

September 17, 2020

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
September 17, 2020

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:05 A.M. AT 607 E. ADAMS STREET, SUITE 801, SPRINGFIELD, IL

II. ROLL CALL AND CONFIRMATION OF A QUORUM

Timothy D. Sickmeyer (by telephone), Chairman; G.A. Finch (by telephone), David Luechtefeld (by telephone), Teresa C. Smith (by telephone) and Vivian Robinson (by telephone), Commissioners; Thomas Klein, Executive Director, Andrew Barris (by telephone), Assistant Executive Director, Sabrina Johnson (by telephone), Exemption Monitor, and Alexandra Myers, Executive Secretary; Sarah Kerley (by telephone), Chris Nichols (by telephone) and Sheila Tapscott (by telephone), Central Management Services; Declan Binninger (by telephone) and Kevin Moore (by telephone), Illinois Emergency Management Agency; Kathy Griffin (by telephone) Pollution Control Board; Rukhaya Alikhan (by telephone) and Justin DeWitt (by telephone) Department of Public Health.

Executive Director Klein confirmed there was a quorum in light of the Governor's Emergency Declaration and Chairman Sickmeyer's determination that it is neither practical nor prudent to have an in-person meeting.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD AUGUST 20, 2020

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER LUECHTEFELD, AND THE MOTION ADOPTED 5-0, TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD AUGUST 20, 2020.

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 Thomas Klein 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. 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)

* * *

B. Requests for 4d(3) Exemption

- Exemption Monitor Sabrina Johnson indicated that Item B was a request for a Bureau Chief of Recovery Operations at Illinois Emergency Management Agency (IEMA), a position that reports to the Director. This position is a policy formulating official who determines and implements policy for the Bureau of Recovery Operations and manages, organizes and evaluates the operation related to Individual Assistance and Public Assistance Programs. This position functions as the State Coordinating Officer and as the Governor's Authorized Representative during major disasters as declared by the President. Staff recommended this exemption request be granted. Kevin Moore, Chief of Staff with IEMA, indicated this position has duties in policy making, reviews and implements policy and has authority over the State's approach to disasters.
- Exemption Monitor Sabrina Johnson indicated that Item C was a request for a Chief Fiscal Officer at Illinois Pollution Control Board (PCB), a position that reports to the Chairman. This position oversees and controls the budget preparation, expenditures, fiscal recommendations, internal audits and all procurement and contractual obligations. This position supervises the Human Resources Section. Staff recommended this exemption request be granted. PCB had no additional comments to add regarding this position.

Exemption Monitor Sabrina Johnson indicated that Items D1 and D2 were requests for Deputy General Counsel positions at the Department of Public Health (DPH), both positions report to the General Counsel, who reports to the Director.

- Item D1 formulates and implements policy and procedures related to the regulation and enforcement of entities with long term care facilities, hospitals, ambulatory surgical treatment centers and emergency medical services systems. This position represents DPH in administrative hearings, legal coordination on litigation matters involving healthcare facilities and serves as spokesperson. Staff recommended this exemption request be granted.
- Item D2 formulates and implements policy and procedures related to health facilities and environmental health including licensing, administrative reviews, administrative rules and related laws. This position conducts and coordinates investigations, interpret case law, develops and reviews contracts and is the agency's Ethics Officer. Staff recommended this exemption request be granted.

Exemption Monitor Sabrina Johnson indicated that Items D3 and D4 were requests for Division Chief positions at DPH, both positions report to the Deputy Director of Disease Control, who reports to the Director. Items D3 and D4 formulate, develop, implement and execute policies and procedures for their Division, and work closely with Deputy Director and Medical Director on State strategies.

- Item D3 is a request for a Division Chief for Contact Tracing, this position will oversee State strategies for controlling infectious diseases such as COVID-19 within Illinois and advise the Deputy Director on status and progress of programs administered. This position establishes long range goals and objectives for both short- and long-term policies for improvement in the delivery of health services throughout the State and serves as spokesperson for the Contact Tracing Program. DPH and Staff agreed to seek exemption of two years for this position. Staff recommended this exemption request be granted with a term expiring on August 31, 2022.
- Item D4 is a request for a Division Chief for Testing, this position will oversee State strategies for testing for diseases, disorders and harmful substances affecting public health. This position will prepare confidential materials for the Director and engage in administering and implementing laws and programs related to testing as part of the State's efforts to control infectious diseases within Illinois. This position serves as spokesperson for the Division of Testing and presents information on contact tracing issues with federal, state and local authorities. Staff recommended this exemption request be granted.

Justin DeWitt, Chief of Staff with DPH, indicated DPH is seeking a two years exemption for both Item D3 and Item D4.

Commissioner Luechtefeld inquired if these four positions were newly established positions. Mr. DeWitt indicated the two Deputy General Counsel positions were not new and one position was currently filled and Items D3 and D4 are newly established positions.

