MINUTES ILLINOIS CIVIL SERVICE COMMISSION September 17, 2010

I. <u>OPENING OF MEETING AT 11:02 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS</u>

II. PRESENT

Chris Kolker, Chairman; Raymond W. Ewell, 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), Mark Magill (by telephone), and Bill Lipsmire (by telephone), Illinois Department of Central Management Services; Pattie Lowe, Robert Burke, and Mark Ostrowski, Illinois Gaming Board; Teresa Garate, Illinois Department of Public Health; and Grace Hou and Halle Ritter, Illinois Department of Human Services.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD AUGUST 20, 2010

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED 3-0 TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON AUGUST 20, 2010.

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

A. Report on Exempt Positions

Agency	Total Employees	No. of Exempt Positions
Aging	138	10
Agriculture		
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		
Developmental Disabilities Council		
Emergency Management Agency		7
Employment Security		20
Environmental Protection Agency		
Financial & Professional Regulation		
Gaming Board		
Guardianship and Advocacy		
Healthcare and Family Services	2,273	25
Historic Preservation Agency	196	9
Human Rights Commission	14	2
Human Rights Department		
Human Services		
Insurance		
Investment Board		
Juvenile Justice		
Labor		
Labor Relations Board Educational		
Labor Relations Board State		
Law Enforcement Training & Standards Bd	18	2
Medical District Commission	2	0
Military Affairs		
Natural Resources		
Pollution Control Board		
Prisoner Review Board	20	0
Property Tax Appeal Board	19	1
Public Health		
Racing Board	2	0
Revenue	1,992	57
State Fire Marshal	139	12
State Police	1,322	5
State Police Merit Board	6	1
State Retirement Systems		
Transportation		
Veterans' Affairs		
Workers' Compensation Commission		
Compensation Commission		
TOTALS	47,631	804

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 III. Reg. 3485, effective March 3, 2010)

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C. Requests for 4d(3) Exemption

- With regard to Item C, this request is for the Managing Director of Community Outreach for the Department of Public Health, a position that reports to the Assistant Director who reports to the Director. This matter has been continued twice since first presented in July due to concerns that its program responsibilities overlapped with two other currently exempt positions at the agency. As there had been ongoing discussions as recently as the previous day, Teresa Garate, Assistant Director of the Department of Public Health, was asked to explain this request to the Commissioners. She indicated that the requested position had three main areas of responsibility:
 - 1. Aggressively plan for a diverse agency workforce;
 - 2. Ensure that the agency's resources align with the demographics of the State; and
 - 3. Ensure that the agency's grants align with the demographics of the State.

She then briefly described the responsibilities of the two potentially overlapping positions, Health Promotion and Minority Health and how they differed from the requested position. Chairman Kolker reviewed the time frames and noted that the agency had not taken any action since this matter was continued last meeting until early this week. Teresa Garate responded that the reason for the delay was her desire to meet with the incumbents in the referenced positions to ensure overlap did not exist. Once that was done, the agency prepared clarified position descriptions for these two positions which were then forwarded to Central Management Services for review. A discussion on the first area of responsibility for the requested position ensued and it was pointed out to the agency that this was not normally a program that supported a principal policy exemption. The remaining two areas of responsibility were more closely aligned with substantive agency programs. Chairman Kolker suggested that this matter be continued to allow the agency time to confer with Commission Staff on this issue in the next ten days and ensure that the position description adequately reflects these areas of responsibility before the Commission considers this request again. Teresa Garate had no objection to this course of action.

Commissioner Barbara J. Peterson joined the meeting by telephone.

• As to Item D, this request is for the Open Door Manager for the Department of Human Services, a position that reports to the Secretary. This position has principal administrative responsibility for the Open Door program. This is not a substantive program of the agency but a program whose mission is to provide a more user-friendly way to match up service requesters with the appropriate service provider within the agency. Given the size of the agency, it is Staff's position that the nature of this program is such that its administrative head would qualify for exemption. Therefore, Staff recommended approval of this request. Grace Hou, Acting Secretary of the Illinois Department of Human Services, concurred with this description of the position.

As to Item E, this request is for the Deputy Director of Field Services After Care
at the Department of Juvenile Justice, a position that reports to the Director. The
agency's enabling statute mandates it to establish transitional and post-release
programs for juveniles under its jurisdiction. The After Care program is the
program serving that purpose with the requested position as its administrative
head. For these reasons, Staff recommended approval of this request.

