

July 15, 2011

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
July 15, 2011

I. OPENING OF MEETING AT 11:14 A.M. AT 160 N. LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman (by telephone); Raymond W. Ewell, Betty A. Bukraba, and Ares G. Dalianis, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director (by telephone); Roneta Taylor (by telephone) and Mark Magill (by telephone), Illinois Department of Central Management Services; Brent Eggleston, Illinois Department of Agriculture; Michele Cusumano (by telephone), Illinois Department of Natural Resources; Robin Tisdale (by telephone), Illinois Historic Preservation Agency; Melissa Lange (by telephone), Illinois Department of Labor; Jeanine Hamm (by telephone) and Beth Duesterhaus (by telephone), Administrative and Regulatory Shared Services Center; Henry Butler, Illinois Department of Revenue; and Edward Ross and Dwayne Ross.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD ON JUNE 17, 2011

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND THE MOTION ADOPTED 4-0 TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON JUNE 17, 2011.

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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	10
Agriculture.....	421	17
Arts Council.....	19	2
Capitol Development Board	46	0
Central Management Services	1,381	112
Children and Family Services.....	2,899	49
Civil Service Commission	4	0
Commerce & Economic Opportunity	419	66
Commerce Commission.....	79	0
Corrections.....	11,879	103
Criminal Justice Authority.....	62	5
Deaf and Hard of Hearing Comm.....	8	1
Developmental Disabilities Council	9	1
Emergency Management Agency	88	7
Employment Security	1,884	29
Environmental Protection Agency.....	882	16
Financial & Professional Regulation	468	41
Gaming Board.....	108	5
Guardianship and Advocacy	104	7
Healthcare and Family Services.....	2,256	25
Historic Preservation Agency	183	9
Human Rights Commission	14	2
Human Rights Department	146	8
Human Services	13,640	77
Illinois Torture Inquiry Relief Commission.....	2	1
Insurance.....	252	12
Investment Board.....	3	1
Juvenile Justice	1,274	20
Labor.....	79	7
Labor Relations Board Educational	12	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.....	1,214	26
Pollution Control Board.....	21	1
Prisoner Review Board	19	0
Property Tax Appeal Board	28	1
Public Health	1,083	40
Racing Board	2	0
Revenue	2,041	57
State Fire Marshal.....	137	12
State Police	1,268	4
State Police Merit Board.....	5	1
State Retirement Systems	85	2
Transportation.....	2,356	0
Veterans' Affairs	1,282	8
Workers' Compensation Commission	173	8
TOTALS	48,636	802

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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B. Requests for 4d(3) Exemption

Executive Director Daniel Stralka reported:

- As to Item C, this request is for the Bureau Chief for Marketing, Promotion, and Grants for the Illinois Department of Agriculture, a position that reports to the Director. This position has principal policy responsibility for the Marketing and Grants in Aid program for the agency. These are programs that have been established by statute and are designed to increase the export of the State's agricultural products. This position has responsibilities that conjoin with the Governor's Office stated goal of doubling the State's exports since agricultural products are the State's leading export. It does this by independently representing the agency at various trade shows and other such functions. For these reasons, Staff recommended approval of this request. Chairman Kolker inquired whether this position had any involvement in attempts to market Asian Carp, but the agency representative did not know.
- As to Item D1 and D2, these requests are for the Deputy Director and Division Manager of the Abraham Lincoln Presidential Library and Museum at the Illinois Historic Preservation Agency. The Deputy Director reports to the Director while the Division Manager reports to the Deputy Director. Both positions had previously been granted exemption but had the exemptions rescinded due to extended vacancy. The agency is now prepared to fill the positions and has requested that the exemptions be reinstated. There has been no material change in the duties of the two positions so Staff recommended approval of these requests.
- As to Item E, this request is for the Human Resources/Labor Relations Director at the Illinois Department of Labor, a position that reports to the Director. This position has all the traditional responsibilities inherent in similar positions that have supported exemption in the past. For these reasons, Staff recommended approval of this request.
- As to Item F, this request is for the Director of the Office of Performance Management in the Illinois Department of Natural Resources, a position that reports to the Director. This position has principal policy responsibility for developing and implementing a system of quality improvement and customer service at the agency. Such responsibilities have supported exemption requests in the past. For these reasons, Staff recommended approval of this request.
- As to Items G1 – G3, these requests are for three positions in the Collections Bureau at the Illinois Department of Revenue, all of which report to the Bureau Manager who reports to the Director. The three positions each have principal policy implementation responsibilities for a variety of the collection functions that the Bureau provides. Item G1, the Springfield Enforcement Director, and Item G2, the Chicago Collections Director, have similar responsibilities but in different geographic areas. They both, essentially, collect a multitude of taxes owed the State from delinquent taxpayers in their respective geographic areas. The Springfield office collected \$256,000,000 in fiscal year 2011 while the Chicago office collected

