

August 19, 2011

AGENDA  
ILLINOIS CIVIL SERVICE COMMISSION  
August 19, 2011

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 ON JULY 15, 2011

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON JULY 15, 2011?**

IV. 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 .....	145	10
Agriculture.....	473	17
Arts Council.....	18	2
Capitol Development Board .....	46	0
Central Management Services .....	1,394	113
Children and Family Services.....	2,936	49
Civil Service Commission .....	4	0
Commerce & Economic Opportunity .....	430	67
Commerce Commission.....	79	0
Corrections.....	12,149	103
Criminal Justice Authority.....	61	5
Deaf and Hard of Hearing Comm.....	8	1
Developmental Disabilities Council .....	9	1
Emergency Management Agency .....	86	7
Employment Security .....	1,927	29
Environmental Protection Agency.....	900	16
Financial & Professional Regulation .....	474	42
Gaming Board.....	114	5
Guardianship and Advocacy .....	104	7
Healthcare and Family Services.....	2,250	27
Historic Preservation Agency .....	237	9
Human Rights Commission .....	13	2
Human Rights Department .....	150	8
Human Services .....	13,681	77
Illinois Sentencing Policy Advisory Council.....	1	2
Illinois Torture Inquiry Relief Commission.....	2	1
Insurance.....	256	12
Investment Board.....	3	1
Juvenile Justice .....	1,295	20
Labor.....	79	7
Labor Relations Board Educational .....	12	2
Labor Relations Board State .....	20	2
Law Enforcement Training & Standards Bd.....	18	2
Medical District Commission .....	2	0
Military Affairs.....	121	3
Natural Resources.....	1,353	28
Pollution Control Board.....	21	1
Prisoner Review Board .....	19	0
Property Tax Appeal Board .....	37	1
Public Health .....	1,111	41
Racing Board .....	2	0
Revenue .....	2,067	59
State Fire Marshal.....	141	12
State Police .....	1,268	4
State Police Merit Board.....	5	1
State Retirement Systems .....	87	2
Transportation.....	2,345	0
Veterans' Affairs .....	1,302	8
Workers' Compensation Commission .....	175	8
<b>TOTALS .....</b>	<b>49,430</b>	<b>814</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 Insurance – Proposed Exemption**

Position Number	40070-14-16-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Information Technology
Functional Title	Information Technology Director
Incumbent	Vacant
Supervisor	Chief Deputy Director who reports to the Acting Director
Location	Sangamon 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.”

**D. Illinois Department of Corrections – Proposed Exemption**

Position Number	40070-29-04-300-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Bureau of Operations
Functional Title	Central Deputy Director
Incumbent	Vacant
Supervisor	Chief of Operations, who reports to the Director
Location	Sangamon County

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

**E. Illinois Department of Corrections – Proposed Exemption**

Position Number	40070-29-06-100-10-01
Position Title	Senior Public Service Administrator
Bureau/Division	Correctional Industries
Functional Title	Illinois Correctional Industries (ICI) Financial Officer
Incumbent	Vacant
Supervisor	Chief Executive Officer who reports to the Director
Location	Sangamon County

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

**F. Illinois Department of Human Services – Proposed Rescission of Exemption**

Position Number	40070-10-72-000-00-21
Position Title	Senior Public Service Administrator
Bureau/Division	Division of Developmental Disabilities
Functional Title	Ludeman Assistant Center Director
Incumbent	Glenda Corbett
Supervisor	Chief Executive Officer who reports to the Director
Location	Cook County

**CMS Recommendation:** “Because the position will no longer meet the reporting criteria of the Commission, and due to the diminished authority now vested, the Department requests the 4d(3) exemption be removed.”

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

- C: Information Technology Director (Department of Insurance)**
- D: Central Deputy Director (Corrections)**
- E: Illinois Correctional Industries Financial Officer (Corrections)**

**WILL THE COMMISSION RESCIND THE EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITION?**

- F: Ludeman Assistant Center Director (Human Services)**

**V. CLASS SPECIFICATIONS**

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

- A. Storekeeper I (revise)**
- Storekeeper II (revise)**
- Storekeeper III (revise)**

Central Management Services Classification Analysis: “At the request of Central Management Services and in conjunction with a grievance settlement, a class study of the Storekeeper 1, 2 and 3 was initiated to determine if this class series should include a driver’s license requirement. A review of current position records has resulted in the following observations.

