

September 21, 2012

REGULAR MEETING AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
September 21, 2012

- I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:00 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

- II. PRESENT

- III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD AUGUST 17, 2012

WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD AUGUST 17, 2012?

- IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

V. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions from Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	136.....	12
Agriculture	430.....	16
Arts Council	18.....	2
Capitol Development Board.....	44.....	0
Central Management Services.....	1,551.....	114
Children and Family Services	2,897.....	50
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	389.....	69
Commerce Commission	73.....	0
Corrections.....	11,207.....	105
Criminal Justice Authority	59.....	5
Deaf and Hard of Hearing Comm.....	7.....	1
Developmental Disabilities Council.....	8.....	1
Emergency Management Agency.....	85.....	6
Employment Security.....	1,798.....	27
Environmental Protection Agency.....	835.....	16
Financial & Professional Regulation.....	451.....	42
Gaming Board	142.....	5
Guardianship and Advocacy	102.....	7
Healthcare and Family Services	2,075.....	25
Historic Preservation Agency.....	176.....	11
Human Rights Commission.....	14.....	2
Human Rights Department.....	138.....	8
Human Services	12,200.....	77
Illinois Sentencing Policy Advisory Council.....	2.....	2
Insurance	248.....	14
Investment Board	2.....	1
Juvenile Justice.....	1,190.....	21
Labor	93.....	11
Labor Relations Board Educational.....	11.....	2
Labor Relations Board State.....	17.....	2
Law Enforcement Training & Standards Bd.	17.....	2
Lottery.....	148.....	7
Military Affairs	121.....	3
Natural Resources	1,213.....	28
Pollution Control Board	20.....	1
Prisoner Review Board.....	16.....	0
Property Tax Appeal Board.....	26.....	1
Public Health.....	1,075.....	41
Racing Board.....	2.....	1
Revenue.....	1,635.....	51
State Fire Marshal	128.....	12
State Police.....	1,157.....	5
State Police Merit Board	5.....	1
State Retirement Systems.....	94.....	2
Transportation	2,253.....	0
Veterans' Affairs	1,347.....	9
Workers' Compensation Commission.....	136.....	8
TOTALS	45,795.....	826

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. Illinois Department of Human Services – Proposed Exemption (continued from August 17, 2012 meeting)

Position Number	40070-10-12-200-00-29
Position Title	Senior Public Service Administrator
Bureau/Division	Assistant Secretary’s Office
Functional Title	Manager, Latino Worker Safety & Immigration Policy
Incumbent	Vacant
Supervisor	Assistant Secretary who reports to the Secretary
Location	Cook County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

D. Illinois Sentencing Policy Advisory Council – Proposed Exemption (continued from August 17, 2012 meeting)

Position Number	40070-50-04-100-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Research
Functional Title	Research Director
Incumbent	Vacant
Supervisor	Executive Director
Location	Sangamon County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

E. Illinois Department of Children & Family Services – Proposed Exemption

Position Number	40070-16-00-220-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director’s Office
Functional Title	Deputy Chief of Staff-Cook County
Incumbent	Vacant
Supervisor	Chief of Staff, who reports to the Director
Location	Cook County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

F. Illinois Department of Children & Family Services – Proposed Exemption

Position Number	40070-16-00-230-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director’s Office
Functional Title	Deputy Chief of Staff-Downstate
Incumbent	Vacant
Supervisor	Chief of Staff, who reports to the Director
Location	Rock Island County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

G. Illinois Department of Corrections – Proposed Exemption

Position Number	40070-29-02-500-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Programs and Support Services
Functional Title	Mental Health Services Supervisor
Incumbent	Vacant
Supervisor	Chief of Programs & Support Services, who reports to the Assistant Director, who in turn reports to the Director
Location	Will County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

H. Illinois Department of Human Services – Proposed Exemption

Position Number	40070-10-00-000-11-01
Position Title	Senior Public Service Administrator
Bureau/Division	Secretary’s Office
Functional Title	Health Care & Human Services Liaison
Incumbent	Vacant
Supervisor	Secretary
Location	Cook County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

I. Illinois Department of Human Services – Proposed Exemption

Position Number	40070-10-00-000-12-29
Position Title	Senior Public Service Administrator
Bureau/Division	Secretary’s Office
Functional Title	Director, Governor’s Office of New Americans (GONA)
Incumbent	Vacant
Supervisor	Secretary
Location	Cook County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

J1. Illinois Department of Employment Security – Proposed Exemption

Position Number	40070-44-20-010-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Service Delivery
Functional Title	Assistant Deputy Director of the Bureau of Service Delivery
Incumbent	Vacant
Supervisor	Executive Deputy Director of Service Delivery who reports to the Director
Location	Cook County

J2. Illinois Department of Employment Security – Proposed Exemption

Position Number	40070-44-21-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Service Delivery/Employment Services Program
Functional Title	Employment Services Program Manager
Incumbent	Bennett R. Krause
Supervisor	Executive Deputy Director of Service Delivery who reports to the Director
Location	Sangamon County

J3. Illinois Department of Employment Security – Proposed Exemption

Position Number	40070-44-22-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Service Delivery/Unemployment Insurance Program
Functional Title	Unemployment Insurance Program Manager
Incumbent	Frank G. DeMore
Supervisor	Executive Deputy Director of Service Delivery who reports to the Director
Location	Cook County

