REGULAR MEETING MINUTES ILLINOIS CIVIL SERVICE COMMISSION August 21, 2015

I. <u>CALL TO ORDER THE REGULAR OPEN MEETING AT 1:33 P.M. AT 607 EAST ADAMS STREET, SUITE 801, SPRINGFIELD, ILLINOIS</u>

MOTION TO ALLOW PARTICIPATION AT MEETING BY AUDIO CONFERENCE

Executive Director Daniel Stralka noted that he had been notified in advance that Commissioner Krey was prevented from physically attending the August 21, 2015 meeting at the Commission's Springfield office due to other emergency reasons and wished to attend by audio conference.

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

II. PRESENT

Fredrick H. Bates, Chairman; Anita M. Cummings, Susan Moylan Krey (by telephone), and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director; Debbie Hensey, Roneta Taylor, Michael Quinlan and Christopher Nickols, Illinois Department of Central Management Services; Jeannette Okulinski (by telephone), Illinois Department of Employment Security; and Lainie Krozel (by telephone), Illinois Department of Revenue; Kathy Parmenter, Illinois State Police; and Beth Duesterhaus (by telephone), Shared Services Center.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD ON JULY 17, 2015

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0 TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD ON JULY 17, 2015.

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>	Total Employees	Number of Exempt <u>Positions</u>
Aging	141	18
Agriculture	356	20
Arts Council		
Capitol Development Board		
Central Management Services		
Children and Family Services		
Civil Service Commission		
Commerce & Economic Opportunity		
Commerce Commission		
Corrections		
	,	
Criminal Justice Authority		
Deaf and Hard of Hearing Comm	7	l
Developmental Disabilities Council		
Emergency Management Agency		
Employment Security	1,183	32
Environmental Protection Agency	748	18
Financial & Professional Regulation		
Gaming Board	163	6
Guardianship and Advocacy	99	8
Healthcare and Family Services	2,009	26
Historic Preservation Agency		
Human Rights Commission		
Human Rights Department	133	9
Human Services		
Illinois Torture Inquiry Relief Commission		
Independent Tax Tribunal		
Insurance		
Investment Board		
Juvenile Justice		
Labor		
Labor Relations Board Educational		
Labor Relations Board State		
Law Enforcement Training & Standards Bd		
Lottery		
Military Affairs		
Natural Resources	1,351	31
Pollution Control Board		
Prisoner Review Board	17	0
Property Tax Appeal Board	31	1
Public Health	1,176	41
Racing Board	2	1
Revenue		
State Fire Marshal		
State Police		
State Police Merit Board		
State Retirement Systems		
Transportation		U
Workers' Compensation Commission	123	11
TOTALS	45,490	872

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

Executive Director Daniel Stralka reported the following:

- As to Item C, this request is for a Chief Budget Officer at the Illinois State Police (ISP), a position that reports to the sworn First Deputy Director who reports to the Director. This position has principal policy responsibility for all aspects of the budget process for the ISP, a function that has historically supported an exemption for agencies of this size. Staff's concern was a pre-existing exempt Administrative Services position that, according to its position description, had responsibility for all fiscal management in the agency. In fact, this is a responsibility that supported its initial grant of exemption. All fiscal management would seem to include the budget functions the agency is relying on here for exemption. The ISP subsequently clarified both position descriptions to make it clear that the requested position has the budget program responsibility while the Administrative Services program has fiscal responsibilities related to financial reporting, grants and asset forfeiture programs which total close to \$80,000,000. With that clarification, Staff recommended approval of this request. Kathy Parmenter, Chief-Office of Human Resources, concurred with this presentation. Commissioner Cummings inquired if the agency intends to keep this distinction of financial responsibilities. Kathy Parmenter responded affirmatively.
- As to Items D2-D21, these requests are all related to the Enterprise Resource Planning (ERP) Program being managed by the Bureau of Computer and Communication Services (BCCS) in Central Management Services (CMS) for which there was a lengthy presentation last month. By agreement, these 20 requests were continued to the August meeting to allow the agency additional time to respond to the Staff's concerns which were set forth in a lengthy email on July 10. There have now been several additional meetings since the continuance to discuss these requests and the agency also responded to the Staff's concerns, a copy of which was provided to the Commissioners prior to this meeting. The end result was an agreement between the agency and Commission Staff as to which requested positions would be recommended for approval for a term of 48 months, and the agency withdrawing a number of the requested positions. The following is a brief summary for these 20 requested positions, all of which, it should be noted report to the ERP Program Director who reports to the Deputy Director of BCCS who reports to the agency director as well as the Governor.

Items D2, D13, D14, D15, D19 and D21 are the Program Managers for the ERP with principal policy responsibility for Work Management, Resource Management, Issue & Risk Management, Technical & Quality Management, Change Management and Contract & Policy Management as was set forth in more detail last month. These positions play key roles in actively promoting and monitoring the various major integral sub-activities of the ERP program, roughly equivalent to having the principal administrative responsibility for the way in which the ERP program is being carried out. Staff recommended approval of these requests. One of the changes the agency made was to Item D16, the Legacy System Lead, which is now at the same reporting level as the above Program

Managers and is responsible for the migration and sunset plans for all legacy systems that transition to the ERP. Staff is recommending approval of this request also and suggested that this position be retitled to reflect its new status. The agency requested to withdraw the remaining positions – Items D3-D12, D17, D18, and D20.

