

July 18, 2019

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
July 18, 2019

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:04 A.M. AT 160 N. LASALLE STREET, SUITE S-901, CHICAGO, IL AND 607 E. ADAMS STREET, SUITE 801, SPRINGFIELD, IL BY INTERACTIVE VIDEO CONFERENCE

II. PRESENT

Chairman Timothy D. Sickmeyer; G.A. Finch, David Luechtefeld, Vivian Robinson, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director, Andrew Barris, Assistant Executive Director, and Sabrina Johnson, Exemption Monitor; Sarah Kerley, John Logsdon, and Sheila Tapscott, Illinois Department of Central Management Services; Felicia Gray, Illinois Department on Aging; Brandon Purcell, Illinois Department of Financial and Professional Regulation; Scott Viniard, Illinois Department of Human Services; and Mitch Witkov, Office of the Executive Inspector General.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD JUNE 20, 2019

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER ROBINSON, AND THE MOTION ADOPTED 5-0, TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD JUNE 20, 2019.

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

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.

July 18, 2019

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>
Abraham Lincoln Presidential Library & Museum	76	10
Aging	135	15
Agriculture	340	15
Arts Council	14	2
Capitol Development Board	34	0
Central Management Services	839	46
Children and Family Services	2,631	55
Civil Service Commission	4	0
Commerce & Economic Opportunity	208	39
Commerce Commission	52	0
Corrections	12,917	102
Criminal Justice Authority	52	7
Deaf and Hard of Hearing Comm	4	1
Developmental Disabilities Council	5	1
Emergency Management Agency	69	10
Employment Security	1,080	27
Environmental Protection Agency	593	17
Financial & Professional Regulation	387	45
Gaming Board	148	9
Guardianship and Advocacy	98	8
Healthcare and Family Services	1,523	29
Human Rights Commission	17	2
Human Rights Department	121	12
Human Services	12,642	81
Illinois Torture Inquiry Relief Commission	3	1
Independent Tax Tribunal	1	0
Innovation and Technology	1,204	57
Insurance	203	18
Investment Board	3	2
Juvenile Justice	922	30
Labor	75	10
Labor Relations Board Educational	11	3
Labor Relations Board State	14	2
Law Enforcement Training & Standards Bd.	20	3
Lottery	142	7
Military Affairs	137	3
Natural Resources	1,157	29
Pollution Control Board	15	2
Prisoner Review Board	22	1
Property Tax Appeal Board	36	2
Public Health	1,117	39
Racing Board	3	1
Revenue	1,456	47
State Fire Marshal	128	7
State Police	947	8
State Police Merit Board	6	2
State Retirement Systems	96	3
Transportation	2,388	3
Veterans' Affairs	1,202	10
Workers' Compensation Commission	105	12
TOTALS	45,402	835

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)

* * *

C. Requests for 4d(3) Exemption

Exemption Monitor Sabrina Johnson indicated the following for Items C through E:

- As to Item C, this request is for a Human Resources Director at the Department of Finance and Professional Regulations, a position that reports to the Chief of Staff, who reports to the Secretary. This position has the authority to engage with Personnel Code, Personnel Rules, Classification Plan and Pay Plan along with labor relations matters. Staff recommended approval of this exemption request.

Brandon Purcell, Purchasing Officer/Chief Operating Officer with the Department of Finance and Professional Regulations concurred with this request presentation.

- As to Item D1, this request is for an Associate Director at the Illinois Department of Human Services (DHS), a position that reports to the Director of the Division of Family and Community Services, who reports to the Assistant Secretary, who reports to the Secretary. This position was rescinded November 2015 due to an Executive Order. DHS indicated the new administration has restored the funding for this position. This position performs a variety of special and sensitive functions relating to the Welcoming Center for Immigrant and Refugee Services. This position is a policy-making official impacting agency management and statewide agency operations for this Division along with interpreting new legislation. Staff recommended approval of this exemption request.
- As to Item D2, this request is for a Chief of Staff of the Division of Substance Use Prevention and Recovery (SUPR) at the Illinois Department of Human Services, a position that reports to the Director of SUPR, who reports to the Assistant Secretary, who reports to the Secretary. This position oversees the Medicaid and Administration Rules Unit, the Bureau of Licensure, Compliance and Monitoring and the Administrative Services Unit. This position will serve in the absence of the Director for all areas within the Division and is responsible for all legal and legislative functions for the Division.

DHS currently has three Chief of Staff positions within other Divisions. Staff inquired about further Chief of Staff positions and DHS indicated they do not foresee additional Chief of Staff positions within other Divisions at this time. Staff recommended approval of this exemption request.

