

April 16, 2010

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
April 16, 2010

I. OPENING OF MEETING AT 11:05 A.M. AT 160 NORTH LASALLE STREET,
SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman (by telephone); Raymond W. Ewell, Barbara J. Peterson, Betty A. Bukraba, and Ares G. Dalianis, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director (by telephone); Jan Oncken, Roneta Taylor (by telephone), and Bill Lipsmire (by telephone), Illinois Department of Central Management Services; and Andrew Stolfi, Illinois Department of Insurance.

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

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED 5-0 TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON MARCH 19, 2010.

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

A. Report on Exempt Positions

<u>Agency</u>	<u>Total Employees</u>	<u>No. of Exempt Positions</u>
Aging	143.....	10
Agriculture	427.....	16
Arts Council.....	19.....	2
Capitol Development Board	45.....	0
Central Management Services	1,413.....	115
Children and Family Services	3,016.....	48
Civil Service Commission	4.....	0
Commerce & Economic Opportunity	422.....	68
Commerce Commission.....	71.....	0
Corrections.....	11,265.....	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.....	1,951.....	29
Environmental Protection Agency	932.....	17
Financial & Professional Regulation	494.....	41
Gaming Board.....	81.....	7
Guardianship and Advocacy	112.....	7
Healthcare and Family Services.....	2,304.....	26
Historic Preservation Agency	199.....	11
Human Rights Commission	14.....	2
Human Rights Department	148.....	9
Human Services	13,791.....	75
Insurance.....	230.....	9
Investment Board.....	3.....	1
Juvenile Justice	1,231.....	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	1,276.....	25
Pollution Control Board.....	20.....	1
Prisoner Review Board	20.....	0
Property Tax Appeal Board	20.....	1
Public Health.....	1,089.....	43
Racing Board	2.....	0
Revenue	2,028.....	61
State Fire Marshal	138.....	12
State Police	1,335.....	6
State Police Merit Board.....	6.....	1
State Retirement Systems	84.....	2
Transportation.....	3,363.....	0
Veterans' Affairs.....	1,172.....	7
Workers' Compensation Commission	173.....	8
TOTALS	49,464.....	813

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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

- As to Item C1, Executive Director Stralka reported that this request is for the Health Care Insurance Exchange Program Director in the Department of Insurance, a position that reports to the Director. This is a new program required by the Patient Protection and Affordable Care Act, commonly known as federal health care reform. This Exchange will essentially act as a clearinghouse for private health insurance policies that will be offered to the State's residents in accordance with the mandates of this new legislation and must be up and running by January 1, 2014. This position will have principal policy responsibility for all aspects of the Exchange from initial development to staffing to overseeing its operating goal – ensuring that it meets the requirements of the federal legislation by providing health insurance options for qualifying Illinois residents. For these reasons, Staff recommended approval of this request.
- As to Item C2, this request is for the Health Information Technology Exchange Program Director in the Department of Insurance, a position that also reports to the Director. This program is related to federal health care reform only in that it will direct the health information technology aspects of Health Insurance Exchange for the agency, but this program is more directly a result of the American Recovery and Reinvestment Act. This Act provided funds to develop a statewide Health Insurance Exchange which will allow healthcare providers to share a variety of health information electronically. To that end, the Governor signed Executive Order 2010-1 which created the Illinois Office of Health Information Technology. The Executive Order provides that the Office will use existing state resources and employees in support of its mission to promote the development and implementation of this technology. It is anticipated that this will result in the creation of a state authority to facilitate the secure exchange of electronic health records including patient insurance records. There presently is pending legislation – HB6441 – which would create this state authority. All this activity makes it clear that the creation of a Health Information Exchange is going to be a major initiative of the State of Illinois.

As to this position, it will have principal policy formulation and implementation authority within the agency for developing and managing its programs related to the inclusion of insurance information within this Exchange. For these reasons, Staff recommended approval of this request. However, there is much left unsettled with this new initiative. For example, even though this position has statewide responsibilities, they are limited to the Department of Insurance. It will not be serving as the head of the Illinois Office of Health Information Technology. HB6441 – which is not yet law – would create a 13-member Health Information Exchange Authority and this position would be the agency's representative on this body. The amount of influence this Authority or the Office of Health Information Technology will have on this initiative is simply unknown at this early stage.