The agency is aware that it will have to submit new position description forms for Items D15 and D16 just to reflect the change in reporting structure. The new position descriptions would not change the substantive responsibilities of the position so Staff is comfortable proceeding with these requests today.

Chairman Bates indicated there was concern with the length of the term exemptions and the Commission's ability to monitor these positions. Commissioner Cummings agreed with this and after additional discussion there was concurrence that a reduction to 36 months would be appropriate.

• As to Item E, this request is for the Educational Institutions Program Manager at the Illinois Department of Employment Security, a position that reports to the Director. This position has principal policy responsibility for this program under the federal Workforce Innovation and Opportunity Act (WIOA). This position was first submitted for exemption this past November, but an exemption was granted for only 12 months at that time because the WIOA called for the State to submit a Unified Plan by July 1, 2015 which is what would set out definitively which State agencies would have which program responsibilities under the WIOA. The Unified Plan has not yet been submitted and is now due March of next year. After discussion with the agency, it was agreed that an extension of the term exemption until June 17, 2016 to allow the Unified Plan to be completed which would assist Staff in making a conclusive analysis and recommendation. Staff recommended approval with that limitation.

Commissioner Cummings inquired of the need for such an additional lengthy term extension. Executive Director Stralka explained that the agency originally requested an extension until November of 2016. After it was determined that the Unified Plan was due in March of that year, Staff considered April as too close to the Unified Plan due date and skipped May as that agenda traditionally includes proposed rescissions which takes up a great deal of Staff time to prepare and analyze. That made June the closest reasonable month to the deadline date for the Unified Plan.

• As to Item F, the agency asked to continue this request to the September meeting. Staff had no objection.

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 4-0, TO GRANT THE EXEMPTION REQUEST FOR THE FOLLOWING POSITIONS FOR A PERIOD OF 36 MONTHS:

- **D2:** Manager of Work Management Program (BCCS-ERP)
- **D13:** Manager of Resource Management (BCCS-ERP)
- D14: Manager of Issue and Risk Management (BCCS-ERP)
- **D15:** Manager of Technical and Quality Management (BCCS-ERP)
- **D16:** Legacy System Lead (BCCS-ERP)
- **D19:** Manager of Change Management (BCCS-ERP)
- **D21:** Manager of Contract and Policy Management (BCCS-ERP)

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0, TO ACCEPT THE WITHDRAWAL OF THE EXEMPTION REQUEST FOR THE FOLLOWING POSITIONS:

- **D3:** Functional Expert-General Ledger (BCCS-ERP)
- **D4:** Functional Expert-Accounts Receivable (BCCS-ERP)
- **D5:** Functional Expert-Accounts Payable (BCCS-ERP)
- **D6:** Functional Expert-Asset Management (BCCS-ERP)
- **D7:** Functional Expert-Procurement (BCCS-ERP)
- **D8:** Functional Expert-Grants Management (BCCS-ERP)
- **D9:** Functional Expert-Budgeting (BCCS-ERP)
- **D10:** Functional Expert-Personnel (BCCS-ERP)
- **D11:** Functional Expert-Payroll (BCCS-ERP)
- **D12:** Functional Expert-Performance Management (BCCS-ERP)
- **D17:** Development Lead (BCCS-ERP)
- **D18:** Testing Lead (BCCS-ERP)
- **D20:** Communications Manager (BCCS-ERP)

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0, TO GRANT THE EXEMPTION REQUEST FOR THE FOLLOWING POSITION:

C: Chief Budget Officer (State Police)

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 4-0, TO GRANT THE EXEMPTION REQUEST THROUGH JUNE 17, 2016 FOR THE FOLLOWING POSITION:

E: Educational Institutions Program Manager (Employment Security)

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0, TO CONTINUE TO SEPTEMBER 18, 2015 THE EXEMPTION REQUEST FOR THE FOLLOWING POSITION:

F: Audit Discovery & Recovery Division Manager (Revenue)

The following 4d(3) exemption requests were granted on August 21, 2015 for a period of 36 months:

D2. Illinois Department of Central Management Services

Position Number	40070-37-14-100-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	BCCS/Enterprise Resource Planning
Functional Title	Manager of Work Management Program
Incumbent	Vacant
	ERP Program Director who reports to the Deputy Director/Chief
Supervisor	Information Officer who reports to the Assistant Director who
	reports to the Director
Location	Cook County

D13. Illinois Department of Central Management Services

Position Number	40070-37-14-200-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	BCCS/Enterprise Resource Planning
Functional Title	Manager of Resource Management
Incumbent	Vacant
	ERP Program Director who reports to the Deputy Director/Chief
Supervisor	Information Officer who reports to the Assistant Director who
	reports to the Director
Location	Cook County

D14. Illinois Department of Central Management Services

Position Number	40070-37-14-300-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	BCCS/Enterprise Resource Planning
Functional Title	Manager of Issue and Risk Management
Incumbent	Vacant
	ERP Program Director who reports to the Deputy Director/Chief
Supervisor	Information Officer who reports to the Assistant Director who
	reports to the Director
Location	Sangamon County