There are 21 agencies making use of the three Storekeeper classifications currently, offering a broad group of 180 positions in all, and representing a workforce of 146 employees. In reviewing this group of positions, we found that many require some type of driver's license, appropriate to the vehicles being driven:

Storekeeper 1	37%
Storekeeper 2	37%
Storekeeper 3	15%

Staff concludes that a significant number of positions in this series do involve driving a motor vehicle. In addition, 15% of the positions studied require a CDL driver's license, where job duties include the pick-up or delivery of stocked items. The types of vehicles driven ranges from single axle dump trucks used by storekeepers in transportation maintenance facilities where materials are stored, the operation of which requires a commercial drivers license class B, and large trucks which require a class C drivers license, to small delivery vans.

The class specifications have been amended to include 'May require possession of a valid and appropriate driver's license, to include a CDL license for some positions.' with an example, and the 'Distinguishing Features of Work' has been reasonably broadened to reflect the practice in agencies where storekeepers may drive trucks or vans in replenishing or distributing items from their stores. None of the position records described driving as a preponderant duty.

In reviewing storekeeper work generally, driving a vehicle to pick up and deliver stores items is not a defining characteristic of this occupation. We therefore would not expect to see, nor did we find this activity defined in position records as the essential purpose or principal function of the storekeeper.

In this review, we also looked at the Maintenance Equipment Operator, or MEO, class of positions for possible overlap, in that this classification has also been used to operate vehicles requiring a CDL driver's license. This class includes 57 positions in 7 agencies representing 116 employees. The class specification sets out the work of the class to include those performing a variety of semiskilled manual tasks involving the operation of automotive and related maintenance equipment in connection with road maintenance, or repair of grounds and buildings, equipment and machinery and other work of a general maintenance character. Work example 3 in this class describes work involving driving and servicing trucks, tractors, automobiles, busses and ambulances at institutions. Position usage indicates that both the MEO and Storekeepers drive trucks, sometimes requiring a CDL driver's license. However, the distinguishing characteristic of the MEO is the responsibility to drive and maintain equipment and make repairs where the CDL license, Class B, is a principal requirement. In contrast, all Storekeepers are required to maintain a stores inventory, and many positions describe work requiring the operation of vans and trucks to pick up and deliver items, but not as a preponderant work duty."

**B. Pharmacy Technician (create)  
Pharmacy Lead Technician (create)**

Central Management Services Classification Analysis: “The Department of Human Services has asked us to amend the requirements for the Pharmacy Technician and Pharmacy Lead Technician classes in order to accommodate changes in the Pharmacy Practices Act. These positions continue to require the equivalent of a high school education. While the Act grandfathers the registration of pharmacy technicians who have maintained current registration and were originally registered prior to January 1, 2008, new pharmacy technicians hired after that date are now required to complete an approved program of instruction and pass a qualifying examination in order to be certified as a pharmacy technician.

Human Services has asked that only trained, tested and certified pharmacy technicians be hired under the new qualification requirements as they are not sufficiently staffed and funded to provide training to new workers. In addition, this will assure that all future hires will have demonstrated knowledge needed for this work. Representatives also mentioned that the often lengthy time period required in securing hiring authorization from the Governor’s Office to fill vacancies, coupled with the possible risk that non-certified employees might fail to complete the certification process, were also considerations in moving to the higher standard. Agency representatives mentioned that some employees who missed appropriate math courses in high school have difficulty in learning to perform calculations needed for compounding medications. This is one of the skill areas on the certification examination.

The existing Pharmacist Technician class includes a provision for a credentialing program through the AFSCME Upward Mobility Program. This provision remains in the updated Pharmacy Technician class as proposed, and non-certified employees may train and qualify through this program to meet the certification requirement. This provision, together with the ability to screen for certified pharmacy technicians on an open competitive list will address the concerns raised, and provide for a uniform standard for the selection of viable job candidates, consistent with the certification requirements incorporated into the Pharmacy Practice Act.

