REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
July 19, 2013

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 10:32 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Garrett P. FitzGerald, Chairman; Anita M. Cummings and Susan Moylan Krey, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director (by telephone); Elizabeth Whitehorn (by telephone), Mark Magill (by telephone), and John Logsdon (by telephone), Illinois Department of Central Management Services; Bryan Gleckler, Illinois Department of Corrections; Scott Viniard (by telephone) and Jennifer Wagner (by telephone), Illinois Department of Human Services; Beth Duesterhaus (by telephone) and Connie Westfall (by telephone), Administrative & Regulatory Shared Services Center, and Katherine Melford (by telephone), Illinois Workers' Compensation Commission.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD JUNE 21, 2013

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 3-0 TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD JUNE 21, 2013.

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

At this time, in accordance with the Open Meetings Act and the Rules of the Civil Service Commission, Executive Director Daniel Stralka offered an opportunity for any person to address members of the Commission. Hearing no response, the meeting proceeded to the next agenda item.

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

A. Report on Exempt Positions from Illinois Dept. of Central Management Services

Agency	Total Employees	Number of Exempt Positions
Aging	141	16
Agriculture	331	16
Arts Council	17	2
Capitol Development Board	46	0
Central Management Services	1,475	114
Children and Family Services	2,713	51
Civil Service Commission	4	0
Commerce & Economic Opportunity	370	69
Commerce Commission	75	0
Corrections	11,129	103
Criminal Justice Authority	56	5
Deaf and Hard of Hearing Comm.	6	1
Developmental Disabilities Council	8	1
Emergency Management Agency	85	5
Employment Security	1,469	31
Environmental Protection Agency	805	16
Financial & Professional Regulation	429	43
Gaming Board	143	6
Guardianship and Advocacy	101	7
Healthcare and Family Services	2,120	25
Historic Preservation Agency	158	14
Human Rights Commission	13	2
Human Rights Department	140	9
Human Services	11,341	75
Illinois Sentencing Policy Advisory Council	2	2
Illinois Torture Inquiry Relief Commission	2	1
Insurance	227	15
Investment Board	2	2
Juvenile Justice	982	21
Labor	85	11
Labor Relations Board Educational	9	2
Labor Relations Board State	17	2
Law Enforcement Training & Standards Bd.	16	2
Lottery	142	7
Military Affairs	121	3
Natural Resources	1,084	30
Pollution Control Board	20	2
Prisoner Review Board	16	0
Property Tax Appeal Board	29	1
Public Health	1,075	40
Racing Board	3	1
Revenue	1,748	51
State Fire Marshal	133	12
State Police	1,097	7
State Police Merit Board	5	1
State Retirement Systems	103	2
Transportation	2,229	0
Veterans' Affairs	1,302	9
Workers' Compensation Commission	130	8
TOTALS	43,754	843

B. <u>Governing Rule – Section 1.142 Jurisdiction B Exemptions</u>

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. Requests for 4d(3) Exemption

Executive Director Daniel Stralka reported:

- As to Item C1, this request is for the Deputy Chief of Intelligence/Investigations at the Department of Corrections, a position that reports to the Chief of Intelligence/Investigations who reports to the Director. There is nothing in the position description that indicates this position possesses principal policy authority for an operational program of the agency. It is wholly subordinate to the exempt Chief position. It is noteworthy that Investigations is not an operational program of the agency supported by statute but a support program. There are times when the Commission has approved deputy position requests, such as in the parole program for Department of Corrections, but not typically for a support program. Staff was unable to discern any comparable exempt position. For these reasons, Staff recommended that this request be denied.

  Bryan Gleckler, Chief of Staff, Department of Corrections replied by stating that intelligence has grown in importance to be the equivalent of an operational program of the agency. It is critical to maintain safety and security at correctional facilities. The closing of Tamms has increased its importance since the option of sending problem inmates to that facility is now gone. Commissioner Krey inquired if all this position does is gather information. Bryan Gleckler replied that it will function as the Deputy Chief. Executive Director Stralka asked whether the recent transfer of the Chief position from Sangamon County to Cook County played a part in this request. Bryan Gleckler acknowledged the transfer but replied that it was not a factor.