D15. Illinois Department of Central Management Services

Position Number	40070-37-14-400-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	BCCS/Enterprise Resource Planning
Functional Title	Manager of Technical and Quality Management
Incumbent	Vacant
	ERP Program Director who reports to the Deputy Director/Chief
Supervisor	Information Officer who reports to the Assistant Director who
	reports to the Director
Location	Cook County

D16. Illinois Department of Central Management Services

Position Number	40070-37-14-400-10-01
Position Title	Senior Public Service Administrator
Bureau/Division	BCCS/Enterprise Resource Planning
Functional Title	Legacy System Lead
Incumbent	Vacant
Supervisor	Manager of Technical and Quality Management who reports to
	the ERP Program Director who reports to the Deputy
	Director/Chief Information Officer who reports to the Assistant
	Director who reports to the Director
Location	Sangamon County

D19. Illinois Department of Central Management Services

Position Number	40070-37-14-500-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	BCCS/Enterprise Resource Planning
Functional Title	Manager of Change Management
Incumbent	Vacant
	ERP Program Director who reports to the Deputy Director/Chief
Supervisor	Information Officer who reports to the Assistant Director who
	reports to the Director
Location	Sangamon County

D21. Illinois Department of Central Management Services

Position Number	40070-37-14-600-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	BCCS/Enterprise Resource Planning
Functional Title	Manager of Contract and Policy Management
Incumbent	Vacant
	ERP Program Director who reports to the Deputy Director/Chief
Supervisor	Information Officer who reports to the Assistant Director who
	reports to the Director
Location	Cook County

The following 4d(3) exemption requests were withdrawn on August 21, 2015:

D3. Illinois Department of Central Management Services

Position Number	40070-37-14-100-10-01
Position Title	Senior Public Service Administrator
Bureau/Division	BCCS/Enterprise Resource Planning
Functional Title	Functional Expert-General Ledger
Incumbent	Vacant
Supervisor	Manager of Work Management Program who reports to the ERP Program Director who reports to the Deputy Director/Chief Information Officer who reports to the Assistant Director who reports to the Director
Location	Sangamon County

D4. Illinois Department of Central Management Services

Position Number	40070-37-14-100-15-01
Position Title	Senior Public Service Administrator
Bureau/Division	BCCS/Enterprise Resource Planning
Functional Title	Functional Expert-Accounts Receivable
Incumbent	Vacant
Supervisor	Manager of Work Management Program who reports to the ERP
	Program Director who reports to the Deputy Director/Chief
	Information Officer who reports to the Assistant Director who
	reports to the Director
Location	Sangamon County

D5. Illinois Department of Central Management Services

Position Number	40070-37-14-100-20-01
Position Title	Senior Public Service Administrator
Bureau/Division	BCCS/Enterprise Resource Planning
Functional Title	Functional Expert-Accounts Payable
Incumbent	Vacant
Supervisor	Manager of Work Management Program who reports to the ERP Program Director who reports to the Deputy Director/Chief Information Officer who reports to the Assistant Director who reports to the Director
Location	Sangamon County

D6. Illinois Department of Central Management Services

Position Number	40070-37-14-100-30-01
Position Title	Senior Public Service Administrator
Bureau/Division	BCCS/Enterprise Resource Planning
Functional Title	Functional Expert-Asset Management
Incumbent	Vacant
Supervisor	Manager of Work Management Program who reports to the ERP Program Director who reports to the Deputy Director/Chief Information Officer who reports to the Assistant Director who reports to the Director
Location	Sangamon County

D7. Illinois Department of Central Management Services

Position Number	40070-37-14-100-40-01	
Position Title	Senior Public Service Administrator	
Bureau/Division	BCCS/Enterprise Resource Planning	
Functional Title	Functional Expert-Procurement	
Incumbent	Vacant	
Supervisor	Manager of Work Management Program who reports to the ERP	
	Program Director who reports to the Deputy Director/Chief	
	Information Officer who reports to the Assistant Director who	
	reports to the Director	
Location	Sangamon County	

D8. Illinois Department of Central Management Services

Position Number	40070-37-14-100-50-01	
Position Title	Senior Public Service Administrator	
Bureau/Division	BCCS/Enterprise Resource Planning	
Functional Title	Functional Expert–Grants Management	
Incumbent	Vacant	
Supervisor	Manager of Work Management Program who reports to the ERP Program Director who reports to the Deputy Director/Chief Information Officer who reports to the Assistant Director who reports to the Director	
Location	Sangamon County	

D9. Illinois Department of Central Management Services

Position Number	40070-37-14-100-60-01	
Position Title	Senior Public Service Administrator	
Bureau/Division	BCCS/Enterprise Resource Planning	
Functional Title	Functional Expert-Budgeting	
Incumbent	Vacant	
Supervisor	Manager of Work Management Program who reports to the ERP Program Director who reports to the Deputy Director/Chief Information Officer who reports to the Assistant Director who reports to the Director	
Location	Sangamon County	

D10. Illinois Department of Central Management Services

Position Number	40070-37-14-100-70-01	
Position Title	Senior Public Service Administrator	
Bureau/Division	BCCS/Enterprise Resource Planning	
Functional Title	Functional Expert-Personnel	
Incumbent	Vacant	
Supervisor	Manager of Work Management Program who reports to the ERP	
	Program Director who reports to the Deputy Director/Chief	
	Information Officer who reports to the Assistant Director who	
	reports to the Director	
Location	Sangamon County	

