

September 17, 2010

AGENDA  
ILLINOIS CIVIL SERVICE COMMISSION  
September 17, 2010

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

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD AUGUST 20, 2010

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR  
MEETING HELD AUGUST 20, 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 .....	138.....	10
Agriculture .....	426.....	16
Arts Council.....	19.....	2
Capitol Development Board .....	46.....	0
Central Management Services .....	1,410.....	115
Children and Family Services .....	3,000.....	48
Civil Service Commission .....	3.....	0
Commerce & Economic Opportunity .....	425.....	67
Commerce Commission.....	71.....	0
Corrections.....	11,156.....	104
Criminal Justice Authority.....	59.....	5
Deaf and Hard of Hearing Comm. ....	7.....	1
Developmental Disabilities Council .....	9.....	1
Emergency Management Agency .....	91.....	7
Employment Security.....	1,950.....	29
Environmental Protection Agency .....	910.....	17
Financial & Professional Regulation .....	493.....	41
Gaming Board.....	77.....	5
Guardianship and Advocacy .....	109.....	7
Healthcare and Family Services.....	2,273.....	25
Historic Preservation Agency .....	196.....	9
Human Rights Commission .....	14.....	2
Human Rights Department .....	141.....	8
Human Services .....	13,315.....	77
Insurance.....	236.....	11
Investment Board.....	3.....	1
Juvenile Justice .....	1,208.....	19
Labor.....	82.....	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 .....	122.....	3
Natural Resources .....	1,302.....	24
Pollution Control Board.....	20.....	1
Prisoner Review Board .....	20.....	0
Property Tax Appeal Board .....	19.....	1
Public Health.....	1,079.....	43
Racing Board .....	2.....	0
Revenue .....	1,992.....	57
State Fire Marshal.....	139.....	12
State Police .....	1,322.....	5
State Police Merit Board.....	6.....	1
State Retirement Systems .....	81.....	2
Transportation.....	2,249.....	0
Veterans' Affairs.....	1,189.....	7
Workers' Compensation Commission .....	172.....	8
TOTALS .....	47,631.....	804

**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 August 20, 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 Human Services – Proposed Exemption**

Position Number	40070-10-00-200-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Secretary’s Office
Functional Title	Manager, Open Door Program
Incumbent	Vacant
Supervisor	Secretary
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.”

**E. Illinois Department of Juvenile Justice – Proposed Exemption**

Position Number	40070-27-00-300-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Field Services After Care
Functional Title	Deputy Director of Field Services After Care
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 Department of Public Health – Proposed Rescission of Exemption**

Position Number	40070-20-02-300-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of the Director, Legal Services
Functional Title	Deputy General Counsel
Incumbent	Vacant
Supervisor	General Counsel who reports to the Director
Location	Sangamon County

**CMS Recommendation:** “Because the position no longer meets the principal policy authority criteria vested in 4(d)3 exempt positions, the Department of Central Management Services agrees that the 4(d)3 exemption should be rescinded.”

**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 (DPH)**
- D: Manager, Open Door Program (DHS)**
- E: Deputy Director of Field Services After Care (DJJ)**

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

- F: Deputy General Counsel (DPH)**

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. CLASS SPECIFICATIONS

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

**A. Gaming Licensing Analyst (creation)**

Classification Analysis: “The Licensing Division of the Illinois Gaming Board has requested the creation of a new class specification to meet their need to interpret information impacting the licensing process of riverboat gaming and video poker applicants in the State of Illinois. Incumbents in this class will review, analyze and interpret information provided by individuals and corporate entities submitting

applications for licensure by the Gaming Board as provided for conformance with the provisions in the Illinois Riverboat Gaming Act and the Illinois Video Gaming Act and associated administrative rules. They will collect and interpret fingerprint response information of applicants from the Illinois State Police Bureau of Identification and the Federal Bureau of Identification to determine if additional information is needed to complete the applicant background check for conformance with regulatory standards. Upon determining the applicant's suitability for licensure, the analyst provides the Investigative Supervisor with a written analysis, a plan of action and a recommended course of action for each application. Further, incumbents in this class will maintain complex databases and spreadsheets to track applicants and maintain and update renewal files for all riverboat owner, video gaming and supplier licensees. This includes keeping abreast of the latest company mergers, corporate structure changes and advances in gaming technology, assuring the information is included in the Gaming Board's files and databases. Finally, these positions will maintain written and verbal communication with Illinois Gaming Board divisions providing guidance and answering inquiries related to the licensing process.