- As to Item C2, this request is for the Assistant Warden-Southern Region Reception/Classification Center at the Department of Corrections, a position that reports to the Warden who reports to the Director. The agency's Reception/Classification Centers function as routing centers for inmates. The agency has a Northern Region Reception/Classification Center located in Stateville which performs this same function for the northern part of the State. It is organized and structured in a similar manner, but is larger and handles significantly more inmates. It has two exempt Assistant Wardens. When its last exempt Assistant Warden was approved in 2008, the agency made a representation that it would not be seeking any exempt positions for the Southern Region Reception/Classification Center. The agency now indicates that an increase in the overall inmate population warrants the addition of an exempt Assistant Warden of Programs. For these reasons, Staff recommended that this request be denied but he also noted that there is information about this program which was being exchanged with the agency as late as yesterday. An example is that there exists a third Reception/Classification Center at Graham for the Central Region. Bryan Gleckler, Chief of Staff, Department of Corrections, provided a brief explanation about the difference between the Central Region at Graham and the Southern Region at Menard. Bryan Gleckler indicated that the agency did not have any objection to continuing this request.

- As to Items D & E, these requests are both related to the reorganization of the Division of Family & Community Services (FCS) in the Department of Human Services. Item D is for an Assistant Director of FCS who reports to the Division Director who reports to the Assistant Secretary who reports to the Secretary. Item E is for an Associate Director-Family and Community Services who reports to Item D. Considering the scope of the new Division, Staff was prepared to recommend approval of Item D as it would be consistent with past practice of allowing large operation program heads an exempt Assistant. Staff was not prepared to recommend approval of Item E as there was no principal programmatic responsibility cited in the position description other than generic Training, Policy Development, Transaction and Support Services and a program integrity component. None of these appeared sufficient to warrant a principal policy exemption, and it seems likely that these programs already have an exempt position. The agency cited two other programs in communications prior to this meeting, but neither program was set forth in the position description for Item E. For these reasons, Staff recommended that Item E be denied. He added that while the recommendation was to approve Item D, there is a concern in granting piecemeal exemptions when large scale reorganizations occur that the Commission is not provided the "big picture" which makes it easier to determine which positions are appropriate for exemption. Therefore, it would be the Staff's recommendation that the Commission consider this before granting any exemption requests related to the reorganization of the FCS, a reorganization that the agency indicated may result in the hiring of up to 1,000 new employees.

  Scott Viniard, Acting Bureau Chief, Bureau of Employee Services, acknowledged that the agency was preparing a new position description for Item E which would reflect these omitted programs and would not have any objection to continuing these requests. He hoped this would provide a better picture of this division.

- As to Item F, this request is for the Deputy Director-Consumer Education and Protection Program at the Department of Insurance, a position that reports to the Director. This position's responsibilities include educating and informing consumers about insurers' advertising, marketing, underwriting, and claims practices, as well as investigating the same. Staff had a concern that there was overlap with the agency's already exempt Deputy Director of Consumer Education. The agency failed to respond to Staff's inquiries so Staff recommended denial of this request.

- As to Item G, the agency requested that this matter be withdrawn.

- As to Item H1, this request is for the Manager of the Administrative Support Program at the Illinois Workers' Compensation Commission (IWCC), a position that reports to the Chairman. This position had previously had its exemption rescinded due to extended vacancy in 2009. It has principal policy responsibility for all administrative functions of the IWCC including space management, records, and the like. For these reasons, Staff recommended approval of this request. Katherine Melford, agency representative, added that the position functions as the Operations Manager for the IWCC.

- As to Item H2, the agency requested that this matter be continued to the August meeting.

IT WAS MOVED BY COMMISSIONER CUMMINGS TO GRANT THE REQUEST FOR EXEMPTION FOR ITEM C1. HEARING NO SECOND, COMMISSIONER CUMMINGS THEN WITHDREW HER MOTION WITH THE DIRECTION THAT STAFF AND THE AGENCY REPRESENTATIVE ARE TO RESUME DISCUSSION OF THE ISSUES THAT WERE PRESENTED TODAY THAT LED TO THE STAFF RECOMMENDATION TO DENY THIS REQUEST.

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 3-0 TO ACCEPT THE WITHDRAWAL OF THE REQUEST FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITION:

G: Policy Advisor (DOR)

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

C1: Deputy Chief of Intelligence/Investigations (DOC)

C2: Assistant Warden-Southern Reception Center/Classification Center (DOC)

D: Assistant Director-Family and Community Services (DHS)

E: Associate Director-Family and Community Services (DHS)

H2: Manager of Business Systems (WCC)

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 3-0 TO GRANT THE REQUEST FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITION:

H1: Manager of Administrative Support Program (WCC)

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 3-0 TO DENY THE REQUEST FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITION:

F: Deputy Director-Consumer Education and Protection Program (DOI)

Chairman FitzGerald then noted that the Department of Corrections had 24 vacant exempt positions. Bryan Gleckler responded that the agency is trying to fill these vacancies.