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

The following 4d(3) exemption requests were granted on September 17, 2010:

D. Illinois Department of Human Services

Position Number	40070-10-00-200-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Secretary's Office
Functional Title	Manager, Open Door Program
Incumbent	Vacant
Supervisor	Secretary
Location	Cook County

E. Illinois Department of Juvenile Justice

Position Number	40070-27-00-300-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Field Services After Care
Functional Title	Deputy Director of Field Services After Care
Incumbent	Vacant
Supervisor	Director
Location	Cook County

The following 4d(3) exemption request was continued on September 17, 2010:

C. Illinois Department of Public Health

Position Number	40070-20-01-100-20-81
Position Title	Senior Public Service Administrator
Bureau/Division	Community Public Health Outreach
Functional Title	Managing Director of Community Public Health Outreach
Incumbent	Vacant
Supervisor	Assistant Director who reports to the Director
Location	Cook County

• As to Item F, this request is to rescind the exemption for the Deputy General Counsel for the Illinois Department of Public Health. Central Management Services and Commission Staff concurred with this request.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND THE MOTION ADOPTED 5-0 TO APPROVE THE PROPOSED RESCISSION FROM 4D(3) EXEMPTION FOR THE FOLLOWING POSITION:

The following 4d(3) exemption was rescinded on September 17, 2010:

F. Illinois Department of Public Health

Position Number	40070-20-02-300-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of the Director, Legal Services
Functional Title	Deputy General Counsel
Incumbent	Vacant
Supervisor	General Counsel who reports to the Director
Location	Sangamon County

* * *

Executive Director Stralka noted that it had been reported in various media outlets that the Department of the Lottery had signed a contract related to privatizing its function earlier in the week. He noted that the Lottery presently has eight 4d(3) exempt positions, and he was unaware what impact this would have on their continued exemption. He e-mailed the Acting Superintendent with this inquiry and it was planned to consider this matter at the Commission's November meeting.

V. <u>CONSIDERATION OF THE STATUS OF PRIVATE SECRETARIES EXEMPT</u> FROM JURISDICTION B OF THE PERSONNEL CODE

This item was continued until the October 15, 2010 meeting.

VI. CLASS SPECIFICATIONS

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

A. Gaming Licensing Analyst (creation)

B. Sewage Plant Operator (revision)

Staff Analysis: Regarding the proposed Gaming Licensing Analyst class, Assistant Executive Director Barris had a question about the Central Management Services Classification Plan Review Proposal/Change Report form which indicated that one incumbent from the title Office Coordinator class was being moved into the proposed Gaming Licensing Analyst position, i.e. that the report looked as if the new class was specifically being created for one person in the Office Coordinator position. Lipsmire, Central Management Services, explained that there was one position in the Office Coordinator class that was similar to the proposed new class. However, this class was just used as a basis to create the new class, because there was no Office class that contained all of the duties that would be needed for the class. Lipsmire stated that the new class was not created specifically for the incumbent in the Office Coordinator class because it would be necessary for more positions to be added to the new class because of the many entities seeking licensure. Mark Ostrowski, Administrator of the Illinois Gaming Board, spoke about the influx of a large number of licensing requests for riverboat gaming/video poker and the necessity to check applications. Chairmen Kolker asked about how many positions would be needed and Commissioner Ewell asked how many entities would be seeking applications. Ostrowski stated that there would be about four or five positions in the class and that he estimated the positions would need to check 15,000 applications of entities, i.e. bars and taverns, and 1,000 new employees. Commissioner Ewell asked what would preclude an entity from obtaining a license and Ostrowski stated that a crime of dishonesty or a felony might preclude the approval of an application. Commissioner Ewell asked if the need for the class would still exist after the influx of applications is over. Ostrowski stated that turnover is so great at the entities involved that there will always be a need to check applications and future applications, in addition to the yearly review of applications and the requirement that applicants make recent disclosures that might affect their previously approved applications. Additional discussion about general Illinois Gaming Board responsibilities ensued in which all Commissioners participated.

Regarding the revision to the Sewage Plant Operator class, Assistant Executive Director Barris had a question about the discrepancy in the submission. The Central Management Services Classification Plan Review Proposal/Change Report stated that the request for the study was "Internal," while the first line of the Classification Analysis states that the

