.....	10
Human Services.....	12,601.....	82
Illinois Torture Inquiry Relief Commission.....	3.....	1
Independent Tax Tribunal.....	1.....	0
Innovation and Technology.....	482.....	41
Insurance.....	220.....	17
Investment Board.....	3.....	2
Juvenile Justice.....	943.....	28
Labor.....	77.....	12
Labor Relations Board Educational.....	8.....	3
Labor Relations Board State.....	13.....	2
Law Enforcement Training & Standards Bd.....	21.....	3
Lottery.....	142.....	8
Military Affairs.....	118.....	3
Natural Resources.....	1,033.....	31
Pollution Control Board.....	18.....	2
Prisoner Review Board.....	21.....	1
Property Tax Appeal Board.....	32.....	1
Public Health.....	1,058.....	41
Racing Board.....	2.....	1
Revenue.....	1,406.....	47
State Fire Marshal.....	122.....	12
State Police.....	967.....	10
State Police Merit Board.....	7.....	2
State Retirement Systems.....	102.....	3
Transportation.....	2,078.....	0
Veterans' Affairs.....	1,228.....	11
Workers' Compensation Commission.....	121.....	12
<b>TOTALS.....</b>	<b>43,527.....</b>	<b>905</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. Requests for 4d(3) Exemption**

Exemption Monitor Jane Ryan reported the following:

- Item C is a request from the Department of Central Management Services (CMS) for renewed exemption of the Deputy Director of the Bureau of Administrative Hearings which reports to the Director. This position was previously approved for a one-year term based upon the Executive Order (2016-06) creating the Bureau as a pilot program. That order expires June 30, 2017. CMS assured Staff that a new Executive Order will be issued on or before June 30, 2017 with revisions to establish the Bureau permanently. The position maintains its principal policy making authority. Staff recommended approval of this exemption request but for an additional one-year period. The recommendation for a one-year term was due to not having new Executive Order available for review. If the updated Executive Order is not issued on or before June 30, 2017, the position will be placed up for rescission on the August 2017 agenda.

The incumbent, Sarah Kerley, confirmed the information was accurate. Jane Ryan indicated the agency can return to the Commission to request the exemption be made permanent any time prior to June 2018 once a new Executive Order is issued.

**IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0 TO GRANT THE EXEMPTION REQUEST FOR THE FOLLOWING POSITION FOR A PERIOD OF ONE YEAR:**

**C: Deputy Director, Bureau of Administrative Hearings (CMS)**

**The following 4d(3) exemption request was granted on June 16, 2017 for a period of one year:**

**C. Illinois Department of Central Management Services**

Position Number	40070-37-00-030-00-01 <sup>1</sup>
Functional Title	Deputy Director, Bureau of Administrative Hearings
Incumbent	Sarah Kerley
Supervisor	Director
Location	Sangamon County

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<sup>1</sup> The position was granted exemption on June 17, 2016 for a period of one year.

VI. 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.

**B. None submitted**

**IT WAS MOVED BY COMMISSIONER LUECHTEFELD, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS AGENDA TO ALLOW ADEQUATE STUDY.**

VII. 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**

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**IT WAS MOVED BY COMMISSIONER LUECHTEFELD, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0 TO DISAPPROVE ANY AMENDMENTS TO PERSONNEL RULES RECEIVED BY THE COMMISSION STAFF BUT NOT CONTAINED IN THIS AGENDA TO ALLOW ADEQUATE STUDY.**

**VIII. 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.**

<b>SICKMEYER</b>	<b>YES</b>	<b>FINCH</b>	<b>YES</b>
<b>LUECHTEFELD</b>	<b>YES</b>	<b>URLACHER</b>	<b>YES</b>

**IX. RECONVENE THE OPEN MEETING**

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 11:37 a.m.

**PRESENT**

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

**X. 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. Executive Director Stralka noted that Staff recently spoke with our agency contact at the Department of Innovation and Technology to identify someone who can assist in breaking this report down so the Commission can be assured it is providing accurate information. There has yet to be a response.

<b>Agency</b>	<b>4/3017</b>	<b>5/31/17</b>	<b>5/31/16</b>
Agriculture	1	<b>1</b>	3
Central Management Services	3	<b>3</b>	6
Children and Family Services	1	<b>1</b>	2
Commerce and Economic Opportunity	1	<b>3</b>	0
Emergency Management Agency	0	<b>0</b>	1
Employment Security	0	<b>0</b>	3
Financial and Professional Regulation	1	<b>1</b>	2
Guardianship and Advocacy	1	<b>1</b>	0
Healthcare and Family Services	6	<b>6</b>	7
Historic Preservation Agency	0	<b>0</b>	1
Human Services	14	<b>13</b>	19
Insurance	0	<b>0</b>	2
Juvenile Justice	1	<b>1</b>	0
Labor Relations Board-Education	0	<b>1</b>	0
Lottery	0	<b>1</b>	0
Natural Resources	9	<b>10</b>	30
Property Tax Appeal Board	1	<b>1</b>	0
Revenue	1	<b>1</b>	0
State Fire Marshal	2	<b>2</b>	0
State Police	1	<b>1</b>	0
State Retirement Systems	0	<b>1</b>	4
Veterans' Affairs	2	<b>2</b>	0
Workers' Compensation Commission	0	<b>0</b>	2
<b>Totals</b>	<b>45</b>	<b>50</b>	<b>82</b>