The following 4d(3) exemption request was withdrawn on July 19, 2013:

G. Illinois Department of Revenue

Position Number	40070-25-00-100-30-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Policy Advisor
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

The following 4d(3) exemption requests were continued on July 19, 2013:

C1. Illinois Department of Corrections

Position Number	40070-29-09-010-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Intelligence/Internal Investigations
Functional Title	Deputy Chief of Intelligence/Investigations
Incumbent	Vacant
Supervisor	Chief of Intelligence/Investigations who reports to the Chief Legal Counsel, who reports to the Director
Location	Sangamon County

C2. Illinois Department of Corrections

Position Number	40070-29-83-400-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Southern Reception/Classification and Medium Security
Functional Title	Assistant Warden-Southern Region Reception/Classification Center
Incumbent	Vacant
Supervisor	Warden who reports to the Director
Location	Randolph County

D. Illinois Department of Human Services

Position Number	40070-10-90-010-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Family and Community Services
Functional Title	Assistant Director-Division of Family and Community Services
Incumbent	Vacant
Supervisor	Director-Division of Family and Community Services, who reports to the Assistant Secretary who reports to the Secretary
Location	Cook County

E. Illinois Department of Human Services

Position Number	40070-10-97-555-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Family and Community Services
Functional Title	Associate Director-Family and Community Services
Incumbent	Vacant
Supervisor	Assistant Director-Family and Community Services, who reports to the Director of Family and Community Services, who reports to the Assistant Secretary, who in turn reports to the Secretary
Location	Cook County

H2. Illinois Workers' Compensation Commission

Position Number	40070-50-37-051-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Business Systems
Functional Title	Manager of Business Systems
Incumbent	Vacant
Supervisor	Chairman
Location	Cook County

The following 4d(3) exemption request was granted on July 19, 2013:

H1. Illinois Workers' Compensation Commission

Position Number	40070-50-37-200-00-01[A]
Position Title	Senior Public Service Administrator
Bureau/Division	Administrative Support
Functional Title	Manager of Administrative Support Program
Incumbent	Vacant
Supervisor	Chairman
Location	Cook County

The following 4d(3) exemption request was denied on July 19, 2013:

F. Illinois Department of Insurance

Position Number	40070-14-04-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Deputy Director-Consumer Education and Protection Program
Incumbent	Vacant
Supervisor	Director
Location	Cook County

[A] The exemption of this position was rescinded November 20, 2009.

VI. CLASS SPECIFICATIONS

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

A. Food Services Program Manager

Staff Analysis: Assistant Executive Director Barris explained that the class needed to be created to reflect more desirable education and experience requirements in positions responsible for dietary management at the Departments of Corrections and Juvenile Justice. The ISEA agreed to the creation of the class in order to accommodate these requirements. Commissioner Krey inquired about the number of affected employees. Assistant Executive Director Barris indicated there were 32 incumbents.

B. Special Operations Command Law Enforcement Training Supervisor

Staff Analysis: Assistant Executive Director informed the Commissioners that the request to create the Special Operations Command Law Enforcement Training Supervisor class was voluntarily withdrawn by Central Management Services via e-mail approximately 48 hours prior to the meeting because the Master Sargent Teamsters objected to the duties and responsibilities of the class. John Logsdon from Central Management Services Technical Services explained that the Master Sargent Teamsters filed a grievance regarding the duties and responsibilities of the new class. Executive Director Stralka asked if it was the agency that requested the withdrawal. John Logsdon explained that the agency requested the withdrawal through Shared Services and that Chris Nichols of Central Management Services sent this request to the Commission via e-mail.

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 3-0 TO APPROVE THE CREATION OF THE FOLLOWING CLASS TITLE TO BE EFFECTIVE AUGUST 1, 2013:

A. Food Services Program Manager

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 3-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.

VII. MOTION TO CLOSE A PORTION OF THE MEETING

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND BY ROLL CALL VOTE THE MOTION ADOPTED 3-0 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.

FITZGERALD	**YES**	**CUMMINGS**	**YES**
KREY	**YES**		

VIII. RECONVENE THE OPEN MEETING

Upon due and proper notice the regular open meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Suite S-901, Chicago, Illinois at 11:18 a.m.

