

July 19, 2018

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
July 19, 2018

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:02 A.M. AT 160 N. LASALLE STREET, SUITE S-901, CHICAGO, IL AND 607 E. ADAMS STREET, SUITE 801, SPRINGFIELD, IL BY TELEPHONE CONFERENCE CALL

II. PRESENT

Chairman Timothy D. Sickmeyer; G.A. Finch (by telephone), David Luechtefeld, Jane Ryan, and Casey Urlacher (by telephone), Commissioners; Daniel Stralka, Executive Director (by telephone), Andrew Barris, Assistant Executive Director, and Sabrina Johnson, Exemption Monitor; Sheila Tapscott and John Logsdon, Illinois Department of Central Management Services; Melina Tomaras-Collins and Lora McCurdy, Illinois Department on Aging, Kevin Moore, Illinois Emergency Management Agency; Carrie Adams, Illinois Department of Natural Resources; and Rob Olmstead, Illinois Torture Inquiry and Relief Commission (by telephone).

MOTION TO ALLOW PARTICIPATION AT MEETING BY AUDIO CONFERENCE

Executive Director Daniel Stralka advised that because of technical issues with the video feed that constituted an emergency and prevented the attendance of Commissioner Finch and Commissioner Urlacher by means of interactive video conference, they requested to be allowed to attend the meeting by audio conference.

IT WAS MOVED BY COMMISSIONER LUECHTEFELD, SECONDED BY COMMISSIONER RYAN, AND THE MOTION ADOPTED 3-0 TO ALLOW COMMISSIONER FINCH AND COMMISSIONER URLACHER TO ATTEND THE MEETING BY AUDIO CONFERENCE.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD JUNE 21, 2018

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0, TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD JUNE 21, 2018.

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 19, 2018

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	82	13
Aging.....	135	19
Agriculture	370	18
Arts Council	14	2
Capitol Development Board.....	30	0
Central Management Services	845	64
Children and Family Services.....	2,594	53
Civil Service Commission	3	0
Commerce & Economic Opportunity	245	66
Commerce Commission	58	0
Corrections	12,275	110
Criminal Justice Authority.....	46	7
Deaf and Hard of Hearing Comm.....	2	1
Developmental Disabilities Council	6	1
Emergency Management Agency.....	64	8
Employment Security	1,068	29
Environmental Protection Agency.....	604	18
Financial & Professional Regulation.....	380	48
Gaming Board	148	5
Guardianship and Advocacy	100	8
Healthcare and Family Services	1,585	26
Human Rights Commission.....	14	2
Human Rights Department	119	10
Human Services.....	12,583	80
Illinois Torture Inquiry Relief Commission	3	1
Independent Tax Tribunal	1	0
Innovation and Technology	1,270	60
Insurance	208	17
Investment Board	3	2
Juvenile Justice.....	917	28
Labor	73	11
Labor Relations Board Educational.....	10	3
Labor Relations Board State.....	13	2
Law Enforcement Training & Standards Bd.	22	3
Lottery	141	8
Military Affairs.....	133	3
Natural Resources.....	1,277	34
Pollution Control Board	18	2
Prisoner Review Board.....	19	1
Property Tax Appeal Board.....	29	1
Public Health	1,097	40
Racing Board.....	2	1
Revenue.....	1,366	45
State Fire Marshal	124	11
State Police.....	919	10
State Police Merit Board	7	2
State Retirement Systems	94	3
Transportation	2,127	0
Veterans' Affairs	1,263	10
Workers' Compensation Commission.....	116	11
TOTALS.....	44,622	897

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 Sabrina Johnson reported the following:

- As to Item D, this request is for a Legislative Liaison at Illinois Emergency Management Agency, a position that reports to the Chief of Staff, who reports to the Director. This position will serve as the agency Legislative Liaison and will handle all aspects of legislative activities. This position will draft legislation, review policies and will be the agency liaison with the Governor's Office, the Legislature, Legislature staff and other state agencies. It will confer with legislators or local officials during disaster response and recovery activities. Staff recommended approval of this exemption request.

Commissioner Luechtefeld asked if this was a new position. Kevin Moore responded that the previous legislative liaison had been left over from when IEMA merged with the Department of Nuclear Safety and was a non-Code position. Now that the position was vacant, IEMA determined that it was more appropriate that the position be a Personnel Code covered title as opposed to the technical title it previously was.

- As to Item E, this request is for an Executive Director at Illinois Torture Inquiry and Relief Commission, a position that reports to the Chairman. Based on the November 2013 monthly meeting, The Commission granted this exemption through August 2016, then in May 2016 the Commission granted an extension through August 17, 2018. IL Torture Inquire and Relief Commission is requesting to continue exemption status for an additional five years. According to the Illinois Torture Inquiry and Relief Commission Act, a change has been made within Section 70 – Filing of Claims. This Act applies to claims of torture filed not later than ten (previously five) years after the effective date of this Act (August 10, 2009). This position was working with approximately 70 remaining cases before this change, now the caseload will be over 450 cases. The job duties remained the same. Staff recommended extending approval for two years from last day a claim can be filed, which will be August 31, 2021.

Executive Director Rob Olmstead, Illinois Torture Inquiry and Relief Commission, agreed with the term of the exemption.

