

December 18, 2008



AGENDA  
ILLINOIS CIVIL SERVICE COMMISSION  
December 18, 2008

I. OPENING OF MEETING AT 9:00 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD NOVEMBER 20, 2008

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR MEETING HELD NOVEMBER 20, 2008?**



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 .....	165.....	9
Agriculture .....	450.....	16
Arts Council.....	21.....	2
Capitol Development Board .....	36.....	0
Central Management Services .....	1,485.....	107
Children and Family Services .....	3,193.....	49
Civil Service Commission .....	4.....	0
Commerce & Economic Opportunity .....	414.....	67
Commerce Commission.....	74.....	0
Corrections.....	11,675.....	115
Criminal Justice Authority .....	57.....	6
Deaf and Hard of Hearing Comm. ....	7.....	1
Developmental Disabilities Council .....	10.....	1
Emergency Management Agency .....	94.....	5
Employment Security.....	1,739.....	25
Environmental Protection Agency .....	984.....	19
Financial & Professional Regulation .....	745.....	50
Guardianship and Advocacy .....	108.....	8
Healthcare and Family Services.....	2,502.....	29
Historic Preservation Agency .....	233.....	12
Human Rights Commission .....	13.....	2
Human Rights Department .....	149.....	10
Human Services .....	14,569.....	76
Investment Board.....	4.....	2
Juvenile Justice .....	1,172.....	20
Labor.....	81.....	7
Labor Relations Board Educational .....	13.....	2
Labor Relations Board State .....	20.....	2
Law Enforcement Training & Standards Bd.....	20.....	1
Medical District Commission .....	2.....	0
Military Affairs .....	127.....	3
Natural Resources .....	1,418.....	24
Pollution Control Board.....	19.....	2
Prisoner Review Board .....	20.....	0
Property Tax Appeal Board .....	20.....	1
Public Health.....	1,139.....	43
Revenue .....	2,124.....	70
State Fire Marshal .....	150.....	12
State Police .....	1,421.....	6
State Police Merit Board.....	6.....	1
State Retirement Systems .....	84.....	2
Transportation.....	2,841.....	0
Veterans' Affairs.....	1,119.....	7
Workers' Compensation Commission .....	176.....	10
<b>TOTALS .....</b>	<b>50,703.....</b>	<b>824</b>



**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 Department of Children and Family Services – Proposed Exemption**

Position Number	40070-16-13-700-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Residential Monitoring
Functional Title	Associate Deputy Director of Residential Monitoring
Incumbent	Norman Brown
Supervisor	Deputy Director of Monitoring/Quality Assurance, who reports to Chief of Staff, who reports to the Director
Location	Cook 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.”

**D. Illinois Department of Human Services– Proposed Exemption**

Position Number	40070-10-76-110-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Mental Health
Functional Title	Forensic Network Manager, Division of Mental Health
Incumbent	Anderson Freeman
Supervisor	Associate Director, Bureau of System Support who reports to the Director of Mental Health, who reports to the Assistant Secretary, who in turn reports to the 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 Central Management Services – Proposed Exemption**

Position Number	40070-37-16-000-00-02
Position Title	Senior Public Service Administrator
Bureau/Division	Bureau of Computer and Communications Services (BCCS) Security and Compliance Solutions
Functional Title	Chief Information Security Officer
Incumbent	Vacant
Supervisor	Deputy Director of BCCS, who reports to the Director
Location	Cook County

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



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

**C: Associate Deputy Director of Residential Monitoring**

**D: Forensic Network Manager, Division of Mental Health**

**E: Chief Information Security Officer, BCCS**

V. CLASS SPECIFICATION

**The following class title was submitted for revision by the Director of Central Management Services:**

Position Title:

A. Aircraft Pilot II-Dual Rating (revise)

Classification Analysis: “The Illinois Department of Transportation (IDOT) has requested revisions to the desirable requirements ratings requirements of the Aircraft Pilot II-Dual Rating class specification. Subject matter experts at IDOT have expressed concerns that the ratings requirements of pilots in this class as currently written are too restrictive. Recent recruitment efforts by IDOT have resulted in low numbers of qualified candidates. This has been verified both by IDOT and the Department of Central Management Services’ (CMS) Division of Examining. Qualified representatives of IDOT’s Division of Aeronautics have identified a new set of ratings requirements that satisfy the standard of quality called for at this level of aircraft pilot. The proposed revisions to this class are intended to:

- address changes and accommodate trends and competition in the aircraft pilot industry,
- modernize the ratings requirements to align with what IDOT seeks in this category of credentialed pilots, and
- adhere to the Federal Aviation Administration (FAA) guidelines.

