

January 15, 2016

REGULAR MEETING AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
January 15, 2016

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 DECEMBER 18, 2015

WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD DECEMBER 18, 2015?

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

MEMBERS OF THE PUBLIC ARE OFFERED AN OPPORTUNITY TO ADDRESS MEMBERS OF THE COMMISSION IN ACCORDANCE WITH THE OPEN MEETINGS ACT AND RULES OF THE CIVIL SERVICE COMMISSION.

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..... | 143..... | 18 |
| Agriculture..... | 335..... | 20 |
| Arts Council..... | 11..... | 2 |
| Capitol Development Board..... | 49..... | 0 |
| Central Management Services..... | 1,414..... | 114 |
| Children and Family Services..... | 2,547..... | 49 |
| Civil Service Commission..... | 4..... | 0 |
| Commerce & Economic Opportunity..... | 307..... | 69 |
| Commerce Commission..... | 65..... | 0 |
| Corrections..... | 11,915..... | 98 |
| Criminal Justice Authority..... | 54..... | 7 |
| Deaf and Hard of Hearing Comm..... | 6..... | 1 |
| Developmental Disabilities Council..... | 9..... | 1 |
| Emergency Management Agency..... | 79..... | 6 |
| Employment Security..... | 1,206..... | 32 |
| Environmental Protection Agency..... | 730..... | 18 |
| Financial & Professional Regulation..... | 425..... | 49 |
| Gaming Board..... | 172..... | 6 |
| Guardianship and Advocacy..... | 99..... | 8 |
| Healthcare and Family Services..... | 1,967..... | 26 |
| Historic Preservation Agency..... | 139..... | 17 |
| Human Rights Commission..... | 14..... | 2 |
| Human Rights Department..... | 130..... | 9 |
| Human Services..... | 13,260..... | 74 |
| Illinois Torture Inquiry Relief Commission..... | 2..... | 1 |
| Independent Tax Tribunal..... | 1..... | 0 |
| Insurance..... | 250..... | 16 |
| Investment Board..... | 3..... | 2 |
| Juvenile Justice..... | 1,057..... | 25 |
| Labor..... | 87..... | 11 |
| Labor Relations Board Educational..... | 9..... | 2 |
| Labor Relations Board State..... | 14..... | 2 |
| Law Enforcement Training & Standards Bd..... | 19..... | 2 |
| Lottery..... | 132..... | 8 |
| Military Affairs..... | 126..... | 3 |
| Natural Resources..... | 1,228..... | 31 |
| Pollution Control Board..... | 19..... | 2 |
| Prisoner Review Board..... | 22..... | 0 |
| Property Tax Appeal Board..... | 33..... | 1 |
| Public Health..... | 1,137..... | 40 |
| Racing Board..... | 2..... | 1 |
| Revenue..... | 1,588..... | 53 |
| State Fire Marshal..... | 123..... | 12 |
| State Police..... | 1,047..... | 10 |
| State Police Merit Board..... | 6..... | 2 |
| State Retirement Systems..... | 102..... | 3 |
| Transportation..... | 3,281..... | 0 |
| Veterans' Affairs..... | 1,381..... | 10 |
| Workers' Compensation Commission..... | 123..... | 11 |
| TOTALS..... | 46,872..... | 874 |

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)

* * *

C. Illinois Department of Insurance – proposed exemption

| | |
|------------------|--|
| Position Number | 40070-14-40-000-00-01 |
| Functional Title | Health Information Technology Exchange Program Director ¹ |
| Incumbent | Brian P. Gorman, Elizabeth Diaz-Castillo ² |
| Supervisor | Director |
| Location | Cook County |

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

D. Illinois Department of Juvenile Justice – proposed exemption

| | |
|------------------|---|
| Position Number | 40070-27-00-100-00-02 |
| Functional Title | Compliance Coordinator |
| Incumbent | Vacant |
| Supervisor | Deputy Director of Operations who reports to the Director |
| Location | Kane County |

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

E. Illinois Department of Corrections – proposed exemption

| | |
|------------------|---------------------------------------|
| Position Number | 40070-29-08-000-01-01 |
| Functional Title | Chief Labor Counsel |
| Incumbent | Vacant |
| Supervisor | Governor’s Office Chief Labor Counsel |
| Location | Sangamon County |

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

¹ This position was granted exemption on March 16, 2012 for two years which was extended on February 21, 2014 for an additional two years.

