

March 19, 2010

AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
March 19, 2010

I. OPENING OF MEETING AT 11:00 A.M. AT 160 NORTH LASALLE STREET,
SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD FEBRUARY 19, 2010

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR
MEETING HELD FEBRUARY 19, 2010?**

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

A. Report on Exempt Positions

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging	144.....	9
Agriculture	431.....	16
Arts Council.....	19.....	2
Capitol Development Board	45.....	0
Central Management Services	1,431.....	116
Children and Family Services	3,034.....	48
Civil Service Commission	4.....	0
Commerce & Economic Opportunity	423.....	69
Commerce Commission.....	71.....	0
Corrections.....	11,340.....	104
Criminal Justice Authority.....	59.....	5
Deaf and Hard of Hearing Comm.	7.....	1
Developmental Disabilities Council	9.....	1
Emergency Management Agency	96.....	6
Employment Security.....	1,962.....	28
Environmental Protection Agency	935.....	17
Financial & Professional Regulation	498.....	41
Gaming Board.....	82.....	7
Guardianship and Advocacy	112.....	7
Healthcare and Family Services.....	2,317.....	26
Historic Preservation Agency	199.....	11
Human Rights Commission	14.....	2
Human Rights Department	148.....	9
Human Services	13,667.....	75
Insurance.....	231.....	9
Investment Board.....	3.....	1
Juvenile Justice	1,241.....	20
Labor.....	81.....	7
Labor Relations Board Educational	12.....	2
Labor Relations Board State	18.....	2
Law Enforcement Training & Standards Bd.....	17.....	2
Medical District Commission	2.....	0
Military Affairs	122.....	3
Natural Resources	1,286.....	24
Pollution Control Board.....	20.....	1
Prisoner Review Board	20.....	0
Property Tax Appeal Board	21.....	1
Public Health.....	1,092.....	43
Racing Board	3.....	0
Revenue	2,044.....	61
State Fire Marshal.....	140.....	12
State Police	1,339.....	5
State Police Merit Board.....	6.....	1
State Retirement Systems	84.....	2
Transportation.....	4,136.....	0
Veterans' Affairs.....	1,189.....	7
Workers' Compensation Commission	173.....	8
TOTALS	50,327.....	811

B. Governing Rule – Jurisdiction B Exemptions

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
 1. The Governor, or
 2. A departmental director or assistant director appointed by the Governor, or
 3. A board or commission appointed by the Governor, or
 4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
 5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
 6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
 7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.
- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
 1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
 2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board, or commission.
 3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

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C. Illinois Department of Corrections – Proposed Exemption (continued from February 19, 2010 as position number 40070-29-00-200-10-01)

Position Number	40070-29-00-000-01-03 ¹
Position Title	Senior Public Service Administrator
Bureau/Division	Director’s Office
Functional Title	Public Safety Officer Liaison
Incumbent	Vacant
Supervisor	Director
Location	Cook County

CMS Recommendation: “The 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.”

D1. Illinois Department of Corrections – Proposed Exemption

Position Number	40070-29-05-150-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Parole
Functional Title	Statewide Supervisor of Adult Transitional Centers
Incumbent	Vacant
Supervisor	Chief of Parole who reports to the Assistant Director who in turn reports to the Director
Location	Cook County

D2. Illinois Department of Corrections – Proposed Exemption

Position Number	40070-29-02-800-05-01
Position Title	Senior Public Service Administrator
Bureau/Division	Programs and Support Services
Functional Title	Medical Coordinator
Incumbent	Vacant
Supervisor	Chief of Health Services, who reports to Chief, Programs and Support Services, who reports to the Assistant Director, who in turn reports to the Director
Location	Sangamon 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.”

¹ The Commission was notified on March 3, 2010 that effective February 16, 2010 the position number for the Public Safety Officer Liaison was changed from 40070-29-00-200-10-01 to 40070-29-00-000-01-03.

E. Illinois Department on Aging – Proposed Exemption

Position Number	40070-47-70-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Circuit Breaker/Pharmaceutical Assistance
Functional Title	Manager
Incumbent	Vacant
Supervisor	Deputy Director who reports to the Director
Location	Sangamon County

CMS Recommendation: “The 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 Emergency Management Agency – Proposed Exemption

Position Number	40070-50-17-500-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Bureau of Operations
Functional Title	Chief of Operations
Incumbent	James Watts
Supervisor	Director
Location	Sangamon County

CMS Recommendation: “The 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 REQUESTS FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS?