\$85,000,000. Item G3, the Field Compliance Director, is assigned larger accounts for collection throughout the State which require face-to-face calls by Revenue employees under it. It manages a number of smaller field offices throughout the State to do so. This office collected \$123,000,000 in fiscal year 2011. Given the growing importance for the State to maximize its revenue acquisition which is enhanced by the success of the collection activities managed by these three positions, this appears sufficient to warrant principal policy exemptions for these positions. For these reasons, Staff recommended approval of these requests, but due to the undetermined collective bargaining status of Items G1 & G3, for a two year term, only, for those positions.

- As to Item H, this request is for the Chief of the Public Information Office at the Illinois State Police, a position that reports to the Director. This position has public information responsibilities for the agency, similar to the Media Administrators at the Illinois Office of Communication and Information, and these functions have traditionally supported exemption. For these reasons, Staff recommended approval of this request.

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

- C: Bureau Chief, Bureau of Marketing, Promotion, and Grants (Agriculture)**
- D1: Deputy Director (Illinois Historic Preservation Agency)**
- D2: Division Manager, Abraham Lincoln Presidential Library and Museum, Guest Services Division (Illinois Historic Preservation Agency)**
- E: Human Resource/Labor Relations Director (Illinois Dept. of Labor)**
- F: Director, Office of Performance Management (Natural Resources)**
- G1: Springfield Collection Enforcement Director (Revenue) for two years**
- G2: Chicago Collection Services Director (Revenue)**
- G3: Field Compliance Director (Revenue) for two years**
- H: Chief, Public Information Office (Illinois State Police)**

The following 4d(3) exemption requests were granted on July 15, 2011:

C. Illinois Department of Agriculture

Position Number	40070-11-03-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Executive Staff
Functional Title	Bureau Chief, Bureau of Marketing, Promotion, and Grants
Incumbent	Vacant
Supervisor	Chief of Staff, who reports to the Director
Location	Sangamon County

D1. Illinois Historic Preservation Agency¹

Position Number	40070-48-00-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Deputy Director
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

D2. Illinois Historic Preservation Agency²

Position Number	40070-48-54-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Division Manager of the Abraham Lincoln Presidential Library and Museum (APLM) Guest Services Division
Incumbent	Vacant
Supervisor	Deputy Director, who reports to the Director
Location	Sangamon County

E. Illinois Department of Labor

Position Number	37015-15-10-200-00-01
Position Title	Public Service Administrator
Bureau/Division	Administration
Functional Title	Human Resource/Labor Relations Director
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

F. Illinois Department of Natural Resources

Position Number	40070-12-50-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Performance Management
Functional Title	Director, Office of Performance Management
Incumbent	Vacant
Supervisor	Director
Location	Cook County

¹ This position's exemption was rescinded due to extended vacancy on November 20, 2009.

² This position's exemption was rescinded due to extended vacancy on May 21, 2010.

G2. Illinois Department of Revenue

Position Number	40070-25-48-210-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Chicago Collection Services Division
Functional Title	Chicago Collection Services Director
Incumbent	Cynthia K. Anderson
Supervisor	Manager, Collections Bureau who reports to the Director
Location	Cook County

H. Illinois State Police – Proposed Exemption

Position Number	40070-21-00-110-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of the Director
Functional Title	Chief, Public Information Office
Incumbent	Vacant
Supervisor	Director
Location	Cook County

The following 4d(3) exemption requests were granted for a period of two years on July 15, 2011:

G1. Illinois Department of Revenue

Position Number	40070-25-48-120-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Collections/Springfield Collection Enforcement Division
Functional Title	Springfield Collection Enforcement Director
Incumbent	Steven Hayes
Supervisor	Manager, Collections Bureau who reports to the Director
Location	Sangamon County

G3. Illinois Department of Revenue – Proposed Exemption

Position Number	40070-25-48-220-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Field Compliance Division
Functional Title	Field Compliance Director
Incumbent	William W. Smith
Supervisor	Manager, Collections Bureau who reports to the Director
Location	Rockford

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V. CLASS SPECIFICATIONS

- None submitted.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND THE MOTION ADOPTED 4-0 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 DALIANIS, SECONDED BY COMMISSIONER EWELL, AND BY ROLL CALL VOTE THE MOTION ADOPTED 4-0 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		DALIANIS	YES
BUKRABA	YES		

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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 11:43 a.m.