We looked at other classes in the Office series, and the Licensing Assistant to fill the Gaming Board's expressed need without a new class development, but this class does not include responsibility for the analysis of information to determine candidate suitability for licensure. This class calls for high school and no prior experience.

The Licensing Investigator series is specific to the Professional Regulation of occupations in Illinois, and is not inclusive of the work performed in reviewing licensing applications for the Gaming Board.

We found one position in the Gaming Board in the Office Coordinator classification with duties sufficiently similar to the new Gaming Licensing Analyst to warrant reclassification to the new title."

**B. Sewage Plant Operator (revision)**

Classification Analysis: "The revision to the Sewage Plant Operator class specification is the result of an agency requesting creation of a position to operate a wastewater treatment plant other than E.P.A. Class III Wastewater Treatment Plant as currently specified. In order to accommodate future needs, we have changed the class specification to require the appropriate E.P.A. Wastewater Treatment Works Operating Certificate to meet individual facility needs."

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

**A. Gaming Licensing Analyst (creation)**

**B. Sewage Plant Operator (revision)**

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

VII. 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?**

VIII. RECONVENE MEETING

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. 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>7/31/10</b>	<b>8/31/10</b>	<b>8/31/09</b>
Aging	0	<b>0</b>	1
Agriculture	0	<b>0</b>	5
Children and Family Services	2	<b>3</b>	10
Criminal Justice Authority	0	<b>0</b>	1
Employment Security	2	<b>2</b>	10
Healthcare and Family Services	0	<b>1</b>	13
Historic Preservation Agency	0	<b>0</b>	1
Human Services	0	<b>0</b>	1
Natural Resources	0	<b>5</b>	37
Property Tax Appeal Board	4	<b>0</b>	2
State Fire Marshal	0	<b>0</b>	1
State Retirement Systems	1	<b>0</b>	0
Transportation	3	<b>0</b>	8
Veterans' Affairs	0	<b>0</b>	1
<b>Totals</b>	12	<b>11</b>	91

X. INTERLOCUTORY APPEAL

**GT-52-10**

Employee	Tony Shugailo	Appeal Date	05/27/10
Agency	DOT	Decision Date	08/25/10
Type	Geographical Transfer	ALJ	Daniel Stralka
Issue(s)	Motion to Dismiss (Employee filed a grievance that was denied at the 2nd level and the relocation was not a geographical transfer as set forth in the Personnel Code)	Proposal for Decision	Grant Motion to Dismiss.

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

XI. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL

**DA-39-10**

Employee	LaVonne R. Williams	Appeal Date	02/24/10
Agency	DCFS	Decision Date	09/03/10
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Misuse of state equipment; conduct unbecoming; conflict of interest (used state time and equipment to operate personal business)	Proposal for Decision	Charges are proven and warrant discharge.

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

XII. AMENDMENTS TO THE PERSONNEL RULES

SECTION 303.120 FURLOUGH PROGRAM

c) Furlough Time – Furlough time shall be scheduled in a manner that is consistent with the operating needs of the agency. Furlough may be taken in full or one-half day increments only and may be nonconsecutive. Employees on schedules with shortened work weeks shall take furlough time on a prorated basis. Sick time, ~~vacation time, personal time~~, accumulated holiday time, Earned Equivalent Time (EET), and compensatory time shall not be used to remain in pay status while on furlough. Accrued vacation time and accrued personal time may be used by employees subject to a non-bargaining unit furlough program to remain in pay status while on furlough. Taking a furlough day before or after a holiday shall not result in loss of pay for the holiday. Furlough time shall not count toward overtime. Conflicts regarding scheduling furlough time shall be resolved based first on the operational needs of the agency and second by continuous service date. All furlough time shall be pre-approved. Previously charged unpaid time (unexcused absence, unauthorized absence, excused absence or suspension time) shall not be used to meet an employee’s furlough obligation. Employees subject to a non-bargaining unit furlough program may elect to take a furlough day on a holiday; however, an~~A~~ agency shall not mandate that an employee take a furlough day on a holiday.

