

December 17, 2010



AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
December 17, 2010

I. OPENING OF MEETING AT 11:00 A.M. AT 160 N. LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

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

WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR MEETING HELD NOVEMBER 19, 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	144.....	10
Agriculture.....	537.....	16
Arts Council.....	19.....	2
Capitol Development Board	45.....	0
Central Management Services	1,409.....	113
Children and Family Services	2,994.....	48
Civil Service Commission	3.....	0
Commerce & Economic Opportunity	424.....	67
Commerce Commission.....	70.....	0
Corrections.....	11,433.....	103
Criminal Justice Authority	60.....	5
Deaf and Hard of Hearing Comm.	7.....	1
Developmental Disabilities Council	9.....	1
Emergency Management Agency	92.....	7
Employment Security.....	1,942.....	29
Environmental Protection Agency	916.....	16
Financial & Professional Regulation	484.....	41
Gaming Board.....	84.....	5
Guardianship and Advocacy	109.....	7
Healthcare and Family Services.....	2,283.....	25
Historic Preservation Agency	204.....	9
Human Rights Commission	14.....	2
Human Rights Department	138.....	8
Human Services	13,234.....	77
Insurance.....	247.....	11
Investment Board.....	2.....	1
Juvenile Justice	1,182.....	19
Labor.....	77.....	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	1,236.....	26
Pollution Control Board.....	20.....	1
Prisoner Review Board	20.....	0
Property Tax Appeal Board	23.....	1
Public Health.....	1,079.....	41
Racing Board	2.....	0
Revenue	2,003.....	56
State Fire Marshal	136.....	12
State Police	1,310.....	4
State Police Merit Board.....	6.....	1
State Retirement Systems	85.....	2
Transportation.....	2,353.....	0
Veterans' Affairs.....	1,196.....	7
Workers' Compensation Commission	169.....	8
TOTALS	47,974.....	798



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 Agriculture – Proposed Exemption (continued from November 19, 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.”

WILL THE COMMISSION GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITION?

C: Project Manager for Economic Development

V. CLASS SPECIFICATIONS

- None submitted.

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

VI. 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?



VII. RECONVENE MEETING

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 Appointment Reports.

Agency	10/31/10	11/30/10	11/30/09
Aging	0	1	1
Agriculture	3	0	2
Central Management Services	0	1	1
Children and Family Services	1	1	10
Commerce and Economic Opportunity	0	2	0
Employment Security	3	1	3
Healthcare and Family Services	1	5	4
Historic Preservation	7	0	0
Human Services	0	1	1
Natural Resources	5	0	18
Transportation	1	2	10
Totals	21	14	50

IX. INTERLOCUTORY APPEALS

DA-28-11

Employee	Timothy E. Sperry	Appeal Date	10/25/10
Agency	SFM	Decision Date	11/23/10
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Probationary discharge	Proposal for Decision	Grant Motion to Dismiss subject to Commission approval; no jurisdiction (not certified).

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



X. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

DA-38-10

Employee	Terry E. Shaffner	Appeal Date	02/19/10
Agency	DOT	Decision Date	12/03/10
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Violation of alcohol/drug policy	Proposal for Decision	Charges are proven and warrant discharge.

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

DA-42-10

Employee	Lula Carwell	Appeal Date	03/12/10
Agency	DHS	Decision Date	12/03/10
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Recipient abuse; conduct unbecoming	Proposal for Decision	Charges are not proven; discharge is set aside in whole.

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

DA-11-11

Employee	William J. Watson	Appeal Date	07/22/10
Agency	DOC	Decision Date	12/03/10
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Brought contraband into a penal institution; used personal cell phone to make calls, send text messages, or access the internet while on duty	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?

LA-6-10

Employee	Dianne Bradie-Gregoire	Appeal Date	08/28/09
Agency	DHS	Decision Date	11/23/10
Type	Layoff	ALJ	Andrew Barris
Allegation(s)	Violation of Sections 302.520, 530, 570 & 580 of the Personnel Rules and Sections 8b.13, 14 & 11b of the Personnel Code	Proposal for Decision	No violation.



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

XI. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

S-13-09

Employee	Luz Marina Guerra	Appeal Date	10/2/08
Agency	DES	Decision Date	12/8/10
Type	Suspension	ALJ	Daniel Stralka
Charge(s)	Personal conversation on cell phone; unprofessional conduct; failure to follow procedures	Proposal for Decision	Dismissed subject to Commission approval; withdrawn.

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

XI. FISCAL YEAR 2010 ANNUAL REPORT

WILL THE COMMISSION APPROVE THE FISCAL YEAR 2010 ANNUAL REPORT?

XII. REVIEW OF EXECUTIVE SESSION MINUTES PURSUANT TO OPEN MEETINGS ACT

AFTER REVIEW OF THE EXECUTIVE SESSION MINUTES PURSUANT TO THE OPEN MEETINGS ACT, WILL THE COMMISSION AGREE THAT THE NEED FOR CONFIDENTIALITY STILL EXISTS?

XIII. STAFF REPORT

XIV. ANNOUNCEMENT OF NEXT MEETING

The next regular meeting is to be held on Friday, January 21, 2011 at 11:00 a.m. in the Commission’s Chicago office.

XV. MOTION TO ADJOURN