- As to Item D3, this request is for a Senior Colbert Administrator of the Division of Mental Health at the Illinois Department of Human Services, a position that reports to the Director of Mental Health, who reports to the Assistant Secretary, who reports to the Secretary. This position was transferred to DHS from the Department on Aging (AGE) per the Intergovernmental Agreement of the Colbert Decree effective July 1, 2019. The Intergovernmental Agreement indicated that DHS will be the lead agency in implementing community integration and will lead the State's Colbert Implementation efforts including coordinating with State Agencies the effects of the Consent Decree. As part of the transfer of lead authority, AGE will retain

responsibilities as described in the agreement through December 31, 2019. Staff recommended approval of this exemption request.

Scott Viniard, Director of Human Resources with DHS concurred with the presentation. Felicia Gray, Senior Colbert Administrator with DHS/AGE concurred with the presentation on Item D3.

- As to Item E, this request is for a Deputy Director, Forensic Services at the Illinois State Police, a position that reports to the First Deputy Director, who reports to the Director. This position will serve as a principal policy-making official, formulating and implementing both administrative and programmatic policies statewide for the Division of Forensic Services along with providing guidance in activities mandated by legislation, rules and regulations. Staff recommended approval of this exemption request.

Matt Davis, First Deputy Director with the Illinois State Police attended the meeting after it was adjourned and asked if the Commissioners had any questions and the status of the position. Ms. Johnson indicated the Commissioners had no questions and the exemption was approved.

IT WAS MOVED BY COMMISSIONER ROBINSON, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO GRANT THE 4d(3) EXEMPTION REQUEST FOR THE FOLLOWING POSITIONS:

- C: Human Resources Director (FPR)**
- D1: Associate Director, Office of Welcoming Center for Immigrant and Refugee Services (DHS)**
- D2: Chief of Staff, Division of Substance Use Prevention & Recovery (DHS)**
- D3: Senior Colbert Administrator (DHS)**
- E: Deputy Director, Division of Forensic Services (ISP)**

The following positions were granted exemption on July 18, 2019:

C. Illinois Department of Financial and Professional Regulation

Position Number	40070-13-00-050-10-01
Functional Title	Human Resources Director
Incumbent	Vacant
Supervisor	Chief of Staff who reports to the Secretary
Location	Sangamon County

D1. Illinois Department of Human Services

Position Number	40070-10-90-400-00-29
Functional Title	Associate Director, Office of Welcoming Center for Immigrant and Refugee Services
Incumbent	Vacant
Supervisor	Director, Division of Family & Community Services, who reports to the Assistant Secretary who reports to the Secretary
Location	Cook County

D2. Illinois Department of Human Services

Position Number	40070-10-40-010-00-01
Functional Title	Chief of Staff, Division of Substance Use Prevention & Recovery
Incumbent	Vacant
Supervisor	Director of Div. of Substance Use Prevention & Recovery who reports to the Assistant Secretary, who reports to the Secretary
Location	Sangamon County

D3. Illinois Department of Human Services

Position Number	40070-10-76-020-00-01
Functional Title	Senior Colbert Administrator
Incumbent	Felicia Gray
Supervisor	Director of Div. of Mental Health who reports to the Assistant Secretary, who reports to the Secretary
Location	Cook County

E. Illinois State Police

Position Number	40070-21-30-000-00-01
Functional Title	Deputy Director, Division of Forensic Services
Incumbent	Vacant
Supervisor	First Deputy Director who reports to the Director
Location	Sangamon County

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; and
- f) The relation of the class specifications to any applicable collective bargaining agreement.

The following class titles were submitted for creation and revision by the Director of the Illinois Department of Central Management Services (CMS):

B. **Gaming Licensing Analyst (revise)**
Gaming Licensing Specialist (create)

Prior to the meeting, Assistant Executive Director Andrew Barris inquired from Chris Nickols at CMS Technical Services if the proposed classes were related to recent Illinois gambling expansion efforts. Nickols responded that the Illinois Gaming Board (IGB) requested a study based upon a need for positions to handle more difficult and complex cases of licensing application, review and compliance as well as a desire to establish promotional advancement opportunities for employees in the Licensing Division. Gambling expansion efforts were not a consideration during this study. Barris inquired about the current supervision of the Analyst class considering its duties are “under direction” as well as who would be supervising the Specialist class. Nickols responded that the Gaming Licensing Analyst positions report to a Public Service Administrator position with the working title of Assistant License Coordinator while also referring the Commission to the employing agency for comment on what ultimately would be the future state organizational structure for the IGB and its Licensing Division. However, the nature and variety of the work defined in the proposed Gaming Licensing Specialist class places it squarely within the Licensing Division of the IGB and under the supervisory authority of the Assistant License Coordinator. Barris inquired as to the relation, if any, between

the proposed classes and the Gaming Operations Supervisor, Gaming Shift Supervisor, Gaming Senior Special Agent, Gaming Special Agent, Gaming Special Agent Trainee, and Gaming Unit Supervisor. Barris noted that there were a lot of classes involved with gaming. Nickols responded that the Gaming Licensing Specialist positions will operate in the Licensing Division. The Licensing Division handles all facets of the licensing process. The other titles operate in the Enforcement Division and the Investigations Division. These divisions handle daily on-site gaming law enforcement and investigations of gaming establishment operations. At the meeting, John Logsdon from CMS Technical Services acknowledged that positions within the classes would probably increase due to the expansion of gambling. Chairman Sickmeyer inquired as to the role of the Illinois State Police (ISP) regarding enforcement and Logsdon indicated that the ISP worked in conjunction with the IGB in enforcement and making arrests. Logsdon noted that the pay rate was increased two more steps after negotiations than what was indicated in the proposal sent to the Commission and pointed out that pay rate is not a factor the Commission is required to consider under its rules. Barris noted that the proposed classes were agreed to through collective bargaining.