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For this reason, Staff recommended that this exemption be limited to two years while the statewide organizational structure develops as that may impact its eligibility for continued exemption. The agency had no objection to this limitation.

Commissioner Peterson inquired of the professional background required for this position. Executive Director Stralka responded that at the present time, the requirements are more generic, similar to any management professional, but may end up requiring more of a technical background as the initiative moves forward. Director of Insurance Michael McRaith appeared subsequent to this presentation to respond to any questions the Commissioners may have had and to thank the Commissioners for their consideration of these requests.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND THE MOTION ADOPTED 5-0 TO GRANT THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

The following 4d(3) exemption requests were granted on April 16, 2010:

C1. Illinois Department of Insurance

Position Number	40070-14-30-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Administrative Office
Functional Title	Health Care Insurance Exchange Program Director
Incumbent	Vacant
Supervisor	Director
Location	Cook County

C2. Illinois Department of Insurance¹

Position Number	40070-14-40-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Administrative Office
Functional Title	Health Information Technology Exchange Program Director
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

¹ 4d(3) exemption is granted for position 40070-14-40-000-00-01 (Illinois Department of Insurance, Health Information Technology Exchange Program Director) for a period of two years.

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V. CLASS SPECIFICATIONS

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

A. Forensic Scientist Trainee

- Forensic Scientist I**
- Forensic Scientist II**
- Forensic Scientist III**

Staff Analysis: Regarding the Forensic Scientist classes, Assistant Executive Director Barris reported that the classes needed to be amended to include 9 hours of training mandated by FBI Quality Assurance standards.

B. Mental Health Technician I

- Mental Health Technician II**
- Mental Health Technician III**
- Mental Health Technician IV**
- Mental Health Technician V**
- Mental Health Technician VI**
- Mental Health Technician Trainee**
- Security Therapy Aide I**
- Security Therapy Aide II**
- Security Therapy Aide III**
- Security Therapy Aide IV**
- Security Therapy Aide Trainee**

Staff Analysis: Regarding the Mental Health and Security Aide classes, the classes were amended to require a high school degree or equivalency for all classes in both series. Chairmen Kolker asked if persons already within the class would be required to complete the new required training. Bill Lipsmire from Central Management Services stated that the incumbents in these positions would not be required to undergo additional training because they would be “grandfathered” in the positions.

C. Veterans Service Officer

Staff Analysis: Regarding the proposed amendment to the eligibility requirements to the Veterans Service Officer class, in 2004 it was initially proposed by the Illinois Department of Veterans’ Affairs to describe a “time of hostility” in which a person must serve in the armed services during the “War on Terror” to begin on September 11, 2001 with an “indeterminate” ending date. In response to this proposal, the Commission Staff suggested that a specific ending period to the War on Terror be stated in the class specification so the eligibility requirement would not be open *ad infinitum* and the agency would update the class as needed. The agency agreed and periodically updated the “time of hostility” period for the “War on Terror” – most recently establishing December 31, 2008 as a specific ending date to the “War on Terror.”

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However, the agency indicated in the most current proposed revision to the Veterans Service Officer class that establishing a specific ending date to the “War on Terror” was difficult to explain to proposed candidates when the hostilities were still ongoing. Moreover, establishing a specific ending date to the “War on Terror” when no such end existed might exclude, or dissuade, qualified candidates who met all of the other qualifications, i.e. in applying the current criteria, a veteran who served in Iraq or Afghanistan and was honorably discharged after serving six months in a “time of hostility” but would be automatically excluded from the position if the discharge occurred in the 16 month time period between January 1, 2009 and May 1, 2010. In order to insure precision in the description of the class requirements, the Illinois Department of Veterans’ Affairs proposed that the end date for the “War on Terror” as a “time of hostility” be designated as “Ongoing Hostilities” to eliminate a gap that might prevent qualified candidates from applying for the Veterans Service Officer position.

