

May 15, 2009

AGENDA  
ILLINOIS CIVIL SERVICE COMMISSION  
May 15, 2009

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 APRIL 17, 2009

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR  
MEETING HELD APRIL 17, 2009?**

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 .....	162.....	9
Agriculture .....	439.....	17
Arts Council.....	21.....	2
Capitol Development Board .....	42.....	0
Central Management Services .....	1,490.....	110
Children and Family Services .....	3,139.....	49
Civil Service Commission .....	4.....	0
Commerce & Economic Opportunity .....	439.....	69
Commerce Commission.....	72.....	0
Corrections.....	11,590.....	116
Criminal Justice Authority .....	56.....	6
Deaf and Hard of Hearing Comm. ....	7.....	1
Developmental Disabilities Council .....	11.....	1
Emergency Management Agency .....	94.....	6
Employment Security.....	1,796.....	25
Environmental Protection Agency .....	965.....	19
Financial & Professional Regulation .....	744.....	50
Guardianship and Advocacy .....	105.....	8
Healthcare and Family Services.....	2,416.....	28
Historic Preservation Agency .....	191.....	12
Human Rights Commission .....	14.....	2
Human Rights Department .....	145.....	10
Human Services .....	14,209.....	77
Investment Board.....	3.....	2
Juvenile Justice .....	1,178.....	20
Labor.....	80.....	7
Labor Relations Board Educational .....	12.....	2
Labor Relations Board State .....	19.....	2
Law Enforcement Training & Standards Bd.....	21.....	1
Medical District Commission .....	2.....	0
Military Affairs .....	126.....	3
Natural Resources .....	1,331.....	24
Pollution Control Board.....	19.....	2
Prisoner Review Board .....	20.....	0
Property Tax Appeal Board .....	22.....	1
Public Health.....	1,133.....	44
Revenue .....	2,112.....	70
State Fire Marshal .....	147.....	13
State Police .....	1,404.....	6
State Police Merit Board.....	6.....	1
State Retirement Systems .....	81.....	2
Transportation .....	2,391.....	0
Veterans' Affairs.....	1,141.....	7
Workers' Compensation Commission .....	169.....	10
TOTALS .....	49,568.....	834

**B. Governing Rule – Jurisdiction B Exemptions**

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
  1. The Governor, or
  2. A departmental director or assistant director appointed by the Governor, or
  3. A board or commission appointed by the Governor, or
  4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
  5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
  6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
  7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.
- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
  1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
  2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board, or commission.
  3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

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C. **Proposed Exemptions**

- None submitted.

V. **CLASS SPECIFICATIONS**

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

Position Titles:

- A. Public Aid Appeals Advisor (abolish)
- B. Technical Advisor I (revise)
- C. Technical Advisor II (revise)
- D. Technical Advisor III (revise)
- E. Employment Security Service Representative (revise)

Items A, B, C, and D Classification Analysis: “The Department of Human Services’ Legal Division is experiencing problems with the current hearing officers for several reasons: they have writing deficiency, their skills conducting hearings, and writing abilities require strengthening.

Due to the problems listed above, the supervisor of the hearing officers requires a lot of time to correct subordinates’ work and in some cases, completely revising the product. This has resulted in DHS paying \$16,000 to \$20,000 monthly in penalties due to late work or missed deadlines. In order to do this job properly, a law background is deemed to be essential. DHS is having problems recruiting potential employees with law backgrounds to carry out the duties and responsibilities of the Public Aid Appeals Advisor because the class does not require a college degree. They want a class that will require at least a college degree with some background in law. The Technical Advisor I class specification requires graduation from a recognized law school. This class will enable them to hire employees with law backgrounds to do the job. Those currently in this class will be grandfathered. In the distinguishing features of work section, ‘conducts administrative hearings’ has been added. One illustrative example of work has been added to include the following language: ‘Presides over administrative hearings; evaluates the application of state and federal laws, regulations and policies; prepares hearing decisions in a timely manner including a statement of findings of fact, an analysis of the data and conclusions; confers with supervisor on important questions of interpretation, issues and cases.’ A few other changes were made.