PRESENT

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

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	5/31/11	6/30/11	6/30/10
Aging	0	1	0
Central Management Services	1	1	0
Children and Family Services	2	0	5
Employment Security	12	21	5
Healthcare and Family Services	4	5	1
Human Services	2	13	2
Natural Resources	5	5	0
Property Tax Appeal Board	6	6	4
Revenue	0	0	1
State Fire Marshal	0	1	0
State Retirement Systems	0	0	1
Transportation	0	1	1
Veterans' Affairs	1	2	0
Totals	33	56	20

ABSENT FROM THE KILL FLOOR BUT NOT PROCEEDED TO DISCHARGE. FOR THE AGENCY TO PROCEED TO DISCHARGE FOR THIS INCIDENT IS INCONSISTENT WITH ITS PAST PRACTICE AND EXCESSIVE DISCIPLINE. IN ADDITION, PORNOGRAPHIC MATERIAL IN ANY FORM IS UNACCEPTABLE IN THE WORKPLACE AND WARRANTS SIGNIFICANT DISCIPLINE. HOWEVER, THE UNCERTAINTY OF WHETHER SPIRATOS HAD KNOWLEDGE THAT IT WAS IN HIS STATE ISSUED LAPTOP COMPUTER AND THE EVIDENCE INDICATING IT WAS NOT BEING VIEWED BY SPIRATOS AT WORK SUPPORT A LESSER FORM OF DISCIPLINE THAN DISCHARGE. FOR THESE REASONS, THE PROVEN CHARGES WARRANT THE SUSPENSION OF SPIRATOS FOR A PERIOD OF 90 DAYS PLUS THE DURATION OF HIS SUSPENSION PENDING DISCHARGE.

KOLKER	YES	EWELL	YES
PETERSON		DALIANIS	YES
BUKRABA	YES		

DA-47-11

Employee	Dwayne B. Ross	Appeal Date	4/28/11
Agency	Corrections	Decision Date	7/01/11
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Not alert to his duties of security of an inmate	Proposal for Decision	Charges are proven and warrant discharge.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE CHARGES ARE PROVEN AND WARRANT DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED JULY 1, 2011.

KOLKER	YES	EWELL	YES
PETERSON		DALIANIS	YES
BUKRABA	YES		

XI. REVIEW OF EXECUTIVE SESSION MINUTES PURSUANT TO OPEN MEETINGS ACT

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

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IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND THE MOTION ADOPTED 4-0 THAT AFTER REVIEW OF EXECUTIVE SESSION MINUTES PURSUANT TO THE OPEN MEETINGS ACT, THE NEED FOR CONFIDENTIALITY STILL EXISTS AS TO ALL THOSE MINUTES.

XII. APPROVAL OF THE DESTRUCTION OF THE AUDIO VERBATIM RECORDINGS OF CLOSED SESSIONS PRIOR TO JULY 2009 IN ACCORDANCE WITH THE OPEN MEETINGS ACT

Executive Director Daniel Stralka reviewed Section 2.06 of the Open Meetings Act for the Commissioners which addresses the requirement to maintain verbatim records of closed sessions for at least 18 months after the date of the meeting. Such records may subsequently be destroyed so long as written minutes are approved and the Commission approves the destruction. Chairman Kolker inquired whether this may be done without regard to other record retention laws. Executive Director Stralka responded affirmatively, citing the specific language in this section of the Open Meetings Act. After additional discussion in which all Commissioners participated, it was the consensus of the Commissioners to maintain verbatim recordings for a minimum of 24 months.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND THE MOTION ADOPTED 4-0 THAT THE COMMISSION WILL MAINTAIN VERBATIM RECORDINGS OF THE CLOSED SESSIONS FOR A MINIMUM OF 24 MONTHS BEFORE THEY ARE DESTROYED IN ACCORDANCE WITH THE OPEN MEETINGS ACT.

XIII. STAFF REPORT

- No discussion.

XIV. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular meeting to be held on Friday, August 19, 2011 at 11:00 a.m. in the Commission's Chicago office.

XV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY CHAIRMAN KOLKER, AND THE MOTION ADOPTED 4-0 TO ADJOURN THE MEETING AT 12:00 P.M.