On the class specification, the proposed ratings requirements are the criteria listed in either Section A or Section B in conjunction with the criteria listed in Numbers 3 through 8. The desirable requirements for education and experience will remain in place, as will the Distinguishing Features of Work and Illustrative Examples of Work.

This proposal has been developed with the input and approval of representatives of the IDOT Division of Aeronautics and the CMS Division of Examining. The proposed new ratings requirements will remove some aircraft-type restrictions from the total amount of



flight hours and relieve the limiting forced-concentration of hours a pilot must earn in a Rotorcraft category Helicopter class aircraft to qualify as a dual rated pilot. The new ratings recognize the variety of ways and aircraft in which pilots receive their training and maintain their certificates. The revisions to the ratings are intended to provide practical and attractive incentives for pilots to achieve higher levels of credentials and a larger field of qualified applicants for the Department of Transportation in the process.”

**WILL THE COMMISSION APPROVE THE REVISION OF THE FOLLOWING CLASS TITLE TO BE EFFECTIVE JANUARY 1, 2009?**

**A: Aircraft Pilot II-Dual Rating**

**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>	10/31/08	<b>11/30/08</b>	11/30/07
Agriculture	2	<b>1</b>	0
Central Management Services	2	<b>2</b>	4
Children and Family Services	2	<b>5</b>	6
Employment Security	1	<b>7</b>	0
Healthcare and Family Services	12	<b>11</b>	4
Historic Preservation	0	<b>0</b>	3
Human Services	2	<b>1</b>	2
Investment Board	1	<b>1</b>	0
Natural Resources	7	<b>13</b>	13
State Police	1	<b>1</b>	0
State Retirement Systems	1	<b>1</b>	0
Transportation	6	<b>6</b>	5
Veteran's Affairs	5	<b>11</b>	0
Workers' Compensation Commission	6	<b>6</b>	0
<b>Totals</b>	48	<b>66</b>	37



IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

- **DISCHARGE**

**DA-47-08**

Employee	Peter Obazuaye	Appeal Date	05/22/08
Agency	DHS	Decision Date	12/05/08
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Unexcused absences	Recommended Decision	Charges are partially proven and warrant 90-day suspension.

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

- **DISCHARGE**

**DA-19-08**

Employee	Pamela J. Altman	Appeal Date	11/27/07
Agency	DCFS	Decision Date	12/05/08
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Falsification of information; negligent performance of duties	Recommended Decision	Charges are partially proven and warrant discharge.

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

- **DISCHARGE**

**DA-54-08**

Employee	Bennie Williams, Jr.	Appeal Date	06/16/08
Agency	DOT	Decision Date	12/05/08
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Threat of violence in the workplace; disruptive conduct	Recommended Decision	Charges are partially proven and warrant discharge.

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



- **DECLARATORY RULING**

**DR-52-08**

Employee	Paul Dillon	Appeal Date	06/09/08
Agency	DHS	Decision Date	12/04/08
Type	Declaratory Ruling	ALJ	Andrew Barris
Ruling Requested	Agency to pay back wages after reinstatement	Proposed Finding for Declaratory Ruling	Dillon is entitled to back wage claim after reinstatement, in accordance with Section 11b of the Personnel Code.

**DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSED FINDING FOR DECLARATORY RULING IN THE ABOVE MATTER?**

X. APPEAL TERMINATED WITHOUT DECISION ON THE MERITS

- **DISMISSED**

**DA-5-09**

Employee	Terry R. Drew	Appeal Date	07/30/08
Agency	DOT	Decision Date	12/08/08
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Violation of vehicle operation and licensure policy; absent without approved leave	Recommended Decision	Dismissed; settled.

