

September 18, 2009

AGENDA  
ILLINOIS CIVIL SERVICE COMMISSION  
September 18, 2009

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 21, 2009

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR  
MEETING HELD AUGUST 21, 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 .....	578.....	17
Arts Council.....	21.....	2
Capitol Development Board .....	45.....	0
Central Management Services .....	1,471.....	119
Children and Family Services .....	3,096.....	49
Civil Service Commission .....	4.....	0
Commerce & Economic Opportunity .....	439.....	70
Commerce Commission.....	72.....	0
Corrections.....	11,509.....	116
Criminal Justice Authority .....	57.....	6
Deaf and Hard of Hearing Comm. ....	7.....	1
Developmental Disabilities Council .....	9.....	1
Emergency Management Agency .....	97.....	6
Employment Security.....	1,961.....	25
Environmental Protection Agency .....	970.....	19
Financial & Professional Regulation .....	511.....	41
Gaming Board.....	79.....	6
Guardianship and Advocacy .....	112.....	8
Healthcare and Family Services.....	2,406.....	28
Historic Preservation Agency .....	347.....	12
Human Rights Commission .....	14.....	2
Human Rights Department .....	148.....	10
Human Services .....	13,973.....	77
Insurance.....	222.....	10
Investment Board.....	3.....	2
Juvenile Justice .....	1,229.....	20
Labor.....	81.....	7
Labor Relations Board Educational .....	12.....	2
Labor Relations Board State .....	18.....	2
Law Enforcement Training & Standards Bd.....	19.....	1
Medical District Commission .....	2.....	0
Military Affairs .....	126.....	3
Natural Resources .....	1,571.....	24
Pollution Control Board.....	19.....	2
Prisoner Review Board .....	20.....	0
Property Tax Appeal Board .....	24.....	1
Public Health.....	1,129.....	44
Racing Board .....	2.....	0
Revenue .....	2,023.....	64
State Fire Marshal .....	145.....	13
State Police .....	1,386.....	6
State Police Merit Board.....	6.....	1
State Retirement Systems .....	83.....	2
Transportation.....	2,326.....	0
Veterans' Affairs.....	1,183.....	7
Workers' Compensation Commission .....	168.....	10
TOTALS .....	49,885.....	845

**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. Illinois Dept. of Commerce and Economic Opportunity – Proposed Exemption**

Position Number	40070-42-05-000-05-01
Position Title	Senior Public Service Administrator
Bureau/Division	Bureau of Energy Assistance
Functional Title	Assistant Deputy Director
Incumbent	Vacant
Supervisor	Deputy Director, who reports to the Director
Location	Sangamon County

**CMS Recommendation:** “The 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 Law Enforcement Training and Standards Board – Proposed Exemption**

Position Number	40070-50-88-100-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Administration
Functional Title	Deputy Director
Incumbent	Vacant
Supervisor	Executive Director
Location	Sangamon County

**CMS Recommendation:** “The 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 Public Health – Proposed Exemption**

Position Number	40070-20-09-200-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Preparedness & Response
Functional Title	Division Chief for Disaster Planning & Readiness
Incumbent	David W. Culp
Supervisor	Deputy Director who reports to the Director
Location	Sangamon County

**CMS Recommendation:** “The 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.”

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

**C: Assistant Deputy Director, Bureau of Energy Assistance**

**D: Deputy Director, Illinois Law Enforcement Training & Standards Board**

**E: Division Chief for Disaster Planning & Readiness**

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 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>7/31/09</b>	<b>8/31/09</b>	<b>8/31/08</b>
Aging	1	<b>1</b>	0
Agriculture	1	<b>5</b>	3
Arts Council	0	<b>0</b>	1
Central Management Services	1	<b>0</b>	3
Children and Family Services	11	<b>10</b>	7
Criminal Justice Authority	1	<b>1</b>	1
Employment Security	10	<b>10</b>	7
Healthcare and Family Services	12	<b>13</b>	13
Historic Preservation	1	<b>1</b>	0
Human Services	1	<b>1</b>	3
Investment Board	0	<b>0</b>	1
Natural Resources	40	<b>37</b>	25
Property Tax Appeal Board	2	<b>2</b>	1
State Fire Marshal	0	<b>1</b>	0
State Retirement Systems	0	<b>0</b>	1
Transportation	2	<b>8</b>	15
Veteran's Affairs	1	<b>1</b>	0
Workers' Compensation Commission	0	<b>0</b>	4
<b>Totals</b>	84	<b>91</b>	85

IX. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL

- **DISCHARGE**

**DA-19-09**

Employee	Lawrence D. Dickens	Appeal Date	12/02/08
Agency	DHS	Decision Date	09/04/09
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Conduct unbecoming a state employee	Recommended Decision	Charges are proven but warrant 90-day suspension.

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

- **DISCHARGE**

**DA-39-09**

Petitioner	LaWand Lampkins	Appeal Date	05/26/09
Agency	DHS	Decision Date	09/04/09
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Conduct unbecoming a state employee	Recommended Decision	Charges are proven and warrant discharge.

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

X. APPEALS DISPOSED OF WITHOUT DECISION ON THE MERITS

- **DISMISSED**

**RV-41-08**

Employee	Gregory D. Douglas	Appeal Date	4/09/08
Agency	CMS	Decision Date	8/26/09
Type	Rule Violation	ALJ	Andrew Barris
Allegation	Violation of Section 304.10 Public Records	Proposed Finding	Dismissed subject to Commission approval; withdrawn.

**DA-45-09**

Employee	David A. Adams	Appeal Date	6/16/09
Agency	DES	Decision Date	8/13/09
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Violation of Code of Ethics	Recommended Decision	Dismissed subject to Commission approval; withdrawn (settled).

**DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSED FINDING AND RECOMMENDED DECISION IN THE ABOVE MATTERS?**

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

XII. STAFF REPORT

XIII. ANNOUNCEMENT OF NEXT MEETING

**The next regular meeting is to be held on Friday, October 16, 2009 at 11:00 a.m. in the Commission's Chicago office.**

XIV. MOTION TO ADJOURN