² There is an approved Additional Identical which expires on January 15, 2016.

F. Illinois Department of Human Services – proposed exemption

| | |
|------------------|---------------------------------------|
| Position Number | 40070-10-00-000-00-01 |
| Functional Title | Chief Labor Counsel |
| Incumbent | Vacant |
| Supervisor | Governor’s Office Chief Labor Counsel |
| Location | Sangamon County |

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of the 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: Health Information Technology Exchange Program Director (Insurance)**
- D: Compliance Coordinator (Juvenile Justice)**
- E: Chief Labor Counsel (Corrections)**
- F: Chief Labor Counsel (Human Services)**

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.

B. None submitted

WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF BUT NOT INCLUDED 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

WILL THE COMMISSION DISAPPROVE ANY AMENDMENTS TO PERSONNEL RULES RECEIVED BY THE COMMISSION STAFF BUT NOT INCLUDED IN THIS AGENDA TO ALLOW ADEQUATE STUDY?

VIII. 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?

IX. RECONVENE THE REGULAR OPEN MEETING

X. 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 | 11/30/15 | 12/31/15 | 12/31/14 |
|---------------------------------|-----------------|-----------------|-----------------|
| Arts Council | 1 | 0 | 2 |
| Central Management Services | 2 | 1 | 4 |
| Children and Family Services | 0 | 0 | 1 |
| Healthcare and Family Services | 2 | 2 | 5 |
| Human Services | 12 | 13 | 9 |
| Insurance | 0 | 1 | 1 |
| Juvenile Justice | 1 | 1 | 0 |
| Natural Resources | 13 | 18 | 16 |
| Revenue | 2 | 0 | 0 |
| State Retirement Systems | 1 | 3 | 1 |
| Transportation | 0 | 5 | 2 |
| Veterans' Affairs | 0 | 0 | 1 |
| Workers Compensation Commission | 1 | 3 | 0 |
| Totals | 35 | 47 | 42 |

XI. INTERLOCUTORY APPEAL

DA-15-16

| | | | |
|----------|---|-----------------------|--|
| Employee | Julia Vaughn | Appeal Date | 09/14/15 |
| Agency | Human Services | Decision Date | 12/23/15 |
| Type | Discharge | ALJ | Andrew Barris |
| Issue(s) | Motion to Dismiss for untimely filing and filing both a grievance and Civil Service Commission appeal | Proposal for Decision | Grant the Motion to Dismiss for untimely filing. |

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

XII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

DA-1-16

| | | | |
|----------|-----------------|-----------------------|---|
| Employee | Nasthsa Hawkins | Appeal Date | 07/07/15 |
| Agency | Human Services | Decision Date | 12/31/15 |
| Type | Discharge | Proposal for Decision | 3-day suspension and counseling, plus the duration of suspension pending discharge. |
| ALJ | Andrew Barris | | |

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

DA-11-16

| | | | |
|----------|-------------------|-----------------------|--|
| Employee | Philip R. Benford | Appeal Date | 08/31/15 |
| Agency | Human Services | Decision Date | 12/31/15 |
| Type | Discharge | Proposal for Decision | 60-day suspension plus duration of suspension pending discharge. |
| ALJ | Daniel Stralka | | |

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

S-29-15

| | | | |
|----------|-----------------|-----------------------|--------------------|
| Employee | Andre M. Taylor | Appeal Date | 12/24/14 |
| Agency | Corrections | Decision Date | 12/30/15 |
| Type | Suspension | Proposal for Decision | Suspension upheld. |
| ALJ | Andrew Barris | | |

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

XIII. APPEAL TERMINATED WITHOUT DECISION ON THE MERITS

DA-22-16

| | | | |
|-------------|-----------------------------|-----------------------|-------------------------------|
| Employee | Lisa D. Leeper | Appeal Date | 11/02/15 |
| Agency | Central Management Services | Decision Date | 12/23/15 |
| Appeal Type | Discharge | Proposal for Decision | Dismissed; charges withdrawn. |
| ALJ | Andrew Barris | | |

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

January 15, 2016

XIV. CHAIRMAN REPORT

XV. STAFF REPORT

XVI. ANNOUNCEMENT OF NEXT REGULAR OPEN MEETING

The next regular open meeting is to be held at 11:00 a.m. on Friday, February 19, 2016 at the Commission's Chicago office.

XVII. MOTION TO ADJOURN