

November 19, 2010

AGENDA  
ILLINOIS CIVIL SERVICE COMMISSION  
November 19, 2010

I. OPENING OF MEETING AT 1:00 P.M. AT 400 W. MONROE STREET, SUITE 306,  
SPRINGFIELD, ILLINOIS

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD OCTOBER 15, 2010

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR  
MEETING HELD OCTOBER 15, 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 .....	140.....	10
Agriculture .....	434.....	16
Arts Council.....	19.....	2
Capitol Development Board .....	45.....	0
Central Management Services .....	1,403.....	113
Children and Family Services .....	2,982.....	48
Civil Service Commission .....	3.....	0
Commerce & Economic Opportunity .....	419.....	67
Commerce Commission.....	71.....	0
Corrections.....	11,249.....	104
Criminal Justice Authority.....	60.....	5
Deaf and Hard of Hearing Comm. ....	7.....	1
Developmental Disabilities Council .....	9.....	1
Emergency Management Agency .....	93.....	7
Employment Security.....	1,926.....	29
Environmental Protection Agency .....	916.....	16
Financial & Professional Regulation .....	487.....	41
Gaming Board.....	80.....	5
Guardianship and Advocacy .....	109.....	7
Healthcare and Family Services.....	2,279.....	25
Historic Preservation Agency .....	223.....	9
Human Rights Commission .....	14.....	2
Human Rights Department .....	138.....	8
Human Services .....	13,255.....	77
Insurance.....	243.....	11
Investment Board.....	3.....	1
Juvenile Justice .....	1,182.....	19
Labor.....	79.....	7
Labor Relations Board Educational .....	12.....	2
Labor Relations Board State .....	18.....	2
Law Enforcement Training & Standards Bd.....	18.....	2
Medical District Commission .....	2.....	0
Military Affairs .....	124.....	3
Natural Resources .....	1,283.....	26
Pollution Control Board.....	20.....	1
Prisoner Review Board .....	20.....	0
Property Tax Appeal Board .....	22.....	1
Public Health.....	1,076.....	41
Racing Board .....	2.....	0
Revenue .....	2,003.....	57
State Fire Marshal .....	137.....	12
State Police .....	1,318.....	4
State Police Merit Board.....	6.....	1
State Retirement Systems .....	82.....	2
Transportation.....	2,353.....	0
Veterans' Affairs.....	1,183.....	7
Workers' Compensation Commission .....	173.....	8
<b>TOTALS .....</b>	<b>47,720.....</b>	<b>800</b>

**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. Illinois Department of Public Health – Proposed Exemption (continued from October 15, 2010)**

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

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

**D. Illinois Department of Agriculture – Proposed Exemption (continued from October 15, 2010)**

Position Number	40070-11-01-000-00-02
Position Title	Senior Public Service Administrator
Bureau/Division	Director’s Office
Functional Title	Project Manager for Economic Development
Incumbent	Vacant
Supervisor	Director
Location	Perry County

**CMS Recommendation:** “This 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.”

**E. Illinois Power Agency – Proposed Exemption**

Position Number	40070-26-01-000-10-01
Position Title	Senior Public Service Administrator
Bureau/Division	Legal Services
Functional Title	Chief Legal Counsel
Incumbent	Vacant
Supervisor	Director
Location	Cook County

**CMS Recommendation:** “This 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 Power Agency – Proposed Exemption**

Position Number	40070-26-01-100-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director’s Office
Functional Title	Chief Fiscal Officer
Incumbent	Vacant
Supervisor	Director
Location	Cook County

**CMS Recommendation:** “This 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.”

**G. Illinois Torture Inquiry and Relief Commission – Proposed Exemption**

Position Number	40070-50-02-000-00-01
Position Title	Senior Public Service Administrator
Functional Title	Director
Incumbent	Vacant
Supervisor	Chairperson
Location	Cook County

**CMS Recommendation:** “This 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 REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS?**

- C: Managing Director of Community Public Health Outreach (Public Health)**
- D: Project Manager for Economic Development (Agriculture)**
- E: Chief Legal Counsel (Illinois Power Agency)**
- F: Chief Financial Officer (Illinois Power Agency)**
- G: Director (Illinois Torture Inquiry and Relief Commission)**

**H. Proposed rescissions in accordance with Section 1.142 (b) of the Rules of the Civil Service Commission**

On October 13, 2010, the Executive Director sent notice to Central Management Services and each agency of the proposed rescission of the following 4d(3) exempt positions which may no longer meet the requirements for exemption. Section 1.142 (b) provides that rescission of exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status positions that will ensure responsive and accountable administrative control of the programs of the agency.