D11. Illinois Department of Central Management Services

Position Number	40070-37-14-100-80-01	
Position Title	Senior Public Service Administrator	
Bureau/Division	BCCS/Enterprise Resource Planning	
Functional Title	Functional Expert-Payroll	
Incumbent	Vacant	
Supervisor	Manager of Work Management Program who reports to the ERP Program Director who reports to the Deputy Director/Chief Information Officer who reports to the Assistant Director who reports to the Director	
Location	Sangamon County	

D12. Illinois Department of Central Management Services

Position Number	40070-37-14-100-90-01	
Position Title	Senior Public Service Administrator	
Bureau/Division	BCCS/Enterprise Resource Planning	
Functional Title	Functional Expert – Performance Management	
Incumbent	Vacant	
Supervisor	Manager of Work Management Program who reports to the ERP Program Director who reports to the Deputy Director/Chief Information Officer who reports to the Assistant Director who reports to the Director	
Location	Sangamon County	

D17. Illinois Department of Central Management Services

Position Number	40070-37-14-400-20-01	
Position Title	Senior Public Service Administrator	
Bureau/Division	BCCS/Enterprise Resource Planning	
Functional Title	Development Lead	
Incumbent	Vacant	
Supervisor	Manager of Technical and Quality Management who reports to	
	the ERP Program Director who reports to the Deputy	
	Director/Chief Information Officer who reports to the Assistant	
	Director who reports to the Director	
Location	Sangamon County	

D18. Illinois Department of Central Management Services

Position Number	40070-37-14-400-30-01	
Position Title	Senior Public Service Administrator	
Bureau/Division	BCCS/Enterprise Resource Planning	
Functional Title	Testing Lead	
Incumbent	Vacant	
Supervisor	Manager of Technical and Quality Management who reports to the ERP Program Director who reports to the Deputy	
	Director/Chief Information Officer who reports to the Assistant	
	Director who reports to the Director	
Location	Sangamon County	

D20. Illinois Department of Central Management Services

Position Number	40070-37-14-500-10-01	
Position Title	Senior Public Service Administrator	
Bureau/Division	BCCS/Enterprise Resource Planning	
Functional Title	Communications Manager	
Incumbent	Vacant	
Supervisor	Manager of Change Management who reports to the ERP Program Director who reports to the Deputy Director/Chief Information Officer who reports to the Assistant Director who reports to the Director	
Location Sangamon County		

The following 4d(3) exemption request was granted on August 21, 2015:

C. Illinois State Police – proposed exemption

Position Number	40070-21-00-930-00-01	
Position Title	Senior Public Service Administrator	
Bureau/Division	Office of the Director	
Functional Title	Chief Budget Officer	
Incumbent	Vacant	
Supervisor	First Deputy Director who reports to the Director	
Location	Sangamon County	

The following 4d(3) exemption request was granted to June 17, 2016 on August 21, 2015:

E. Illinois Department of Employment Security

Position Number	40070-44-00-200-00-01 ¹	
Position Title	Senior Public Service Administrator	
Bureau/Division	Director's Office	
Functional Title	Educational Institutions Program Manager	
Incumbent	Vacant	
Supervisor	Director	
Location	Cook County	

The following 4d(3) exemption request was continued to September 18, 2015 on August 21, 2015:

F. Illinois Department of Revenue

Position Number40070-25-41-200-00-01Position TitleSenior Public Service AdministratorBureau/DivisionAudit Discovery & RecoveryFunctional TitleAudit Discovery & Recovery Division ManagerIncumbentLaurie RivaSupervisorAudit Program Administrator who reports to the DirectorLocationSangamon County

G. <u>Proposed Rescissions in accordance with Section 1.142(b) of the Rules of the Civil</u> Service Commission (continued from May 15, 2015)

On April 15, 2015 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

¹ This position was granted exemption for 12 months on November 21, 2014.

but have been vacant for an extended period of time or there was a program change. Each affected agency director was also provided with a courtesy notice of this proposed action. 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. Items G1-G4 had been continued to the August meeting.

With regard to Items G1-G4, Executive Director Stralka reported that the agency had no objection to the rescission of Item G1. As to the remaining items, Executive Director Stralka explained that he had advised the agency that he would recommend that these be continued to the Commission's November meeting when the next batch of proposed rescissions would be considered due to time constraints in preparing for this meeting. Chairman Bates inquired about Items G2 and G3. Executive Director Stralka briefly explained that these were positions that were originally granted exemptions for the agency's Meritorious Good Time program which was later discontinued. The agency then changed the responsibilities of these positions without them being resubmitted for consideration. Executive Director Stralka suggested that the new responsibilities appeared sufficient to warrant continued exemption so he did not foresee that the exemptions would be rescinded.