revision was the result of an "agency requesting creation of a position to operate a wastewater treatment plant other than an E.P.A. Class III Wastewater Treatment Plant as currently specified." Chairmen Kolker asked about the requirements of a Class III license and asked if the I, II, III classes related to pay grade. Lipsmire stated that pay grade was not based upon the class of license. Commissioner Peterson asked what agencies used the class and Lipsmire named the Department of Corrections and the Department of Natural Resources. Commissioner Peterson asked about the requirements of an "appropriate" Wastewater Treatment Works Operator Certificate and the requirements and needs of a Class III certificate. Lipsmire stated that it was the position of Central Management Services that each agency was best suited in determining what kind of certificate was needed for its operation. Commissioner Peterson again asked what kind of operations would need the class, what agencies would need the class, and the differences between the certificates. Lipsmire stated that it was up to each agency's discretion because they have the most knowledge about their individual needs. After hearing Commissioner Peterson's objections, it was the consensus of the Commissioners to defer a final decision on this matter until her concerns could be satisfactorily addressed.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED 5-0 TO APPROVE THE CREATION OF THE FOLLOWING CLASS TITLE TO BE EFFECTIVE OCTOBER 1, 2010:

A. Gaming Licensing Analyst

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED 5-0 TO DISAPPROVE THE REVISION OF THE FOLLOWING CLASS TITLE:

B. Sewage Plant Operator

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.

VII. MOTION TO GO INTO EXECUTIVE SESSION

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, 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		

VIII. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Suite S-901, Chicago, Illinois at 12:00 p.m.

PRESENT

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

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 Report.

Agency	7/31/10	8/31/10	8/31/09
Aging	0	0	1
Agriculture	0	0	5
Children and Family Services	2	3	10
Criminal Justice Authority	0	0	1
Employment Security	2	2	10
Healthcare and Family Services	0	1	13
Historic Preservation Agency	0	0	1
Human Services	0	0	1
Natural Resources	0	5	37
Property Tax Appeal Board	4	0	2
State Fire Marshal	0	0	1
State Retirement Systems	1	0	0
Transportation	3	0	8
Veterans' Affairs	0	0	1
Totals	12	11	91

X. INTERLOCUTORY APPEAL

GT-52-10

Employee	Tony Shugailo	Appeal Date	05/27/10
Agency	DOT	Decision Date	08/25/10
Type	Geographical Transfer	ALJ	Daniel Stralka
Issue(s)	Motion to Dismiss (Employee filed a	Proposal for	Grant Motion
	grievance that was denied at the 2nd level	Decision	to Dismiss.
	and the relocation was not a geographical		
	transfer as set forth in the Personnel Code)		

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DALIANIS, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION TO GRANT THE MOTION TO DISMISS AS THE EMPLOYEE FILED A RESPONSE TO THE MOTION TO DISMISS IN WHICH HE STATED "I TONY SHUGAILO AGREE WITH THE MOTION TO DISMISS." IN ACCORDANCE THEREWITH THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION TO GRANT THE MOTION TO DISMISS IS AFFIRMED AND ADOPTED.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

XI. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL

DA-39-10

Employee	LaVonne R. Williams	Appeal Date	02/24/10
Agency	DCFS	Decision Date	09/03/10
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Misuse of state equipment; conduct unbecoming; conflict of interest (used state time and equipment to operate personal business)	Proposal for Decision	Charges are proven and warrant discharge.

IT WAS MOVED BY COMMISSIONER BUKRABA, SECONDED BY COMMISSIONER DALIANIS, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE CHARGES ARE PROVEN AND WARRANT DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED SEPTEMBER 3, 2010.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
RUKRARA	YES		

XII. AMENDMENTS TO THE PERSONNEL RULES

Commissioner Dalianis requested a brief explanation as to these proposed amendments from the Executive Director. Executive Director Stralka noted how they all related to the mandatory furlough program and allowed affected employees to essentially trade in vacation, personal or paid holidays in lieu of unpaid furlough days.

SECTION 303.120 FURLOUGH PROGRAM

- c) Furlough Time Furlough time shall be scheduled in a manner that is consistent with the operating needs of the agency. Furlough may be taken in full or one-half day increments only and may be nonconsecutive. Employees on schedules with shortened work weeks shall take furlough time on a prorated basis. Sick time, vacation time, personal time, accumulated holiday time, Earned Equivalent Time (EET), and compensatory time shall not be used to remain in pay status while on furlough. Accrued vacation time and accrued personal time may be used by employees subject to a nonbargaining unit furlough program to remain in pay status while on furlough. Taking a furlough day before or after a holiday shall not result in loss of pay for the holiday. Furlough time shall not count toward overtime. Conflicts regarding scheduling furlough time shall be resolved based first on the operational needs of the agency and second by continuous service date. All furlough time shall be pre-approved. Previously charged unpaid time (unexcused absence, unauthorized absence, excused absence or suspension time) shall not be used to meet an employee's furlough obligation. Employees subject to a non-bargaining unit furlough program may elect to take a furlough day on a holiday; however, an An agency shall not mandate that an employee take a furlough day on a holiday.
- d) Time Sheets Furloughs shall be indicated by a daily entry of FD (Furlough Day) on an employee's time sheet. In the event an employee elects to utilize a vacation or personal day in the place of a non-bargaining unit furlough day, the employee's time sheet shall indicate an entry of FV (Furlough, Vacation) or FP (Furlough Personal).