- As to Item F, this request is to rescind the exemption of a Senior Public Service Administrator at Department of Natural Resources, a position that reports to the Office Director of Land Management, who reports to the Director. The exemption was approved for only one year with an expiration date of December 20, 2018. DNR indicated that since the merger of the Illinois Historic Preservation Agency, some sections and programs have been reorganized to other Divisions outside of Land Management and they would like to eliminate this position. Staff recommended approval of this rescission request.

Carrie Adams, Illinois Department of Natural Resources, added that this position was inherited with last year's merger with IHPA and was an Option 5, covering wildlife heritage and fisheries. The agency believes this position, which has responsibility for all State parks needs to have staying power so it is more appropriate that it be a Personnel Code covered position. Chairman Sickmeyer indicated he was in agreement with the position having Personnel Code protection.

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

- C: Senior Policy Advisor (Aging)**
- D: Legislative Liaison (IEMA)**

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO GRANT 4d(3) EXEMPTION THROUGH AUGUST 31, 2021 FOR THE FOLLOWING POSITION:

- E: Executive Director (Torture Inquiry)**

IT WAS MOVED BY COMMISSIONER LUECHTEFELD, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO RESCIND THE 4d(3) EXEMPTION FOR THE FOLLOWING POSITION:

- F: Division of Parks and Recreation (DNR)**

The following positions were granted 4d(3) exemption on July 19, 2018:

C. Illinois Department on Aging

Position Number	40070-47-20-100-00-01
Functional Title	Senior Policy Advisor
Incumbent	Michael K. Berkes
Supervisor	Manager, Planning, Research & Development who reports to the Deputy Director who reports to the Director
Location	Sangamon County

D. Illinois Emergency Management Agency

Position Number	37015-50-17-000-10-04
Functional Title	Legislative Liaison
Incumbent	Vacant
Supervisor	Chief of Staff who reports to the Director
Location	Sangamon County

July 19, 2018

The following position was granted 4d(3) exemption on July 19, 2018 through August 31, 2021:

E. Illinois Torture Inquiry and Relief Commission

Position Number	40070-50-02-000-00-01 ¹
Functional Title	Executive Director
Incumbent	Robert Olmstead
Supervisor	Chairman, Torture Inquiry and Relief Commission
Location	Cook County

The following 4d(3) exemption was rescinded on July 19, 2018:

Item	Position Number	Agency	Functional Title
F	40070-12-32-000-00-01	Natural Resources	Manager, Division of Parks and Recreation

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

¹ This position was granted 4d(3) exemption on May 20, 2016 for a term that expires August 17, 2018.

July 19, 2018

IT WAS MOVED BY COMMISSIONER RYAN, SECONDED BY COMMISSIONER URLACHER, 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

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER RYAN, 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 FINCH, SECONDED BY COMMISSIONER URLACHER, 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	RYAN	YES
URLACHER	YES		

July 19, 2018

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 audio conference call at 11:26 a.m.

PRESENT

Chairman Timothy D. Sickmeyer; G.A. Finch (by telephone), David Luechtefeld, Jane Ryan, and Casey Urlacher (by telephone), Commissioners; and Daniel Stralka, Executive Director (by telephone), Andrew Barris, Assistant Executive Director, and Sabrina Johnson, Exemption Monitor.

X. INTERLOCUTORY APPEALS

DA-3-18

Employee	Berry Lauderdale	Appeal Date	7/19/17
Agency	Agriculture	Decision Date	7/09/18
Type	Discharge	ALJ	Andrew Barris
Issue(s)	Motion to Dismiss filed for no jurisdiction (not certified at time of discharge)	Proposal for Decision	Grant Motion to Dismiss subject to approval of Commission.

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

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	RYAN	YES
URLACHER	YES		

DA-47-18

Employee	Ali Borders	Appeal Date	5/23/18
Agency	Human Services	Decision Date	7/03/18
Type	Discharge	ALJ	Andrew Barris
Issue(s)	Motion to Dismiss filed for no jurisdiction (late filing and not certified at time of discharge)	Proposal for Decision	Grant Motion to Dismiss subject to approval of Commission.

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

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	RYAN	YES
URLACHER	YES		

XI. APPEAL TERMINATED WITHOUT DECISIONS ON THE MERITS

DA-40-18

Employee	Dana R. Wilken	Appeal Date	4/23/18
Agency	Human Services	Decision Date	7/09/18
Appeal Type	Discharge	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn.
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 TO DISMISS THE APPEAL.

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	RYAN	YES
URLACHER	YES		

XII. STAFF REPORT

Executive Director Stralka reported that:

- Travel Update 18-06 will result in a change to the wording on travel vouchers. Processing for travel vouchers is not up to date at this time.
- Staff is awaiting the full audit report and anticipates there will be one finding related to the filing of a fiscal report.

Assistant Executive Director Barris reported that:

- HB4295 is awaiting action by the Governor.
- The amendments to the Commission rules passed the Joint Committee on Administrative Rules (JCAR) on July 17, 2018 with no objection.

July 19, 2018

Chairman Sickmeyer reported on the quarterly meeting with Central Management Services and asked Commissioners to dress casually for the August meeting that takes place during the Illinois State Fair.

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held Thursday, August 16, 2018 at 11:00 a.m. in Springfield office. There will be no interactive video conference.

XIV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER FINCH, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 11:30 A.M.