Note that a minor update in the class title is being made to conform to more current and common usage. With this change, the position title code is also being modified to meet the requirements of one of our legacy computer systems.

Veterans’ Affairs has two Pharmacy Technicians and two Leads, and Department of Corrections makes use of two Pharmacy Technician positions, three employees total. Corrections was the only agency that did not have a Pharmacist on site at each of the two facilities. The facilities make use of a contractual arrangement with a local pharmacist to provide the required oversight. We did note that in the Pharmacy Practice Act, [225 ILCS 85/15(3)], ‘The Secretary may waive the requirement for a pharmacist to be on duty at all times for State facilities not treating human ailments.’ These two agencies were found to be in agreement with the changes suggested by the Department of Human Services.

The Pharmacy Technician Certification Board (PTCB) and the Institute for the Certification of Pharmacy Technicians (ICEPT) administer national certification examinations. Both of these organizations are accepted by the Illinois Division of Professional Regulation,

Pharmacy Coordinator according to a representative from that office, who also noted that calling for certification of Pharmacy Technicians would not be inappropriate as a minimum requirement.”

**C. Health Information Administrator (revise)  
Health Information Technician (revise)**

Central Management Services Classification Analysis: “Human Resources has asked to have the requirements lowered for the Health Information Administrator class to include a broadened candidate pool to fill the Health Information Administrator classification at negotiated salary rates for the current master contract. This change will additionally afford an improved career path from the next lower level in the series, the Health Information Technician class for individuals with the experience needed to manage a facility health information system.

A change in the Health Information Technician is being made to reflect the responsibility for serving as a designated leadworker to assigned lower level staff as noted in several position records. This change will provide additional work-based differentiation in the class for those positions which oversee the work of Health Information Associates and other support positions.

A key distinguishing characteristic between the Health Information Technician and the Health Information Administrator is that the latter class defines positions which are delegated responsibility for the overall health information services program at a facility including planning, budgeting, organizing and supervising the maintenance of a health information records department.”

**D. Flight Safety Coordinator (revise)**

Central Management Services Classification Analysis: “The Aviation Safety and Education Section of the Illinois Department of Transportation requested that the Education and Experience requirements of the class specification of the Flight Safety Coordinator be revised as follows:

1. The total number of flight hours of flight experience is reduced from 1,500 hours to 750 hours.
2. Of the 100 hours as pilot-in-command experience within the last 12 months, 10 of those hours must be night flying.
3. Instrument requirement is reduced from 75 hours to 50 hours with 10 hours in actual instrument condition instead of 25 hours.
4. Night hours are reduced from 100 hours to 50 hours, with an added requirement that 10 of these hours must have been logged in the past 12 months.

The reduction in hours will increase the pool of qualified candidates for the Flight Safety Coordinator position. The nation-wide pilot population has decreased by 10% over the past ten years, and continues to decline. In addition, the average age for pilots is currently 45, and that number is growing as new people are not entering aviation. The combination of fewer pilots and older pilots make it a more competitive market. It will take a pilot many hours to

log 1,500 hours. By the time they have accumulated this experience, they are probably already secure in an aviation profession.

The role of the Flight Safety Coordinator has changed. Their primary reason for flying is to conduct airport inspections. These cannot be conducted in poor weather or at night. Therefore the instrument and night hours requirements have been reduced.”

**E. Corrections Vocational Instructor (revise)**

Central Management Services Classification Analysis: “The Department of Juvenile Justice operates a school district regulated by the Illinois State Board of Education (ISBE) which sets out certification requirements for vocational instructor positions and educators.

The Department wishes to assure compliance with ISBE requirements for several reasons:

- To meet the same quality standard for teaching staff as called for in other school districts.
- To retain status as a school district by meeting the requirements of the ISBE.
- To meet grant funding requirements for financial support of the agency’s school programs.
- To provide for recognition and transferability of course credits.

In order to accomplish these ends, the Department of Juvenile Justice has asked that certification requirements be included in the Corrections Vocational Instructor class specification. We have reviewed this request, and agree that identification of qualifying certifications for positions describing vocational instructor work is appropriate. Several means for meeting the certification requirement are provided, and will be given equal weight in the screening process. Furthermore, the certification requirement will only apply to positions in the Department of Juvenile Justice. Employees performing similar work in the Department of Corrections will not be screened for ISBE certification.