<b>Item</b>	<b>Agency</b>	<b>Position Number</b>	<b>Functional Title</b>
H1	AG	40070-11-01-800-00-01	State Purchasing Officer
H2	AG	40070-11-60-000-00-01	Manager, Administrative Services
H3	CEO	40070-42-00-094-00-01	Manager, ITO (Europe, Middle East, Africa & Asia)
H4	FPR	40070-13-10-400-00-01	Manager, Residential Finance
H5	DHS	40070-10-12-200-00-29	Manager of Latino Worker Safety and Immigration Office
H6	DHS	40070-10-76-600-00-01	Deputy Director, Clinical Operations
H7	DNR	40070-12-01-000-00-01	Manager, Office of Community Outreach
H8	DPH	40070-20-40-000-00-01	Deputy Director, Healthcare Regulation
H9	SFM <sup>1</sup>	37015-50-50-000-20-16	Fire Safety Compliance Manager
H10	SFM	40070-50-50-000-10-16	Director, Elevator Safety
H11	SFM	40070-50-50-024-00-01	Chief Information Officer
H12	SFM	40070-50-50-100-00-01	Director, Fire Prevention
H13	SFM	40070-50-50-200-00-01	Director, Boiler & Pressure Vessel Safety
H14	SFM	40070-50-50-500-00-01	Director, Petroleum & Chemical Safety

**WILL THE COMMISSION GRANT THE REQUEST FOR RESCISSION OF EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS?**

- H1: State Purchasing Officer (Agriculture)**
- H2: Manager, Administrative Services (Agriculture)**
- H3: Manager, ITO (Commerce & Economic Opportunity)**
- H4: Manager, Residential Finance (Financial & Professional Regulation)**
- H5: Manager, Latino Worker Safety and Immigration (Human Services)**
- H6: Deputy Director, Clinical Operations (Human Services)**
- H7: Manager, Office of Community Outreach (Natural Resources)**
- H8: Deputy Director, Healthcare Regulation (Public Health)**
- H9: Fire Safety Compliance Manager (State Fire Marshal)**
- H10: Director, Elevator Safety (State Fire Marshal)**
- H11: Chief Information Officer (State Fire Marshal)**
- H12: Director, Fire Prevention (State Fire Marshal)**
- H13: Director, Boiler & Pressure Vessel Safety (State Fire Marshal)**
- H14: Director, Petroleum & Chemical Safety (State Fire Marshal)**

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<sup>1</sup> The six Office of the State Fire Marshal positions were continued from August 20, 2010 meeting.

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V. CONSIDERATION OF THE STATUS OF PRIVATE SECRETARIES AND CONFIDENTIAL ASSISTANTS EXEMPT FROM JURISDICTION B PURSUANT TO SECTION 4D(1) OF THE PERSONNEL CODE

VI. CONSIDERATION OF THE CONTINUED EXEMPTION OF PROCUREMENT POSITIONS SUBSEQUENT TO SB51

VII. CLASS SPECIFICATIONS

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

**Juvenile Justice Youth & Family Specialist – Option 1**  
**Juvenile Justice Youth & Family Specialist – Option 2**  
**Juvenile Justice Youth & Family Specialist Supervisor**

Classification Analysis: “The Department of Juvenile Justice has requested changes to the class specifications of the Juvenile Justice Youth & Family Specialist – Option 1 and Option 2 and the Juvenile justice Youth & Family Specialist Supervisor. Positions allocated to these classes that work in the agency’s After Care program must possess a valid appropriate driver’s license to drive a vehicle to various locations to provide the appropriate After Care services in communities.

The Department of Central Management Services proposed the following changes to the Classification Plan to more effectively and accurately communicate that a driver’s license and the ability to travel is required for some of the positions allocated to these classes. Presented here is a summary of the recommended revisions.