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

G1: Assoc. Deputy Director, Community Resources (Children & Family)

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0 TO CONTINUE TO NOVEMBER 20, 2015 THE PROPOSED 4D(3) EXEMPTION RESCISSIONS FOR THE FOLLOWING POSITIONS:

G2: Chief Public Safety Officer (Corrections)

G3: Public Safety Officer Liaison (Corrections)

G4: Customer Service (Revenue)

The following 4d(3) exemption was rescinded on August 21, 2015:

Agenda Item	Agency	Position Number	Functional Title
G1	Children & Family Services	40070-16-60-430-00-01	Associate Deputy Director, Community Resources

The following proposed 4d(3) exemption rescissions were continued to November 20, 2015 on August 21, 2015:

Agenda Item	Agency	Position Number	Functional Title
G2	Corrections	40070-29-00-200-00-01	Chief Public Safety Officer
G3	Corrections	40070-29-00-000-01-03	Public Safety Officer Liaison
G4	Revenue	40070-25-82-100-00-01	Customer Service

Commissioner Krey arrived at the meeting.

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.

The following class title was submitted for creation by the Director of the Illinois Department of Central Management Services (CMS):

B. Educator-Career and Technical (create)

Educator-Career and Technical Provisional (create)

C. <u>Human Rights Investigator Trainee (create)</u>

Human Rights Investigator I (revise)

Human Rights Investigator II (revise)

Human Rights Investigator III (revise)

D. Medicaid Management Intern (create)

Medicaid Management Analyst (create)

E. Land Reclamation Specialist Trainee (create)

Natural Resources Coordinator Trainee (create)

Well Inspector Trainee (create)

Land Reclamation Specialist I (revise)

Well Inspector I (revise)

Natural Resources Coordinator (revise)

Assistant Executive Director Andrew Barris indicated that he spoke to John Logsdon and Chris Nickols at Central Management Services Technical Services about potential issues regarding the creation and/or revision to the following classes: Human Rights Investigator Trainee, Human Rights Investigator II, Human Rights Investigator III, Medicaid Management Intern, Medicaid Management Analyst, Educator – Career Technical, Educator Career and Technical Provisional, Land Reclamation Specialist Trainee, Natural Resources Coordinator Trainee, Well Inspector Trainee, Land Reclamation Specialist I, Well Inspector I, Natural Resources Coordinator classes.

In sum, state employees must be certified in a position to fall under Jurisdiction B of the Personnel Code. The issue of concern is how long the employees in merit compensation classes must wait before they became certified and fall under the protection of the Personnel Code.

Section 8b.6 of the Personnel Code states that an employee's period of probation shall not exceed 12 months prior to appointment or promotion. This language suggests that an employee cannot be kept in a position without the protection of the Personnel Code for longer than 12 months.

Section 302.300 of the Personnel Rules (Probationary Period) indicates that new state employees shall have a probationary period of six months and a probationary period of four months for employees who were previously certified.

However, Section 302.180 (b) of the Personnel Rules (Limitations on Trainee Appointments) states that a "trainee appointed to serve in a highly technical or management training program approved by the Director of Central Management Services shall obtain probationary appointment in the title for which he/she is being trained only after successful completion of the approved training program, and after passing an appropriate competitive promotional examination for the title for which he/she is training and his/her name has been reached on the promotional eligible list.

As an example of classes with extended training periods without protection at issue, Barris referred to the Medicaid Management Intern and the Human Rights Trainee classes that have training periods of up to 24 and 18 months. In the past regarding proposed classes that have a training period exceeding 12 months, the Commission raised the concern that the training period leaves an employee without the protection of the Personnel Code for longer than 12 months. For instance, the Social Service Career Trainee approved in 2006 and revised in 2014 had a training period of up to 48 months. Therefore, the employee might be without the protections of the Personnel Code for up to four and a half years (48 month training program and then a six month

probationary period). When this concern was raised to CMS Technical Services it was explained that the class was covered by a collective bargaining agreement and a memorandum of understanding stating that the training period would last up to 48 months. Given the present state of the law regarding a conflict between the collective bargaining and Personnel Code and Rules, it was probable that the collective bargaining agreement would prevail on this issue. Chairman Bates agreed that this would be the probable outcome.

However, in the present case, some of the classes at issue are not covered by a collective bargaining agreement.

Central Management Services Technical Services explained that employees in training programs must complete the program, then they get promoted and then they become probationary employees. CMS pointed to Section 302.180 (b) in support of this position. In other words, the 12 month limitation of Section 8b.6 of the Code does not even apply until the employee completes a training program. With that said, the limitation in Section 302.180 (b) also states that a trainee cannot become a probationary employee until they complete their training program. There is no limitation on the duration of the training program in the Rule which also must be in a "highly technical or management training program" approved by the Director of CMS.

As far back as 2000, this issue has at times appeared before the Commission in appeals. In DHS v. Remmers (DA-69-00), the Commission issued a final decision that was appealed and then remanded by the Circuit Court to the Commission for a decision regarding the jurisdiction of the Commission and/or the certification of employees in training programs. In that case, language within the General Policy Statement of a document called the CMS Trainee and Apprenticeship Program was addressed. The General Policy Statement stated, in pertinent part, "It is the policy of the Department of Central Management Services that a trainee program may not be for a period of less than six (6) months. Unless documentation is submitted to clearly justify, a trainee program should not exceed twelve (12) months. The purpose of this policy is to assure that an agency training program is conducted efficiently so as to minimize the amount of time that an employee is denied access to certified employment status."