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

- B: Bureau Chief of Recovery Operations (EMA)**
- C: Chief Fiscal Officer (PCB)**
- D1: Deputy General Counsel (DPH)**
- D2: Deputy General Counsel (DPH)**

B. Illinois Emergency Management Agency

Position Number	40070-50-17-040-20-01
Functional Title	Bureau Chief of Recovery Operations
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

C. Illinois Pollution Control Board

Position Number	40070-50-80-000-00-05
Functional Title	Chief Fiscal Officer
Incumbent	Vacant
Supervisor	Chairman
Location	Sangamon County

D1. Illinois Department of Public Health

Position Number	40070-20-02-100-00-81
Functional Title	Deputy General Counsel
Incumbent	Rukhaya Alikhan
Supervisor	General Counsel who reports to the Director
Location	Cook County

D2. Illinois Department of Public Health

Position Number	40070-20-02-150-00-01
Functional Title	Deputy General Counsel
Incumbent	Vacant
Supervisor	General Counsel who reports to the Director
Location	Sangamon County

IT WAS MOVED BY COMMISSIONER ROBINSON, SECONDED BY COMMISSIONER SMITH, AND THE MOTION ADOPTED 5-0 TO GRANT THE 4d(3) EXEMPTION REQUEST THROUGH AUGUST 31, 2022 FOR THE FOLLOWING POSITIONS:

- D3: Division Chief for Contact Tracing (DPH)**
- D4: Division Chief for Testing (DPH)**

D3. Illinois Department of Public Health through August 31, 2022

Position Number	40070-20-82-000-00-81
Functional Title	Division Chief for Contact Tracing
Incumbent	Vacant
Supervisor	Deputy Director of Disease Control who reports to the Director
Location	Cook County

D4. Illinois Department of Public Health through August 31, 2022

Position Number	40070-20-83-000-00-81
Functional Title	Division Chief for Testing
Incumbent	Vacant
Supervisor	Deputy Director of Disease Control who reports to the Director
Location	Cook 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 abolishment, creation and revision by the Director of the Illinois Department of Central Management Services (CMS):

B. Corrections Medical Technician (abolish)
Licensed Practical Nurse-Corrections (create)

Assistant Executive Director Andrew Barris reported that, prior to the meeting, Chris Nickols from CMS Technical Services contacted the Commission and requested that Item B be withdrawn from the agenda because the agency sought further revisions to the proposal. At the meeting, Nickols was present by telephone and confirmed the request, and Item B was withdrawn from the agenda.

C. Registered Nurse 2 (revise)

- Regarding Item C, Assistant Executive Director Andrew Barris reported that the revision was proposed to require a Certification in Infection Prevention and Control for some positions within the Registered Nurse 2 class. The proposed revision was agreed to through collective bargaining and would not result in any changes in compensation. As such, the staff recommended approval of the request.

IT WAS MOVED BY COMMISSIONER LUECHTEFELD, SECONDED BY COMMISSIONER SMITH, AND THE MOTION ADOPTED 5-0 TO APPROVE THE REVISION OF THE FOLLOWING CLASS TITLE TO BE EFFECTIVE ON OCTOBER 1, 2020:

C. Registered Nurse 2

IT WAS MOVED BY COMMISSIONER FINCH, 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

IT WAS MOVED BY COMMISSIONER LUECHTEFELD, SECONDED BY COMMISSIONER SMITH, 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.

September 17, 2020

VIII. MOTION TO CLOSE A PORTION OF THE MEETING

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER ROBINSON, 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
SMITH	YES		

September 17, 2020

IX. RECONVENE THE OPEN MEETING

Upon due and proper notice, the regular open meeting of the Illinois Civil Service Commission was reconvened at 607 E. Adams Street, Suite 801, Springfield, IL at 11:45 a.m.

ROLL CALL AND CONFIRMATION OF A QUORUM

Timothy D. Sickmeyer (by telephone), Chairman; G.A. Finch (by telephone), David Luechtefeld (by telephone), Teresa C. Smith (by telephone) and Vivian Robinson (by telephone), Commissioners; Thomas Klein, Executive Director, Andrew Barris (by telephone), Assistant Executive Director, Sabrina Johnson (by telephone), Exemption Monitor, and Alexandra Myers, Executive Secretary.

X. INTERLOCUTORY APPEAL

DA-1-21

Employee	Yolanda M. Villa	Appeal Date	7/02/20
Agency	Veterans' Affairs	Decision Date	9/04/20
Appeal Type	Discharge	Proposal for Decision	Dismissed subject to approval of Commission; default for failure to appear at hearing.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER LUECHTEFELD, SECONDED BY COMMISSIONER SMITH, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE TO DISMISS THE APPEAL FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION.

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	ROBINSON	YES
SMITH	YES		

XI. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

RV-1-20

Employee	Christine A. Roland	Appeal Date	7/05/19
Agency	Central Management Services and Corrections	Decision Date	9/04/20
Appeal Type	Rule Violation	Proposal for Decision	No violation.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER LUECHTEFELD, SECONDED BY COMMISSIONER ROBINSON, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION. COMMISSIONER SMITH RECUSED HERSELF.

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	ROBINSON	YES
SMITH			

RV-11-20

Employee	Joshua Christine	Appeal Date	9/23/19
Agency	Central Management Services and Corrections	Decision Date	9/04/20
Appeal Type	Rule Violation	Proposal for Decision	No violation.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER SMITH, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION.

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	ROBINSON	YES
SMITH	YES		

XII. STAFF REPORT

Executive Director Thomas Klein stated that Alexandra Myers started with the Commission on September 16. She will be trained by Executive Secretary Beckie Daniken until Ms. Daniken’s retirement at the end of October.

Executive Director Thomas Klein stated that the Governor’s Office of Management and Budget asked agencies to provide a plan to reduce spending from the appropriated amount for FY21 by 5%. GOMB also requested agencies prepare two budget requests for FY22. One with a flat budget and another with a 10% decrease from the FY21 budget. Klein stated that the reduction in travel costs due to COVID-19 will help the Commission with the 5% reduction for FY21 and stated he is examining how the Commission can provide a 10% reduction for FY22.

September 17, 2020

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held at 11:00 a.m. on Thursday, October 15, 2020 in the Springfield office of the Commission.

XIV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER ROBINSON, SECONDED BY COMMISSIONER SMITH, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 11:52 A.M.