Existing employees in the Department of Juvenile Justice will be grandfathered with this class change, but the agency intends to work with existing employees in order to secure the necessary certifications in order to meet necessary qualification requirements. Class content has been updated to identify current examples of vocational areas.”

**WILL THE COMMISSION APPROVE THE CREATION AND REVISION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE SEPTEMBER 1, 2011?**

- A. Storekeeper I (revise)**  
**Storekeeper II (revise)**  
**Storekeeper III (revise)**
  
- B. Pharmacy Technician (create)**  
**Pharmacy Lead Technician (create)**
  
- C. Health Information Administrator (revise)**  
**Health Information Technician (revise)**

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**D. Flight Safety Coordinator (revise)**

**E. Corrections Vocational Instructor (revise)**

**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.

<b>Agency</b>	<b>6/30/11</b>	<b>7/31/11</b>	<b>7/31/10</b>
Aging	1	<b>1</b>	0
Agriculture	0	<b>5</b>	0
Central Management Services	1	<b>3</b>	0
Children and Family Services	0	<b>6</b>	2
Commerce & Economic Opportunity	0	<b>1</b>	0
Employment Security	21	<b>25</b>	2
Healthcare and Family Services	5	<b>5</b>	0
Historic Preservation Agency	0	<b>6</b>	0
Human Services	13	<b>12</b>	0
Natural Resources	5	<b>20</b>	0
Property Tax Appeal Board	6	<b>13</b>	4
Revenue	0	<b>1</b>	0
State Fire Marshal	1	<b>1</b>	0
State Retirement Systems	0	<b>0</b>	1
Transportation	1	<b>1</b>	3
Veterans' Affairs	2	<b>1</b>	0
Workers' Compensation Commission	0	<b>2</b>	0
<b>Totals</b>	56	<b>103</b>	12

IX. INTERLOCUTORY APPEALS

**RV-35-11**

Employee	Gregory D. Douglas	Appeal Date	01/05/11
Agency	Central Management Services	Decision Date	07/19/11
Type	Rule Violation	ALJ	Daniel Stralka
Issue(s)	Similar appeals filed regarding failure of CMS to provide names of applicants and interviewees for select job postings	Proposal for Decision	Dismiss the appeal under the doctrine of res judicata.

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

**RV-36-11**

Employee	Corey E. Esser	Appeal Date	01/20/11
Agency	Juvenile Justice	Decision Date	07/22/11
Type	Rule Violation	ALJ	Andrew Barris
Issue(s)	No jurisdiction because the appeal was not timely filed	Proposal for Decision	Dismiss the appeal for no jurisdiction.

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

X. **PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS**

**DA-4-11**

Employee	Oscar W. Tames	Appeal Date	07/16/10
Agency	Human Services	Decision Date	08/01/11
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Abuse of time	Proposal for Decision	Charge is proven and warrants discharge.

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

**DA-27-11**

Employee	Gregory H. Little	Appeal Date	10/25/10
Agency	Revenue	Decision Date	08/05/11
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Time abuse, falsification of time records, and misuse of state vehicle and state property	Proposal for Decision	Charges are partially proven and warrant discharge.

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

**DA-40-11**

Employee	Zane Holder	Appeal Date	03/01/11
Agency	Corrections	Decision Date	08/05/11
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Unauthorized absences	Proposal for Decision	Charges are proven and warrant discharge.

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

XI. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

**DA-41-11**

Employee	Linda G. Kennedy	Appeal Date	03/01/11
Agency	Revenue	Decision Date	08/09/11
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Probationary discharge	Proposal for Decision	Dismissed subject to approval of Commission; settled.

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

**DA-55-11**

Employee	Brian W. Verbiski	Appeal Date	06/21/11
Agency	Corrections	Decision Date	07/12/11
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Conduct unbecoming	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn.

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

XII. STAFF REPORT

XIII. ANNOUNCEMENT OF NEXT MEETING

**The next regular meeting is to be held on Friday, September 16, 2011 at 11:00 a.m. in the Commission's Chicago office.**

XIV. MOTION TO ADJOURN