For the Juvenile Justice Youth & Family Specialist – Option 1 and Option 2 class specification:

- Revise the *Distinguishing Features of Work* to incorporate the language: ‘...in a field services setting, drives to various locations to implement and monitor After Care services such as treatment and counseling plans, release and transition plans, and warrant services for a prescribed case load of youths re-entering their community and family settings;...’
- Add to the *Knowledges, Skills and Abilities* section the requirement: For positions with After Care field service responsibilities-requires the possession of a valid appropriate driver’s license.

For the Juvenile Justice Youth & Family Specialist Supervisor class specification:

- Revise the *Distinguishing Features of Work* to incorporate the language: ‘...in a field services setting, drives to various locations to monitor staff case loads and case plans

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for compliance with agency guidelines for After Care services such as treatment and counseling plans, release and transition plans, and warrant services for youths re-entering their community and family settings; works with community-based service providers, families and youths to assure that youth needs are being met and conditions are adequate for successful reintegration within the community;...

- Add to the *Knowledges, Skills and Abilities* section the requirements:
  - Requires the ability to travel.
  - For positions with After Care field service responsibilities-requires the possession of a valid appropriate driver's license."

**WILL THE COMMISSION APPROVE THE REVISION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE DECEMBER 1, 2010?**

**Juvenile Justice Youth & Family Specialist – Option 1**

**Juvenile Justice Youth & Family Specialist – Option 2**

**Juvenile Justice Youth & Family Specialist Supervisor**

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

VIII. 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?**

IX. RECONVENE 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.

<b>Agency</b>	<b>9/30/10</b>	<b>10/31/10</b>	<b>10/31/09</b>
Aging	0	<b>0</b>	1
Agriculture	0	<b>3</b>	4
Central Management Services	0	<b>0</b>	1
Children and Family Services	0	<b>1</b>	11
Employment Security	0	<b>3</b>	6
Healthcare and Family Services	0	<b>1</b>	4
Historic Preservation Agency	1	<b>7</b>	1
Human Services	0	<b>0</b>	1
Natural Resources	8	<b>5</b>	36
State Fire Marshal	0	<b>0</b>	1
Transportation	0	<b>1</b>	11
<b>Totals</b>	9	<b>21</b>	77

XI. INTERLOCUTORY APPEAL

**DA-4-11**

Employee	Oscar W. Tames	Appeal Date	07/16/10
Agency	DHS	Decision Date	11/05/10
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Abuse of time (failure to report to work or to provide medical documentation to extend Leave of Absence)	Proposal for Decision	Dismissed subject to Commission approval; default (no show at hearing).

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

XII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

**DA-31-10**

Employee	Patricia A. Simms	Appeal Date	01/27/10
Agency	DVA	Decision Date	11/05/10
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Failure to perform job duties; conduct unbecoming	Proposal for Decision	Charges are proven and warrant 60-day suspension.

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

**DA-35-10**

Employee	Timothy L. Wolfe	Appeal Date	02/03/10
Agency	DOC	Decision Date	11/05/10
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Conduct unbecoming	Proposal for Decision	Chares are partially proven and warrant discharge.

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

**DA-47-10**

Employee	Ryan T. McKeone	Appeal Date	03/24/10
Agency	DOR	Decision Date	11/05/10
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Unfit to drive State vehicle; failure to safely operate State vehicle	Proposal for Decision	Charges are partially proven and warrant 90-day suspension.

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

XIII. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

**DA-36-10**

Employee	Kathy S. Cunningham	Appeal Date	02/04/10
Agency	DOC	Decision Date	10/27/10
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Failure to successfully complete firearms training	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn (settled).

**DA-17-11**

Employee	Victor Flores	Appeal Date	08/18/10
Agency	DOC	Decision Date	10/19/10
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Conduct unbecoming	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn (settled).

**DA-19-11**

Employee	Amber L. Garr	Appeal Date	09/14/10
Agency	DVA	Decision Date	10/08/10
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Conduct unbecoming; unauthorized absence	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn.

**DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSALS FOR DECISION IN THE ABOVE MATTERS?**

XI. FISCAL YEAR 2010 ANNUAL REPORT

**WILL THE COMMISSION APPROVE THE FISCAL YEAR 2010 ANNUAL REPORT?**

XIV. STAFF REPORT

XV. ANNOUNCEMENT OF NEXT MEETING

**The next regular meeting is to be held on Friday, December 17, 2010 at 11:00 a.m. in the Commission's Chicago office.**

XVI. MOTION TO ADJOURN