

June 21, 2024

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
JUNE 21, 2024

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:00 A.M. AT 607 E. ADAMS STREET, SUITE 801, SPRINGFIELD, IL

II. ROLL CALL AND CONFIRMATION OF A QUORUM

Chair, Teresa Smith, G.A. Finch, David Luechtefeld, Judy McAnarney, and Vivian Robinson (remote), Commissioners; Thomas Klein, Executive Director, Andrew Barris, Assistant Executive Director, Alexandra Myers, Administrative Assistant, and Stephanie Borah, Executive Secretary; Laci Indermark (remote), Amy McElfresh (remote), and Bobby Tucker (remote), Central Management Services; Robert Fanning (remote) and Mandy Page (remote), Corrections; Angela Turasky (remote), Emergency Management Agency; Viktorija Legge and Jacqueline Mullings (remote), Office of the Executive Inspector General; Terri Shwago (remote), Healthcare and Family Services; Jayne Bethard (remote), Human Services; and Ann Whalen (remote), State Board of Education; Steve Gibbs, Erica Gibbs, and son.

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER LUECHTEFELD AND THE MOTION ADOPTED 5-0 TO ALLOW COMMISSIONER ROBINSON TO JOIN THE MEETING REMOTELY.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD MAY 16, 2024

IT WAS MOVED BY COMMISSIONER MCANARNEY, SECONDED BY COMMISSIONER ROBINSON, AND THE MOTION ADOPTED 5-0, TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD MAY 16, 2024.

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.

Mr. Steve Gibbs, father of Erica Gibbs, Respondent of DA-33-24, DHS v. Gibbs, addressed the Commission clarifying what he believed to be confusion regarding a comment that the Respondent made during her hearing.

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)

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B. Requests for 4d(3) Exemption

- Regarding Item B, this is a policy-making position that reports to the Secretary of Department of Human Services (DHS) that makes policy regarding the State's effort in a population health approach to ensure the behavioral health and wellness of Illinois residents.
- Regarding Item C, the Assistant Superintendent of Programs is a policy-making position that initiates and implements new methods and procedures for providing more efficient and economical programs for the new Illinois Youth Center in Lincoln.
- Regarding Item D, the Assistant Superintendent of Operations is a policy-making position to insure the orderly operation of daily functions for the new Illinois Youth Center in Lincoln. This position is in Logan County and not Sangamon County. Regarding Items C and D, both positions report to the statutorily exempt 4d(2) Superintendent position.
- Regarding Item E, the Privacy/FOIA officer is a policy-making official for the DOC regarding HIPAA as well as FOIA.
- Regarding Item F, the Special Assistant for Maternal and Child Health is a policy making position with statewide authority for coordinating efforts to improve maternal and child health outcomes.
- Regarding Item G, the Special Assistant for Health Related Social Needs is a policy making official regarding the HFS objectives outlined in the 1115 federal waiver program.
- Regarding Item H-K, Assistant Executive Director Barris reported the agency titled the Department of Early Childhood (DEC) is in the final stages of creation and the Chief of Staff, General Counsel, Human Resources Director, and Chief Financial Officer are the proposed exemptions at issue. The legislation establishing the agency has passed both houses with an immediate effective date of July 1, 2024, and positions such as these are traditionally 4d3 exempt but some pertinent information was not available when these were submitted for the agenda. Staff had questions regarding the 26 positions on the proposed organizational chart and the position titles such as the Chief Fiscal Officer and the Chief Financial Officer and the possibility for confusion. Prior to the meeting, Sarah Kerley from CMS explained that the new agencies' headcount was expected to be around 350-400 positions as the DEC would be taking over existing programs from DHS and DCFS. Barris noted that the position descriptions did not yet have some specific information such as the position numbers and location of the positions. Barris stated that the bill establishing the DEC had passed both houses and presented to the Governor's office on June 7, 2024, and the Governor had until August 6, 2024, to sign the bill.