In reviewing the classes of Technical Advisor II and III, it was found that only the III level distinguishing features of work references conducting hearings. We have therefore revised the II level to encompass hearings management and further refined the new I level and extant III level to differentiate between the types of hearings over which they preside. In the Technical Advisor II, under Education and Experience, we have added one year of professional experience in the practice of law as a requirement.”

Item E Classification Analysis: “Employment Security has asked to reduce the requirements on the Employment Security Service Representative by one year, from the current two-year requirement. The agency operates local offices throughout the state, providing both unemployment insurance benefits to unemployed workers, and job services to help displaced workers to find new employment opportunities. Due to the downturn in the economy, the agency wishes to fill positions more expediently in this class, and has requested the one-year reduction in the experience requirement.

We have compared the Employment Security Service Representative with the lower level classifications used in providing direct services in the local offices, and find that the class requirements remain progressive over the Employment Security Program Representative, and the Employment Security Program Representative Intermittent classes.

Staff therefore supports the recommended changes in requirements for this classification.”

**WILL THE COMMISSION APPROVE THE REVISION AND ABOLISHMENT OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE JUNE 1, 2009?**

- A: **Public Aid Appeals Advisor (abolish)**
- B: **Technical Advisor I (revise)**
- C: **Technical Advisor II (revise)**
- D: **Technical Advisor III (revise)**
- E: **Employment Security Service Representative (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 2I(1), 2I(4), AND 2I(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>3/31/09</b>	<b>4/30/09</b>	<b>4/30/08</b>
Aging	1	<b>1</b>	0
Agriculture	1	<b>0</b>	1
Central Management Services	2	<b>2</b>	6
Children and Family Services	4	<b>9</b>	7
Commerce and Economic Opportunity	1	<b>0</b>	1
Criminal Justice Authority	1	<b>1</b>	0
Employment Security	2	<b>3</b>	2
Financial and Professional Regulation	0	<b>0</b>	1
Healthcare and Family Services	9	<b>17</b>	3
Historic Preservation	0	<b>0</b>	4
Human Services	0	<b>1</b>	3
Law Enforcement Training Standards Board	0	<b>1</b>	0
Natural Resources	0	<b>0</b>	4
Property Tax Appeal Board	0	<b>0</b>	2
State Police	0	<b>0</b>	0
State Retirement Systems	0	<b>0</b>	2
Transportation	5	<b>3</b>	25
Veteran's Affairs	1	<b>2</b>	2
Workers' Compensation Commission	1	<b>1</b>	0
<b>Totals</b>	<b>28</b>	<b>41</b>	<b>63</b>

May 15, 2009

IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

• **DISCHARGE**

**DA-9-09**

Employee	Josie Day	Appeal Date	9/02/08
Agency	Juvenile Justice	Decision Date	5/01/09
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Used a recording device to tape record co-workers without authorization; misuse of state property	Recommended Decision	Charges are proven and warrant discharge.

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

• **DISCHARGE**

**DA-10-09**

Employee	Raquel Torres	Appeal Date	9/12/08
Agency	Agriculture	Decision Date	5/01/09
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Conduct unbecoming; inappropriate language; insubordination; failure to comply with verbal instructions	Recommended Decision	Charges are partially proven and warrant 30-day suspension.

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

X. REPORT ON THE TREATMENT OF PRIOR DISCIPLINARY INCIDENTS WHICH ARE THE SUBJECT OF PENDING GRIEVANCES

XI. STAFF REPORT

XII. ANNOUNCEMENT OF NEXT MEETING

**The next regular meeting is to be held on Friday, June 19, 2009 at 11:00 a.m. in the Commission's Chicago office.**

XIII. MOTION TO ADJOURN