**XII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS**

**DA-9-17**

Employee	Joseph Wheeler	Appeal Date	8/03/16
Agency	Human Services	Decision Date	6/02/17
Appeal Type	Discharge	Proposal for Decision	Appeal upheld; discharge set aside in whole and employee to be reinstated.
ALJ	Daniel Stralka		

**IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER LUECHTEFELD, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE THAT THE CHARGES HAVE NOT BEEN PROVEN BY A PREPONDERANCE OF THE EVIDENCE SO THE DISCHARGE IS SET ASIDE IN WHOLE AND JOSEPH WHEELER IS TO BE REINSTATED TO HIS POSITION OF SOCIAL SERVICES PROGRAM PLANNER 3.**

**SICKMEYER      YES                      FINCH              YES  
LUECHTEFELD   YES                      URLACHER        YES**

**DA-26-17**

Employee	Evan T. Guthrie	Appeal Date	11/28/16
Agency	Transportation	Decision Date	06/02/17
Appeal Type	Discharge	Proposal for Decision	Discharge upheld.
ALJ	Andrew Barris		

**IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER FINCH, AND BY ROLL CALL VOTE OF 4-0 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 JUNE 2, 2017.**

**SICKMEYER      YES                      FINCH              YES  
LUECHTEFELD   YES                      URLACHER        YES**

**S-32-17**

Employee	Charles L. Johnson	Appeal Date	1/23/17
Agency	Human Services	Decision Date	6/02/17
Appeal Type	Suspension	Proposal for Decision	Suspension upheld.
ALJ	Andrew Barris		

**IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER LUECHTEFELD, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE TO UPHOLD THE SUSPENSION FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED JUNE 2, 2017.**

**SICKMEYER      YES                      FINCH              YES  
LUECHTEFELD   YES                      URLACHER        YES**

**XIII. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS**

**DA-44-17**

Employee	Edward W. Curley	Appeal Date	5/19/17
Agency	Veterans' Affairs	Decision Date	6/02/17
Appeal Type	Discharge	Proposal for Decision	Dismissed; withdrawn.
ALJ	Andrew Barris		

**GT-21-17**

Employee	Velda Landrum-Babin	Appeal Date	10/18/16
Agency	Revenue	Decision Date	05/23/17
Appeal Type	Geographical Transfer	Proposal for Decision	Dismissed; withdrawn.
ALJ	Andrew Barris		

**IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER FINCH, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSALS FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE TO DISMISS THE APPEALS.**

**SICKMEYER      YES                      FINCH              YES  
LUECHTEFELD   YES                      URLACHER        YES**

**XIV. REVIEW OF CLOSED MEETING MINUTES PURSUANT TO OPEN MEETINGS ACT**

Assistant Executive Director Barris reported that after review of the Closed Meeting Minutes, the need for confidentiality still exists as to all those Minutes.

**IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER LUECHTEFELD AND THE MOTION ADOPTED 4-0 THAT AFTER REVIEW OF CLOSED MEETING MINUTES PURSUANT TO THE OPEN MEETINGS ACT, THE NEED FOR CONFIDENTIALITY STILL EXISTS AS TO ALL THOSE MINUTES.**

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XV. STAFF REPORT

Executive Director Daniel Stralka reported:

- Commissioner Urlacher was recommended for confirmation by the Senate Executive Appointments Committee on May 31.
- The entrance conference for the Commission's biannual compliance audit by the Office of the Auditor General occurred on June 13. He will keep the Commissioners advised as to its progress.
- He and Beckie Daniken met with Devin Whipple from the Department of Innovation and Technology on May 25 to formalize the Commission's Disaster Recovery Plan.
- Jane Ryan announced she will be retiring from her position of Exemption Monitor/Human Resources Manager effective June 30. Steps are being taken to provide her with a 75-day appointment until the position can be filled.
- Executive Order 17-2, which was discussed at the April meeting, proposed to consolidate the Human Rights Commission with the Department of Human Rights. The legislature voted against the consolidation.
- Jane Ryan was able to obtain the following information about Petitions for Exclusion pending at the Illinois Labor Relations Board. In May such a petition was approved for 17 Internal Security Investigator positions at the Department of Corrections. Approximately 40 other such petitions are pending before the Labor Board. The significance is excluded employees will have the Civil Service Commission as their sole forum to resolve workplace grievances such as discharge, layoff and technical rule violations.
- Chairman Sickmeyer confirmed that beginning on July 20, 2017 the regularly scheduled Commission meetings will be held on the third Thursday of each month at 11:00 a.m. He also announced that the August meeting will be held in Springfield exclusively. There will be no interactive video conference with the Chicago office that month. Andrew Barris was instructed to place a notice of this permanent meeting schedule change in accordance with the Open Meetings Act.

XVI. ANNOUNCEMENT OF NEXT MEETING

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

XVII. MOTION TO ADJOURN

**IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER LUECHTEFELD, AND THE MOTION ADOPTED 4-0 TO ADJOURN THE MEETING AT 11:45 A.M.**

"Notice is hereby given pursuant to the Open Meetings Act (5 ILCS 120/2.03) that the regularly scheduled meetings of the Illinois Civil Service Commission set for 11 a.m. on the third Friday of every month in 2017 is changed to 11 a.m. on the third Thursday of every month in 2017 in the Chicago office, 160 North LaSalle Street, Suite S-901, Chicago, Illinois and Springfield office, 617 East Adams, Suite 800, Springfield, Illinois."