Ann Whalen, the transition Director for DEC, confirmed that all the positions were new. Whalen explained that there would be a transition from DHS, Department of Children and Family Services (DCFS), and the Illinois State Board of Education (ISBE) to the DEC but the current positions in the legacy agencies needed to remain in place to perform the necessary duties until the transition is complete. Chair Smith inquired if the

goal was to get started on recruiting and getting everything in place to hit the ground running should the Governor sign the bill and Whalen indicated that was the intent because the legislation authorized the creation of the agency as of July 1, 2024. Chair Smith inquired about the work on creating the position numbers and Bobby Tucker from CMS stated that the process had just begun. Chair Smith inquired about the location of the positions and Whalen indicated she anticipated the locations would be in Springfield and Chicago with responsibilities across the state. Chair Smith inquired about the function of the legacy agencies in conjunction with the staffing of the DEC and whether employees would be pulled from the legacy agencies to staff the DEC resulting in a deprivation of staffing at the legacy agencies. Whalen noted that the legislation addressed the transition of staff from DHS and DCFS from the legacy agencies to the DEC as part of the impact bargaining process, but the ISBE was not subject to the Personnel Code and has a separate governing board, union, and pay scale and those positions will not move to the new agency but a pathway will be created for individuals from ISBE to DEC. Chair Smith inquired about the need for the existing 4d3 positions at the legacy agencies and Whalen stated the DCFS and DHS positions would transition to the DEC and not be abolished. Commissioner Luechtefeld inquired about the motivation for the creation of the DEC in relation to other states and Whalen stated there were a number of sources consulted over many years such as New Mexico, Colorado, Oregon and Massachusetts as well as a bipartisan commission in which it was found that providing fractured services through multiple different agencies created barriers to providers, children and families and the DEC would eliminate such barriers with one vision for early childhood services. Commissioner Robinson noted that she could see the logic in such an approach. Commissioner McAnarney inquired if a Secretary had been appointed and Whalen stated a Secretary had not been appointed because the legislation had not been signed yet, but a nationwide search had commenced with plans for an interim Secretary once the legislation is signed. Chair Smith inquired about the timing of such an appointment and Whalen stated that nothing would happen until July 1, 2024.

All the proposed exemptions were approved by the OEIG HEM unit. According to CMS, DHS has 123 4d3 exempt positions, DOC has 99 4d3 exempt positions, DJJ has 39 exempt positions, and HFS has 41 exempt positions.

Commissioner Luechtefeld inquired how many of the proposed positions were new positions and Barris responded that all of them were new positions and vacant.

B. Illinois Department of Human Services

Position Number	40070-10-00-000-50-01
Functional Title	SPSA, Chief of Behavioral Health Officer
Incumbent	Vacant
Supervisor	DHS, Secretary
Location	Cook County

C. Illinois Department of Juvenile Justice

Position Number	40070-27-16-200-00-01
Functional Title	SPSA, Assistant Superintendent of Programs
Incumbent	Vacant
Supervisor	SPSA, Superintendent
Location	Logan County

D. Illinois Department of Juvenile Justice

Position Number	40070-27-16-300-00-01
Functional Title	SPSA, Assistant Superintendent of Operations
Incumbent	Vacant
Supervisor	SPSA, Superintendent
Location	Sangamon County

E. Illinois Department of Corrections

Position Number	40070-29-00-700-70-01
Functional Title	SPSA, Privacy Officer/FOIA Counsel
Incumbent	Vacant
Supervisor	SPSA, Chief Legal Counsel
Location	Cook County

F. Illinois Department of Healthcare and Family Services

Position Number	40070-33-00-901-00-21
Functional Title	SPSA, Special Assistant for Maternal and Child Health
Incumbent	Vacant
Supervisor	Director
Location	Cook County

G. Illinois Department of Healthcare and Family Services

Position Number	40070-33-00-061-00-21
Functional Title	Special Assistant for Health Related Social Needs
Incumbent	Vacant
Supervisor	Director
Location	Cook County

H. Illinois Department of Early Childhood

Position Number	TBD
Functional Title	Chief of Staff
Incumbent	Vacant
Supervisor	Secretary
Location	TBD

I. Illinois Department of Early Childhood

Position Number	TBD
Functional Title	General Counsel
Incumbent	Vacant
Supervisor	Secretary
Location	TBD

J. Illinois Department of Early Childhood

Position Number	TBD
Functional Title	Human Resources Director
Incumbent	Vacant
Supervisor	Chief Operating Officer
Location	TBD

K. Illinois Department of Early Childhood

Position Number	TBD
Functional Title	Chief Fiscal Officer
Incumbent	Vacant
Supervisor	Secretary
Location	TBD