Nickols previously indicated that there might by a correction needed to the CMS cover sheet as to which classes are covered by collective bargaining. Barris also asked if CMS was aware of any other classes not covered by a collective bargaining agreement that had a training period longer than 12 months.

As to the Educator – Career and Technical classes, it should be noted that, at least as far as the class titles go, classes titled Educator, or Educator Aide, or Educator Intern, and or Educator Trainee have been created or revised since 2006 and staff had questions regarding the necessity of these new classes this month in light of the previously approved classes with similar names. Barris noted that an agreement was reached under the collective bargaining agreement regarding all of the classes addressed in the agenda.

Chris Nickols, CMS Technical Services, provided the Commission a list of several classes that had training periods longer than 12 months. Barris noted that the rationale of the collective bargaining agreement as the authority allowing training periods to exceed 12 months was no longer present in this case because some of the classes at issue were merit compensation. Nickols stated that it was the position of CMS Technical services that the training periods at issue were not necessarily subject to the limitation of a "highly technical or management training program." Chairman Bates inquired about the applicability of the Remmers case and Barris acknowledged that the issue of a limited training program under the Personnel Code was only a tangential issue in the case and that the decision in the case turned on specific facts of the case. Commissioner Cummings inquired about the status of certified employees who enter training programs and whether they lose their certified status for the duration of the training program and what would happen if they got fired during training. Nickols stated that the employee could go back to their previous position and if any training is needed past 12 months it must get re-authorized by request. Commissioner Urlacher commented on the length of time an employee would be unprotected by the Code if training periods were as long as two, three or four years. Chairman Bates was in agreement with the concept that trainees must complete their authorized training programs and then complete the probationary period for their targeted title before securing the protections of the Personnel Code.

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0 TO APPROVE THE CREATION AND REVISION OF THE FOLLOWING CLASS TITLE TO BE EFFECTIVE SEPTEMBER 1, 2015:

- B. Educator-Career and Technical (create) Educator-Career and Technical Provisional (create)
- C. Human Rights Investigator Trainee (create) Human Rights Investigator I (revise) Human Rights Investigator II (revise) Human Rights Investigator III (revise)
- D. Medicaid Management Intern (create) Medicaid Management Analyst (create)
- E. Land Reclamation Specialist Trainee (create)
 Natural Resources Coordinator Trainee (create)
 Well Inspector Trainee (create)
 Land Reclamation Specialist I (revise)
 Well Inspector I (revise)
 Natural Resources Coordinator (revise)

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 4-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.

VII. MOTION TO CLOSE A PORTION OF THE MEETING

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, 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.

BATES YES CUMMINGS YES KREY YES URLACHER YES

VIII. RECONVENE THE OPEN MEETING

Upon due and proper notice the regular open meeting of the Illinois Civil Service Commission was reconvened at 607 East Adams Street, Suite 801, Springfield, Illinois at 2:33 p.m.

PRESENT

Fredrick H. Bates, Chairman; Anita M. Cummings, Susan Moylan Krey, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris, Assistant Executive Director.

IX. 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.

Agency	6/30/15	7/31/15	7/31/14
Agriculture	0	6	0
Central Management Services	1	1	3
Children and Family Services	2	1	3
Corrections	0	0	1
Criminal Justice Authority	0	0	1
Healthcare and Family Services	3	4	8
Historic Preservation Agency	0	0	5
Human Rights	0	0	1
Human Services	4	4	2
Insurance	0	1	1
Juvenile Justice	0	0	1
Natural Resources	0	35	28
Revenue	7	6	3
State Retirement Systems	5	5	1
Totals	22	63	58

X. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

DA-20-13 ON REMAND FROM CIRCUIT COURT (2014-CH-5306)

Employee	Frank Roman	Appeal Date	11/27/12
Agency	State Police	Decision Date	03/07/14
Type	Suspension and Discharge	ALJ	Daniel Stralka
Proposal for	Charges are proven and warrant	Final Decision	Proposal for Decision
Decision	a 90-day suspension plus the is modified to uphold		is modified to uphold
	suspension pending discharge. the discharge.		
Remanded	Decision for discharge is reversed; remanded to the Commission.		

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE FINDINGS OF FACT OF SAID PROPOSAL WITH MODIFICATIONS AND PARTIALLY AFFIRM AND ADOPT THE CONCLUSIONS OF LAW OF SAID PROPOSAL WITH MODIFICATIONS WHILE MODIFYING THE APPROPRIATE LEVEL OF DISCIPLINE TO BE IMPOSED AS SET FORTH IN THE FINDINGS AND DECISION ON REMAND. THE UNDERSIGNED HAVE DETERMINED THAT DISCHARGE IS THE APPROPRIATE LEVEL OF DISCIPLINE.

IT IS HEREBY DETERMINED THAT THE WRITTEN CHARGES FOR DISCHARGE APPROVED BY THE DIRECTOR OF THE ILLINOIS DEPARTMENT OF CENTRAL MANAGEMENT SERVICES HAVE BEEN PROVEN. HOWEVER, THE COMMISSION FINDS THAT THE ADMINISTRATIVE LAW JUDGE PLACED AN INSUFFICIENT EMPHASIS ON A NUMBER OF FACTORS THAT FAVOR A GREATER PENALTY WHEN DETERMINING THE LEVEL OF DISCIPLINE TO IMPOSE.