d) Time Sheets – Furloughs shall be indicated by a daily entry of FD (Furlough Day) on an employee’s time sheet. In the event an employee elects to utilize a vacation or personal day in the place of a non-bargaining unit furlough day, the employee’s time sheet shall indicate an entry of FV (Furlough, Vacation) or FP (Furlough Personal).

SECTION 303.125 LEAVE FOR PERSONAL BUSINESS

c) Employees subject to a non-bargaining unit furlough program may substitute accrued personal leave for furlough time in order to remain in paid status. Utilization of accrued personal leave for furlough must be in one-half day or full day increments and must be in accordance with furlough program requirements.

SECTION 303.250 VACATION ELIGIBILITY

~~e) Vacation time may be taken in increments of not less than ¼ hour after a minimum use of ½ hours any time after it is earned. Vacation time shall not be accumulated for more than 24 months after the end of the calendar year in which it is earned.~~

cd) Vacation time shall be earned in workdays and computed in hours. After an employee's earned vacation time has been so computed, if there remains a fractional balance of ½ hour or less, the employee shall be deemed to have earned vacation time of ½ hours in lieu of the fractional balance; if there remains a fractional balance of more than ½ hours, the employee shall be deemed to have earned a full hours of vacation time in lieu of a fractional balance.

de) Computation of vacation time of State employees who have interrupted continuous State service shall be determined as though all previous State service that qualified for earning of vacation benefits is continuous with present service. This subsection applies to vacation time earned on or after October 1, 1972.

SECTION 303.270 VACATION SCHEDULE AND LOSS OF EARNED VACATION

a) In establishing vacation schedules, the agency shall consider both the employee's preference and the operating needs of the agency. In any event, upon request, vacation time must be scheduled so that it may be taken not later than 24 months after the expiration of the calendar year in which such vacation time was earned. If an employee does not request and take accrued vacation within such 24 month period, vacation earned during such calendar year shall be lost.

b) In any calendar year in which an employee is subject to one or more non-bargaining unit furlough programs and completes full participation as verified by the employing agency in all such programs to which the employee was subject, vacation time that would have been lost will instead be permitted to accumulate for an additional 12 months.

c) Vacation time may be taken in increments of not less than ¼ hour after a minimum use of ½ hour any time after it is earned.

Employees subject to a non-bargaining unit furlough program may substitute accrued vacation time for furlough time in order to remain in paid status. Utilization of accrued vacation time for furlough must be in one-half day or full day increments and must be in accordance with furlough program requirements.

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XIII. MEETING SCHEDULE FOR 2011

**WILL THE COMMISSION APPROVE THE FOLLOWING AS ITS MEETING SCHEDULE FOR CALENDAR YEAR 2011?**

January 21, 2011	Chicago	July 22, 2011	Chicago
February 18, 2011	Chicago	August 19, 2011	Chicago
March 18, 2011	Chicago	September 16, 2011	Chicago
April 15, 2011	Chicago	October 21, 2011	Chicago
May 20, 2011	Springfield	November 18, 2011	Springfield
June 17, 2011	Chicago	December 16, 2011	Chicago

XIV. RATIFICATION OF PERSONAL SERVICE CONTRACT FOR SANDRA GUPPY

**WILL THE COMMISSION RATIFY THE PERSONAL SERVICE CONTRACT FOR SANDRA GUPPY FOR FISCAL YEAR 2011?**

XV. STAFF REPORT

XVI. ANNOUNCEMENT OF NEXT MEETING

**The next regular meeting is to be held on Friday, October 15, 2010 at 11:00 a.m. in the Commission's Chicago office.**

XVII. MOTION TO ADJOURN