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

- B: SPSA, Chief of Behavioral Health Officer (DHS)**
- C: SPSA, Assistant Superintendent of Programs (DJJ)**
- D: SPSA, Assistant Superintendent of Operations (DJJ)**
- E: SPSA, Privacy Officer/FOIA Counsel (DOC)**
- F: SPSA, Special Assistant for Maternal and Child Health (HFS)**
- G: Special Assistant for Health Related Social Needs (HFS)**
- H: Chief of Staff (DEC)**
- I: General Counsel (DEC)**
- J: Human Resources Director (DEC)**
- K: Chief Fiscal Officer (DEC)**

C. Proposed Rescission in accordance with Section 1.142(b) of the Rules of the Civil Service Commission

Section 1.142(b) provides that the Commission may rescind the exemption of positions that no longer meet the requirements for exemption upon the recommendation of the Director of Central Management Services. The determination of rescission of Section 4d(3) exemptions rests with Civil Service Commission. Section 1.142(b) of the Commission Rules provides that 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 ensure responsive and accountable administrative control of the programs of the agency.

The following proposed rescissions were granted at the June 21, 2024 meeting:

Item	Agency	Position #	Functional Title
L	HFS	40070-33-00-000-20-62	Special Asst./HIPAA/Computer Sec.
M	HFS	40070-33-00-500-00-21	Special Assistant – All Kids Program

- Barris reported that the rescissions in Items L and M were proposed in conjunction with the proposed exemptions in Items F and G at HFS.

IT WAS MOVED BY COMMISSIONER MCANARNEY, SECONDED BY COMMISSIONER LUECHTEFELD THE MOTION ADOPTED 5-0 TO RESCIND THE 4d(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

- L: Special Asst./HIPAA/Computer Sec. (HFS)**
- M: Special Assistant – All Kids Program (HFS)**

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.

B. None Submitted

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER MCANARNEY 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 MCANARNEY 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.

VIII. MOTION TO CLOSE A PORTION OF THE MEETING

IT WAS MOVED BY COMMISSIONER MCANARNEY, SECONDED BY COMMISSIONER ROBINSON 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.

SMITH	YES	FINCH	YES
LUECHTEFELD	YES	MCANARNEY	YES
ROBINSON	YES		

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IX. APPROVAL OF MINUTES OF THE CLOSED PORTION OF THE REGULAR MEETING HELD MAY 16, 2024

IT WAS MOVED BY COMMISSIONER MCANARNEY, SECONDED BY COMMISSIONER LUECHTEFELD THE MOTION ADOPTED 5-0 TO APPROVE THE MINUTES OF THE CLOSED PORTION OF THE REGULAR MEETING HELD MAY 16, 2024.

X. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

DA-33-24

Employee	Erica C. Gibbs	Appeal Date	11/17/2023
Agency	Dept. of Human Services	Decision Date	06/07/2024
Appeal Type	Discharge	Proposal for Decision	Discharge Upheld.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER MCANARNEY, SECONDED BY COMMISSIONER FINCH, AND BY ROLL CALL VOTE OF 4-1 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.

SMITH	YES	FINCH	YES
LUECHTEFELD	NO	MCANARNEY	YES
ROBINSON	YES		

S-43-24

Employee	Shenell Odom	Appeal Date	12/31/23
Agency	Dept. of Human Services	Decision Date	06/07/2024
Appeal Type	Suspension	Proposal for Decision	Appeal Upheld; No Discipline Warranted.
ALJ	Thomas Klein		

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

SMITH	YES	FINCH	YES
LUECHTEFELD	YES	MCANARNEY	YES
ROBINSON	YES		

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XI. APPEAL TERMINATED WITHOUT DECISION ON THE MERITS

DA-42-24

Employee	Kendall Stinebaker	Appeal Date	12/29/2023
Agency	Dept. of Corrections	Decision Date	06/07/2024
Appeal Type	Discharge	Proposal for Decision	Dismissed/Withdrawn.
ALJ	Andrew Barris		

DA-58-24

Employee	Markea R. Knox	Appeal Date	05/01/2024
Agency	Dept. of Corrections	Decision Date	05/31/2024
Appeal Type	Discharge	Proposal for Decision	Dismissed/Withdrawn.
ALJ	Andrew Barris		

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

SMITH	YES	FINCH	YES
LUECHTEFELD	YES	MCANARNEY	YES
ROBINSON	YES		

XII. STAFF REPORT

XIII. ANNOUNCEMENT OF NEXT REGULAR OPEN MEETING

The next regular open meeting is to be held at 11:00 a.m. on Friday, July 26, 2024, in the Springfield office of the Commission.

XIV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER ROBINSON, SECONDED BY COMMISSIONER MCANARNEY, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 11:45 A.M.