1. ROMAN WAS UNABLE TO PROVIDE ANY CREDIBLE EXPLANATION FOR ADJUSTING THE VIEW OF THE LASALLE STREET ENTRANCE CAMERA TO EXCLUDE THE POLICE DESK, HIS ASSIGNED POST. LATER WHEN THE RESPONSIBLE GUARD PANNED THE CAMERA OUT TO INCLUDE THE POLICE DESK, ROMAN WAS NOT THERE AND HAD NOT PROVIDED HER WITH THE REQUIRED NOTICE THAT HE WAS THE INFERENCE TO BE DRAWN FROM LEAVING THE DESK. ROMAN'S ACTION IS THAT HE WANTED TO AVOID BEING OBSERVED AT HIS ASSIGNED POST SO HE COULD BE DERELICT IN HIS DUTIES. THE DELETERIOUS EFFECT THIS HAS ON THE SECURITY OF THE BUILDING WAS ESTABLISHED TWICE: ONCE WHEN GUARD LEWIS PANNED THE CAMERA OUT AND ROMAN WAS NOT AT THE POLICE DESK, AND THE SECOND TIME WHEN THE EMPLOYEE ENTERED AND NEGLECTED TO SWIPE THEIR ACCESS CARD AT THE POLICE DESK. WITH REGARD TO THE FORMER, THIS IS A MUCH MORE SERIOUS INCIDENT THAT THE ADMINISTRATIVE LAW JUDGE CONSIDERED IT. A GUARD POST BEING INEXPLICABLY UNMANNED COULD INDICATE THAT A SECURITY BREACH ALREADY OCCURRED AND THE ASSIGNED GUARD WAS IN SOME DANGER. AS TO THE LATTER, CONTRARY TO ¶18 OF THE FINDINGS OF FACT, THIS WAS AN UNAUTHORIZED ENTRY SINCE THE AFTER-HOURS EMPLOYEE DID NOT DISPLAY THEIR BADGE TO THE POLICE DESK GUARD FOR THE FIRST VISUAL CONFIRMATION, AND THEN THE EMPLOYEE COMPLETELY NEGLECTED THE SECOND STEP OF THE PROCESS. IF THE POLICE DESK WAS MANNED, THE GUARD COULD HAVE ENFORCED THE PROPER SECURITY MEASURES. A SECURITY LAPSE OF THIS NATURE NEED NOT RESULT IN AN ACTUAL SECURITY BREACH FOR IT TO WARRANT AN EMPLOYEE'S DISCHARGE.

- 2. IN ¶19 OF THE FINDINGS OF FACT, THE ADMINISTRATIVE LAW JUDGE FOUND THAT THERE WAS NO EVIDENCE THAT ROMAN TOOK ADVANTAGE OF HIS REPOSITIONING OF THE CAMERA. THIS FINDING OF FACT IS MODIFIED IN THAT THERE WAS NO VISUAL EVIDENCE THAT ROMAN TOOK ADVANTAGE OF THE REPOSITIONING. IT WAS ROMAN'S OBLIGATION TO BE AT HIS POST. HIS ABSENCE FROM THE POLICE DESK WITHOUT NOTICE IS SUFFICIENT TO ESTABLISH THAT HE TOOK ADVANTAGE OF THE REPOSITIONING TO TAKE ACTIONS NOT IN FURTHERANCE OF HIS DUTIES.
- 3. ROMAN HAS A HISTORY OF POOR PERFORMANCE EVALUATIONS AS SET FORTH IN ¶23 OF THE FINDINGS OF FACT. THIS IS A SPECIFIC FACTOR TO BE CONSIDERED IN DETERMINING THE APPROPRIATE LEVEL OF DISCIPLINE IN ACCORDANCE WITH CIVIL SERVICE COMMISSION RULES WHICH WAS GIVEN INSUFFICIENT WEIGHT BY THE ADMINISTRATIVE LAW JUDGE IN ¶10(H) OF THE CONCLUSIONS OF LAW.
- 4. ROMAN HAS SIGNIFICANT DISCIPLINARY HISTORY WHICH **INCLUDES OFFENSES THAT INDICATE LACK** A OF THE ILLINOIS STATE POLICE IS NOT TRUSTWORTHINESS. REQUIRED TO EMPLOY THOSE WHO CANNOT BE TRUSTED TO PERFORM THEIR REQUIRED DUTIES. THIS IS CORROBORATED BY ¶17 OF THE FINDINGS OF FACT THAT ROMAN'S TESTIMONY WAS NOT CREDIBLE.
- 5. ¶9 OF THE CONCLUSIONS OF LAW IS REJECTED IN ITS ENTIRETY. EITHER OFFENSE IS SUFFICIENT TO WARRANT DISCHARGE.
- 6. ¶10(B) OF THE CONCLUSIONS OF LAW FAILS TO REFLECT THE SERIOUSNESS OF ROMAN REPOSITIONING THE CAMERA WITHOUT EXPLANATION OR AUTHORITY. WHILE IT ACKNOWLEDGES THAT REPOSITIONING IS NOT ALLOWED, IT FAILS TO APPLY SUFFICIENT WEIGHT TO THIS VIOLATION APPROPRIATELY WHEN DETERMINING IF IT COULD SUPPORT DISCHARGE.