PRESENT

Chairman Garrett P. FitzGerald; Anita M. Cummings and Susan Moylan Krey, 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. Executive Director Dan Stralka advised the Commissioners that he contacted the Department of Healthcare and Family Services about their increase and was advised that it was due to the need to extend some 75-day contracts. The number should be down next month.

Agency	5/31/13	**6/30/13**	6/30/12
Aging	1	**1**	1
Agriculture	1	**2**	0
Arts Council	1	**1**	1
Central Management Services	2	**2**	0
Children and Family Services	11	**10**	8
Employment Security	0	**0**	1
Healthcare and Family Services	22	**21**	3
Human Rights	0	**0**	1
Human Services	1	**1**	2
Insurance	1	**1**	0
Natural Resources	0	**0**	1
Property Tax Appeal Board	3	**3**	0
Public Health	1	**2**	0
Revenue	5	**5**	0
State Police Merit Board	1	**1**	0
Veterans' Affairs	4	**4**	0
Totals	54	**54**	18

X. INTERLOCUTORY APPEALS

DA-39-13

Employee	Amanda D. Wilson	Appeal Date	4/09/13
Agency	Public Health	Decision Date	6/20/13
Type	Discharge	ALJ	Andrew Barris
Issue(s)	Motion to Dismiss for agency's violation of Section 302.705 of the Personnel Rules	Proposal for Decision	Grant the Motion to Dismiss subject to the approval of the Commission; Wilson to be reinstated to her position.

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND BY ROLL CALL VOTE OF 3-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH DID NOT COMPLY WITH SECTION 302.705 OF THE PERSONNEL RULES WHEN THEY DID NOT PROVIDE THE NAME OF ANY KNOWN WITNESS AND A COPY OF ANY DOCUMENT PERTINENT TO THE CHARGES AT WILSON'S SCHEDULED PRE-TERMINATION HEARING. THE COMMISSION APPROVES THE GRANTING OF RESPONDENT'S MOTION TO DISMISS AND ORDERS WILSON TO BE REINSTATED TO HER POSITION AT THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH.

FITZGERALD	**YES**	**CUMMINGS**	**YES**
KREY	**YES**		

S-45-13

Employee	Timothy Ware	Appeal Date	05/31/13
Agency	Corrections	Decision Date	07/05/13
Type	Suspension	ALJ	Andrew Barris
Issue(s)	Motion to Dismiss for no jurisdiction; suspension pending discharge	Proposal for Decision	Grant the Motion to Dismiss subject to approval of the Commission.

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND BY ROLL CALL VOTE OF 3-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION TO GRANT THE MOTION TO DISMISS FOR NO JURISDICTION AS THE APPEAL WAS NOT FILED FOR A DISCIPLINARY SUSPENSION PURSUANT TO SECTION 302.660 OF THE PERSONNEL RULES, BUT A SUSPENSION PENDING DISCHARGE PURSUANT TO SECTION 302.710 OF THE PERSONNEL RULES.

FITZGERALD	**YES**	**CUMMINGS**	**YES**
KREY	**YES**		

XI. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL

DA-24-13

Employee	Adewale Langston	Appeal Date	12/31/12
Agency	Corrections	Decision Date	07/05/13
Appeal Type	Discharge	Proposal for Decision	30-day suspension plus duration of suspension pending discharge.
ALJ	Daniel Stralka		

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND BY ROLL CALL VOTE OF 3-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE CHARGES HAVE BEEN PARTIALLY PROVEN AND WARRANT A 30-DAY SUSPENSION PLUS THE DURATION OF HIS SUSPENSION PENDING DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED JULY 5, 2013.

FITZGERALD	**YES**	**CUMMINGS**	**YES**
KREY	**YES**		

XII. APPEAL TERMINATED WITHOUT DECISION ON THE MERITS

RV-36-13

Employee	Lawrence Beckom	Appeal Date	03/22/13
Agency	Transportation	Decision Date	06/21/13
Appeal Type	Rule Violation	Proposal for Decision	Dismissed subject to approval of the Commission; appeal is moot.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND BY ROLL CALL VOTE OF 3-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE DISMISSAL OF THE APPEAL FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION.

FITZGERALD	**YES**	**CUMMINGS**	**YES**
KREY	**YES**		

XIII. STAFF REPORT

Executive Director Daniel Stralka reported that the move of the Commission's Springfield office was completed on June 26, 2013.

XIV. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held Friday, August 16, 2013 at 10:30 a.m. in the Commission's Chicago office.

XV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 3-0 TO ADJOURN THE MEETING AT 11:25 A.M.