- C: Public Safety Officer Liaison**
- D1: Statewide Supervisor of Adult Transitional Centers**
- D2: Medical Coordinator**
- E: Manager, Division of Circuit Breaker/Pharmaceutical Assistance**
- F: Chief of Operations**

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V. CLASS SPECIFICATIONS

The following class titles were submitted for creation by the Director of Central Management Services:

Position Titles:

Gaming Special Agent

Gaming Senior Special Agent

Gaming Special Agent Trainee

Classification Analysis: “The Gaming Board has requested a separate classification series, based on the need to fill positions directly from the law enforcement community, with the added flexibility to bypass the trainee classification. The similar Revenue Special Agent series currently being used requires entry through the Trainee classification, and individuals must successfully complete police academy training, physical fitness and agility requirements, and acclimate to law enforcement work. The cost of academy training, plus the numbers of individuals who fail to complete the training program have been a significant problem in the past. In addition, the Gaming Board would like to start up the new Video Gaming program as rapidly as possible. To do this, they would post and fill positions which are already qualified as peace officers, and provide additional training as the new staff complete assignments of increasing difficulty and responsibility.

The trainee class level is retained in the new series to provide added flexibility in candidate selection should more specialized skills and training be required.

RC-062 would appear to be the appropriate bargaining unit for this work, since employees already working for the Board as revenue special agents are represented in this bargaining unit. The Gaming Board has advised that they would continue to provide for semi-automatic advancement as is currently afforded to existing employees in the Revenue Special Agent series.

The requirements have been adjusted to show appropriate progression between the class levels.”

WILL THE COMMISSION APPROVE THE CREATION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE APRIL 1, 2010?

Gaming Special Agent

Gaming Senior Special Agent

Gaming Special Agent Trainee

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

VI. MOTION TO GO INTO EXECUTIVE SESSION

PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT, WILL THE COMMISSION HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS FILED WITH THE COMMISSION, LITIGATION, AND/OR SPECIFIED EMPLOYMENT MATTERS?

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VII. RECONVENE MEETING

VIII. 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	1/31/10	2/28/10	2/28/09
Aging	1	1	0
Agriculture	1	0	0
Central Management Services	0	0	1
Children and Family Services	5	4	4
Commerce and Economic Opportunity	2	0	0
Criminal Justice Authority	0	0	1
Employment Security	4	3	3
Healthcare and Family Services	3	2	5
Historic Preservation Agency	1	1	0
Natural Resources	6	2	1
State Police	0	0	0
Transportation	21	21	17
Workers' Compensation Commission	0	0	1
Totals	44	34	33

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IX. REMANDED APPEAL OF BENNIE WILLIAMS, JR.²

DA-54-08

Employee	Bennie Williams, Jr.	Appeal Date	06/16/08
Agency	DOT	Decision Date	12/05/08
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Threat of violence in the workplace; disruptive conduct	Court Decision on Remand	Charges are partially proven and warrant discipline other than discharge.

WILL THE COMMISSION AFFIRM AND ADOPT THE DECISION IMPOSING APPROPRIATE DISCIPLINE OTHER THAN DISCHARGE IN THE ABOVE MATTER?

X. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

• **DISCHARGE**

DA-31-09

Employee	David Kurfman	Appeal Date	02/25/09
Agency	DHS	Decision Date	03/05/10
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Unauthorized absences; insubordination; conduct unbecoming	Recommended Decision	Charges are partially proven and warrant discharge.

DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION IN THE ABOVE MATTER?

² Discharge was upheld by the Commission on December 18, 2008. On Administrative Review (09 L 50046), the Circuit Court remanded the case to the Commission for imposition of appropriate discipline other than discharge.

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- **DISCHARGE**

DA-19-10

Employee	Kristen M. Pool	Appeal Date	11/16/09
Agency	DHS	Decision Date	03/05/10
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Submitting a false or altered physician's statement; unauthorized absences	Recommended Decision	Charges are partially proven and warrant 60-day suspension.

DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION IN THE ABOVE MATTER?

XI. PROPOSED REVISIONS TO CIVIL SERVICE COMMISSION RULES

WILL THE COMMISSION ADOPT AND RATIFY THE REVISIONS TO THE CIVIL SERVICE COMMISSION RULES AS APPROVED BY THE JOINT COMMITTEE ON ADMINISTRATIVE RULES?

XII. STAFF REPORT

XIII. ANNOUNCEMENT OF NEXT MEETING

The next regular meeting is to be held on Friday, April 16, 2010 at 11:00 a.m. in the Commission's Chicago office.

XIV. MOTION TO ADJOURN