SECTION 303.125 LEAVE FOR PERSONAL BUSINESS

c) Employees subject to a non-bargaining unit furlough program may substitute accrued personal leave for furlough time in order to remain in paid status. Utilization of accrued personal leave for furlough must be in one-half day or full day increments and must be in accordance with furlough program requirements.

SECTION 303.250 VACATION ELIGIBILITY

- c) Vacation time may be taken in increments of not less than ¼ hour after a minimum use of ½ hours any time after it is earned. Vacation time shall not be accumulated for more than 24 months after the end of the calendar year in which it is earned.
- <u>cd</u>) Vacation time shall be earned in workdays and computed in hours. After an employee's earned vacation time has been so computed, if there remains a fractional balance of ½ hour or less, the employee shall be deemed to have earned vacation time of ½ hours in lieu of the fractional balance; if there remains a fractional balance of more than ½ hours, the employee shall be deemed to have earned a full hours of vacation time in lieu of a fractional balance.
- <u>de</u>) Computation of vacation time of State employees who have interrupted continuous State service shall be determined as though all previous State service that qualified for earning of vacation benefits is continuous with present service. This subsection applies to vacation time earned on or after October 1, 1972.

SECTION 303.270 VACATION SCHEDULE AND LOSS OF EARNED VACATION

- <u>a)</u> In establishing vacation schedules, the agency shall consider both the employee's preference and the operating needs of the agency. In any event, upon request, vacation time must be scheduled so that it may be taken not later than 24 months after the expiration of the calendar year in which such vacation time was earned. If an employee does not request and take accrued vacation within such 24 month period, vacation earned during such calendar year shall be lost.
- b) In any calendar year in which an employee is subject to one or more non-bargaining unit furlough programs and completes full participation as verified by the employing agency in all such programs to which the employee was subject, vacation time that would have been lost will instead be permitted to accumulate for an additional 12 months.
- c) Vacation time may be taken in increments of not less than ¼ hour after a minimum use of ½ hour any time after it is earned.

Employees subject to a non-bargaining unit furlough program may substitute accrued vacation time for furlough time in order to remain in paid status. Utilization of accrued vacation time for furlough must be in one-half day or full day increments and must be in accordance with furlough program requirements.

XIII. MEETING SCHEDULE FOR CALENDAR YEAR 2011

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND THE MOTION ADOPTED 5-0 TO APPROVE THE MEETING SCHEDULE FOR CALENDAR YEAR 2011 AS PRESENTED WITH THE EXCEPTION OF THE JULY MEETING WHICH WILL BE HELD ON JULY 15, 2011.

January 21, 2011	Chicago	July 15, 2011	Chicago
February 18, 2011	Chicago	August 19, 2011	Chicago
March 18, 2011	Chicago	September 16, 2011	Chicago
April 15, 2011	Chicago	October 21, 2011	Chicago
May 20, 2011	Springfield	November 18, 2011	Springfield
June 17, 2011	Chicago	December 16, 2011	Chicago

XIV. RATIFICATION OF PERSONAL SERVICE CONTRACT FOR SANDRA GUPPY

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED 5-0 TO RATIFY THE PERSONAL SERVICE CONTRACT FOR SANDRA GUPPY PREVIOUSLY ENTERED INTO BY THE COMMISSION.

XV. STAFF REPORT

Executive Director Daniel Stralka reported that:

- The State and University Employees Combined Appeal (SECA) campaign for 2010 will run for the period September 1 through October 8. Beckie Daniken will be mailing contribution forms the week of September 20. Last year the campaign raised over \$2.9 million for charitable causes.
- The State of Illinois is making free flu shots available to its employees. Call Brian Collins for times and locations.
- Commissioner biographies were mailed to Commissioners for their review before
 inclusion in the fiscal year 2010 annual report. Any changes should be reported to
 Beckie Daniken. Executive Director Stralka noted that the annual report may be
 delayed due to the combination of increased caseload and increased mandatory
 furlough days.

XVI. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular meeting to be held on Friday, October 15, 2010 in the Commission's Chicago office.

XVII. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 12:20 P.M.