Chairmen Kolker stated that the War on Terrorism is the same as the War on Drugs in that there might never be an end. Chairmen Kolker asked if there were statutory requirements to the class. Assistant Executive Director Barris indicated that the Department of Veterans Affairs Act (20 ILCS 2805) outlined the conditions that must be met for the Service Officer.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND THE MOTION ADOPTED 5-0 TO APPROVE THE REVISION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE MAY 1, 2010:

A. Forensic Scientist Trainee

Forensic Scientist I

Forensic Scientist II

Forensic Scientist III

B. Mental Health Technician I

Mental Health Technician II

Mental Health Technician III

Mental Health Technician IV

Mental Health Technician V

Mental Health Technician VI

Mental Health Technician Trainee

Security Therapy Aide I

Security Therapy Aide II

Security Therapy Aide III

Security Therapy Aide IV

Security Therapy Aide Trainee

C. Veterans Service Officer

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IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 5-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.

VI. MOTION TO GO INTO EXECUTIVE SESSION

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DALIANIS, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0 TO HOLD AN EXECUTIVE SESSION PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

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VII. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 160 N. LaSalle Street, Suite S-901, Chicago, Illinois at 11:29 a.m.

PRESENT

Chris Kolker, Chairman (by telephone); Raymond W. Ewell, Barbara J. Peterson, Betty A. Bukraba, and Ares G. Dalianis Commissioners; Daniel Stralka, Executive Director; and Andrew Barris, Assistant Executive Director (by telephone).

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 Report.

Agency	2/28/10	3/31/10	3/31/09
Aging	1	1	1
Agriculture	0	0	1
Central Management Services	0	0	2
Children and Family Services	4	2	4
Commerce and Economic Opportunity	0	0	1
Criminal Justice Authority	0	0	1
Employment Security	3	2	2
Healthcare and Family Services	2	2	9
Historic Preservation Agency	1	1	0
Natural Resources	2	1	0
State Police	0	0	0
Transportation	21	10	5
Veterans' Affairs	0	0	1
Workers' Compensation Commission	0	0	1
Totals	34	19	28

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IX. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

• **DISMISSED**

GT-49-09

Employee	John P. Rogers, II	Appeal Date	6/26/09
Agency	FPR	Decision Date	3/24/10
Type	Geographical Transfer	ALJ	Daniel Stralka
Allegation	Transferred from Chicago to Des Plaines	Proposal for Decision	Dismissed subject to Commission approval; default (no show at hearing).

• **DISMISSED**

DA-41-10

Employee	Genevieve A. Bernard	Appeal Date	3/08/10
Agency	DES	Decision Date	3/18/10
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Failure to return from leave of absence; failure to follow directive to report to work or contact manager	Proposal for Decision	Dismissed subject to Commission approval; withdrawn.

• **DISMISSED**

DA-45-10

Employee	Diana Bleimehl	Appeal Date	3/15/10
Agency	DVA	Decision Date	3/29/10
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Conduct unbecoming and inability to perform job duties	Proposal for Decision	Dismissed subject to Commission approval; withdrawn (will pursue via grievance).

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER PETERSON, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGES' PROPOSALS FOR DECISION DISMISSING THE APPEALS OF JOHN P. ROGERS II, GENEVIEVE A. BERNARD, AND DIANA BLEIMEHL.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

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X. STAFF REPORT

Executive Director Daniel Stralka reported that:

- On March 30, 2010 he made a presentation to State Personnel Managers regarding the new rules and criteria for 4d(3) exemptions.
- The Commissioners are to provide him with their Statements of Economic Interest which he would then file after reviewing them in accordance with his responsibilities as Ethics Officer. Chairman Kolker led a discussion between the Commissioners and the Executive Director regarding the level of specificity required by the various sections of the form, and what information was to be included to ensure compliance.
- The draft report for the Commission's two-year compliance audit ended June 30, 2009 was received from Auditor General. There were no findings so no exit conference will be requested. Chairman Kolker thanked Sandra Guppy for her efforts in this regard.

XI. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular meeting to be held on Friday, May 21, 2010 in the Commission's Springfield office.

XII. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 11:53 A.M.