CMS Recommendation: “These positions do meet the reporting criteria of the Commission Rules and considering the similarities of these requested positions with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

K. Illinois Historic Preservation Agency – Proposed Exemption

Position Number	40070-48-55-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Abraham Lincoln Presidential Library & Museum (ALPLM) - Programs
Functional Title	Division Manager of Museum Programs
Incumbent	Vacant
Supervisor	ALPLM Deputy Director who reports to the Director
Location	Sangamon County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

L. Illinois Pollution Control Board– Proposed Exemption

Position Number	40070-50-80-000-00-04
Position Title	Senior Public Service Administrator
Functional Title	General Counsel
Incumbent	Vacant
Supervisor	Chairman of the Illinois Pollution Control Board
Location	Cook County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

WILL THE COMMISSION GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS?

- C: Manager, Latino Worker Safety & Immigration Policy (Human Services)**
- D: Research Director (Illinois Sentencing Policy Advisory Council)**
- E: Deputy Chief of Staff-Cook County (Children & Family Services)**
- F: Deputy Chief of Staff-Downstate (Children & Family Services)**
- G: Mental Health Services Supervisor (Corrections)**
- H: Health Care & Human Services Liaison (Human Services)**
- I: Director, Governor’s Office of New Americans (Human Services)**

- J1: Assistant Deputy Director of the Bureau of Service Delivery (Employment Security)**
- J2: Employment Services Program Manager (Employment Security)**
- J3: Unemployment Insurance Program Manager (Employment Security)**
- K: Division Manager of Museum Programs, ALPLM (Historic Preservation)**
- L: General Counsel (Pollution Control Board)**

VI. CLASS SPECIFICATIONS

- **None submitted.**

WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY?

VII. MOTION 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, WILL THE COMMISSION CLOSE A PORTION OF THE MEETING TO CONSIDER APPEALS FILED WITH THE COMMISSION, LITIGATION, AND/OR SPECIFIED EMPLOYMENT MATTERS?

VIII. RECONVENE THE REGULAR OPEN MEETING

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. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Appointment Reports.

Agency	7/31/12	8/31/12	8/31/11
Aging	2	2	1
Agriculture	1	1	4
Arts Council	1	1	0
Central Management Services	1	1	3
Children and Family Services	10	7	5
Employment Security	1	1	5
Healthcare and Family Services	4	7	4
Historic Preservation Agency	0	7	7
Human Rights Department	1	0	0
Human Services	0	3	2
Natural Resources	7	10	29
Property Tax Appeal Board	0	0	5
Revenue	2	2	1
State Fire Marshal	0	0	1
Transportation	4	11	1
Veterans' Affairs	0	2	1
Workers' Compensation Commission	0	0	1
Totals	34	55	70

X. INTERLOCUTORY APPEAL

DA-5-12

Employee	Regina Murphy	Appeal Date	8/16/12
Agency	Human Services	Decision Date	9/10/12
Type	Discharge	ALJ	Daniel Stralka
Issue(s)	Failure to appear at scheduled hearing	Proposal for Decision	Grant Motion to Dismiss subject to approval of Commission; default.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

XI. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

DA-10-10 ON REMAND FROM APPELLATE COURT (1-11-1200)

Employee	Daniel Coleman	Appeal Date	4/06/08
Agency	Human Services	Decision Date	3/06/09
Type	Discharge	ALJ	Daniel Stralka
Recommended Decision	90-day suspension in lieu of discharge	Final Decision	Discharge upheld.
Remanded	On August 3, 2012 with directions to issue a decision consistent with the ALJ's recommendation that Coleman receive a 90-day suspension from employment	Proposal for Decision on Remand	90-day suspension in lieu of discharge.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION ON REMAND IN THE ABOVE MATTER?

DA-44-12

Employee	Kristoffer Hanczar	Appeal Date	2/14/12
Agency	Juvenile Justice	Decision Date	9/07/12
Type	Discharge	Proposal for Decision	Appeal granted; employee to be reinstated.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

RV-50-12

Employee	Rick D. Anderson	Appeal Date	4/05/12
Agency	Central Management Services	Decision Date	8/17/12
Type	Rule Violation	ALJ	Andrew Barris
Issue(s)	Request for review of Step 4 grievance decisions; violation of Sections 301.10, 301.170, 310.20, and 310.420 regarding fair and equitable salaries	Proposal for Decision	No jurisdiction over denied grievances; no violation.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

XII. APPEAL TERMINATED WITHOUT DECISION ON THE MERITS

S-56-12

Employee	Martha Lucas	Appeal Date	6/29/12
Agency	Human Services	Decision Date	9/04/12
Type	Suspension	Proposal for Decision	Dismissed subject to approval of Commission; settled.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

XIII. FY 2012 ANNUAL REPORT

WILL THE COMMISSION APPROVE THE FISCAL YEAR 2012 ANNUAL REPORT?

XIV. STAFF REPORT

XV. ANNOUNCEMENT OF NEXT REGULAR OPEN MEETING

The next regular open meeting is to be held on Friday, October 19, 2012 at 11:00 a.m. in the Commission's Chicago office.

XVI. MOTION TO ADJOURN