7. ROMAN'S OWN TESTIMONY WAS THAT HE VACATED HIS POST WHILE ON DUTY. EVEN THOUGH IT APPEARS TO BE SOMETHING OF AN ACCEPTED PRACTICE ON THE FIRST SHIFT, IT IS MORE EVIDENCE OF ROMAN'S LACK OF DEDICATION TO HIS ASSIGNMENT.

THE FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE PROPOSAL FOR DECISION ARE AFFIRMED AND ADOPTED, EITHER EXPLICITLY OR IMPLICITLY, TO THE EXTENT THEY ARE CONSISTENT WITH THE ABOVE FINDINGS. TO THE EXTENT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW ARE INCONSISTENT, THEY ARE MODIFIED. CONSIDERING THESE FINDINGS AND THE NATURE OF THE OFFENSES, THEY REFLECT A SUBSTANTIAL SHORTCOMING THAT RENDERS ROMAN'S CONTINUANCE IN HIS POSITION DETRIMENTAL TO THE DISCIPLINE AND EFFICIENCY OF THE SERVICE AND LAW AND SOUND PUBLIC OPINION RECOGNIZE AS GOOD CAUSE TO REMOVE HIM FROM HIS POSITION.

THE UNDERSIGNED FIND THAT THE CHARGES HAVE BEEN PROVEN. AS A RESULT OF THE ABOVE FINDINGS, THE RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE THAT A 90-DAY SUSPENSION PLUS THE DURATION OF THE SUSPENSION PENDING DISCHARGE IS THE APPROPRIATE LEVEL OF DISCIPLINE IS MODIFIED BY THE IMPOSITION OF A GREATER LEVEL OF DISCIPLINE. THE APPROPRIATE LEVEL OF DISCIPLINE IN THIS MATTER IS THE DISCHARGE OF FRANK J. ROMAN III FROM HIS POSITION OF GUARD 2 WITH THE ILLINOIS STATE POLICE FOR THE REASONS SET FORTH ABOVE.

BATES	YES	CUMMINGS	YES
KREY	YES	URLACHER	YES

DA-24-15

Employee	Marcus Olugosi	Appeal Date	11/17/14
Agency	Human Services	Decision Date	08/06/15
Appeal Type	Discharge	Proposal for	Discharge upheld.
ALJ	Andrew Barris	Decision	

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, 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 AUGUST 6, 2015.

DA-25-15

Employee	Nikki M. Malley	Appeal Date	12/01/14
Agency	Human Services	Decision Date	08/07/15
Appeal Type	Discharge	Proposal for	Appeal upheld; employee
ALJ	Andrew Barris	Decision	to be reinstated.

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, 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 WRITTEN CHARGES FOR DISCHARGE APPROVED BY THE DIRECTOR OF THE ILLINOIS DEPARTMENT OF CENTRAL MANAGEMENT SERVICES HAVE NOT BEEN PROVEN BY A PREPONDERANCE OF THE EVIDENCE SO THE DISCHARGE IS SET ASIDE IN WHOLE AND NIKKI MALLEY IS TO BE REINSTATED TO HER POSITION OF PUBLIC SERVICE ADMINISTRATOR WITH THE ILLINOIS DEPARTMENT OF HUMAN SERVICES.

BATES YES CUMMINGS YES KREY YES URLACHER YES

XI. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

DA-46-15

Employee	Demetrius W. Harper	Appeal Date	5/22/15
Agency	Corrections	Decision Date	8/10/15
Appeal Type	Discharge	Proposal for	Dismissed; withdrawn.
ALJ	Andrew Barris	Decision	

D-51-15

Employee	Shawn P. Duffy	Appeal Date	6/15/15
Agency	Corrections	Decision Date	7/28/15
Appeal Type	Demotion	Proposal for	Dismissed; withdrawn.
ALJ	Andrew Barris	Decision	

DR-5-16

Employee	Sybil R. Watson	Appeal Date	7/28/15
Agency	Veterans' Affairs	Decision Date	8/05/15
Appeal Type	Declaratory Ruling	Proposal for	Dismissed; withdrawn.
ALJ	Andrew Barris	Decision	

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, 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.

BATES YES CUMMINGS YES KREY YES URLACHER YES

XII. <u>STAFF REPORT</u>

Assistant Executive Director Barris notified the Commissioners of the expansion of the Interagency Committee on Employees with Disabilities (ICED). Chairman Bates inquired as to the functions of the ICED which Barris replied to. Chairman Bates went on to note some of the outreach he has been doing with members of the General Assembly on behalf of the Commission and suggested that we all do the same so they are aware of the role the Commission plays in the administration of the personnel system for the State.

Executive Director Stralka reported:

- There is no fiscal year 2016 budget yet so there is no authority for travel reimbursements. He encouraged the Commissioners to submit their travel times so he can proceed promptly once a budget is passed.
- The Commission's meeting schedule for calendar year 2016 will be on next month's agenda and asked if they wanted to consider any changes in times, dates and locations. A general discussion on this topic ensued in which all the Commissioners participated.

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held on Friday, September 18, 2015 at 11:00 a.m. in the Commission's Chicago office.

XIV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0 TO ADJOURN THE MEETING AT 2:45 P.M.