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO APPROVE THE CREATION AND REVISION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE ON AUGUST 1, 2019:

- C. Gaming Licensing Analyst (revise)**
- Gaming Licensing Specialist (create)**

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER LUECHTEFELD, AND THE MOTION ADOPTED 5-0 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

July 18, 2019

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER LUECHTEFELD, AND THE MOTION ADOPTED 5-0 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 LUECHTEFELD, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0 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.

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	ROBINSON	YES
URLACHER	YES		

July 18, 2019

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 Street, Suite S-901, Chicago, IL and 607 E. Adams Street, Suite 801, Springfield, IL by interactive video conference at 11:28 a.m.

PRESENT

Chairman Timothy D. Sickmeyer; G.A. Finch, David Luechtefeld, Vivian Robinson, and Casey Urlacher, Commissioners; and Daniel Stralka, Executive Director, Andrew Barris, Assistant Executive Director and Sabrina Johnson, Exemption Monitor.

X. INTERLOCUTORY APPEAL

LA-21-19

Employee	Peter Obazuaye	Appeal Date	3/18/19
Agency	Human Services	Decision Date	7/05/19
Appeal Type	Layoff	Proposal for Decision	Dismissed subject to approval of Commission; no jurisdiction.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL OF THE ADMINISTRATIVE LAW JUDGE THAT THE COMMISSION HAD NO JURISDICTION OVER THIS LAYOFF APPEAL AS THE EMPLOYEE WAS NOT LAID OFF.

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	ROBINSON	YES
URLACHER	YES		

XI. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL

DA-10-19

Employee	Justin B. Watford	Appeal Date	11/01/18
Agency	Human Services	Decision Date	07/03/19
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 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL OF THE

ADMINISTRATIVE LAW JUDGE THAT THE WRITTEN CHARGE FOR DISCHARGE HAS BEEN PROVEN AND WARRANTS DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED JULY 3, 2019.

SICKMEYER YES FINCH YES
LUECHTEFELD YES ROBINSON YES
URLACHER YES

XII. APPEALS TERMINATED WITHOUT DECISIONS ON THE MERITS

S-25-19

Employee	Darius Beck	Appeal Date	5/23/19
Agency	Human Services	Decision Date	7/01/19
Appeal Type	Suspension	Proposal for Decision	Dismissed subject to approval of Commission; settled.
ALJ	Andrew Barris		

DA-28-19

Employee	Tonka Lott	Appeal Date	4/22/19
Agency	Veterans' Affairs	Decision Date	7/03/19
Appeal Type	Discharge	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn.
ALJ	Andrew Barris		

DA-29-19

Employee	Kristopher Martin	Appeal Date	5/23/19
Agency	Human Services	Decision Date	6/28/19
Appeal Type	Discharge	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER LUECHTEFELD, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSALS OF THE ADMINISTRATIVE LAW JUDGE TO DISMISS THE APPEALS.

SICKMEYER YES FINCH YES
LUECHTEFELD YES ROBINSON YES
URLACHER YES

July 18, 2019

XIII. STAFF REPORT

Executive Director Stralka reported that the audit of fiscal year 2018 and fiscal year 2019 had begun.

Assistant Executive Director Barris provided the following information:

- Reminder to complete the 2019 Ethics training and thanked the Commissioners who had already submitted their certification forms.
- Sexual Harassment Prevention training would be forthcoming in the fall and it would probably be online, but he would investigate the feasibility of doing training via a paper copy as the Commissioners previously indicated that paper-based training was their preferred method of completion.
- As part of an effort to promote awareness and information regarding the Civil Service Commission, Barris will be presenting an exhibit at the Government Forecasting and Accountability District Office Staff Training Seminar on July 29, 2019 and will conduct a seminar at the Hispanic State Employee Conference on October 4, 2019.

Exemption Monitor Sabrina Johnson indicated she received a total of 298 position descriptions in the last six months of fiscal year 2019. There were nine abolishments, one downward allocation (from SPSA to PSA), one for the November rescission list and three to be reviewed.

XIV. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held at 11:00 a.m. on Thursday, August 15, 2019 in the Springfield office of the Commission. There will be no interactive video conference.

XV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 11:35 A.M.