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

XI. AMENDMENTS TO THE PERSONNEL RULES

**EXTENSIONS OF JURISDICTION (80 IAC PART 305.260)**

- a) Effective November 30, 2008, the Personnel Code Jurisdictions A, B and C will be extended to the Capital Development Board positions in the non-code classifications of Assistant Personnel Officer, responsible for a range of human resources services; Coordinator of Administrative Services, who supervises and assists with office support activities and advertises, schedules and checks bid openings and documents for the Office of Operations; Executive Assistant I, who provides secretarial and administrative support services to program managers at the Board; and Fiscal Executive, responsible for performing advanced accounting, financial reporting and analysis.



- b) Effective November 30, 2008, the Personnel Code Jurisdictions A, B and C will be extended to the Illinois Commerce Commission positions in the non-code classifications of Accounts Processing Analyst, performing account technician work.
- c) Employees of these divisions serving prior to November 30, 2008 will be required to qualify within six months in the same kind of examination as those required for entrance examinations for comparable positions. All appointments subsequent to November 30, 2008 will be made pursuant to provisions of the Illinois Personnel Code and the Rules of the Department of Central Management Services (80 Ill. Adm. Code 301 through 303). No provision of this Section in any way affects the status of employees already holding certified status under the Personnel Code. All other provisions of the Personnel Code and Rules of the Department of Central management Services (80 Ill. Adm. Code 301 through 303) will apply to employees of the above-named divisions, effective November 30, 2008.

#### **VETERANS CONTINUOUS SERVICE (80 IAC PART 302.220)**

- a) Leaves of absence shall be granted to all employees, except temporary or emergency employees, who leave their positions and enter military service for 5 years ~~4 years~~ or less (exclusive of any additional service imposed pursuant to law). An employee shall be restored to the same or a similar position on making an application to his/her employing agency within 90 days after separation from active duty or from hospitalization or convalescence continuing after discharge for not more than two years ~~one year~~. The employee must provide evidence of satisfactory completion of training and military service when making application and be qualified to perform the duties of the position.

#### **SICK LEAVE (80 IAC PART 303.90)**

Sick time may be taken in increments of not less than one-quarter hour after a minimum use of one-half hour any time after it is earned.

#### **SICK LEAVE BANK (80 IAC PART 303.112)**

- b) Definitions
  - 4) “Catastrophic illness or injury” means temporary disability or incapacity resulting from a life threatening illness or injury or illness or injury of other catastrophic proportion as determined by the Director. Factors considered by the Director shall include the length of time the employee must be absent from work due to illness or injury. Catastrophic illness or injury may be due to, but not limited to, cancer, heart disease, stroke or another serious illness or injury resulting in an employee missing more than 25 work days.



- 5) “Personal catastrophic illness or injury” means a catastrophic illness or injury to the employee or, if agreed upon by the Agency head and the Director, members of the employee’s immediate family. Factors to be considered in determining if an employee’s immediate family members are covered include the nature and duration of the catastrophic illness or injury and whether such individuals are covered pursuant to collective bargaining negotiations. Immediate family shall mean spouse, child, parent or any person living in the employee’s household for whom the employee has custodial responsibility or where the person is financially and emotionally dependent on the employee and where the presence of the employee is needed.

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- e) Employees may voluntarily enroll at any time. Employees shall ~~who enroll within 30 calendar days after the establishment of a sick leave bank by an Agency must wait 30 calendar days before utilizing the sick leave bank. Employees who enroll more than 30 days after the establishment of a sick leave bank by an Agency must wait 60 calendar days after enrollment before utilizing the sick leave bank.~~
- f) An employee may use up to 25 work days from the sick leave bank per 12-month period ~~calendar year~~ except that participating employees shall not use sick leave accumulated in the sick leave bank until all of their accrued vacation, personal days, sick leave and compensatory time have been used. The Director may approve limits of other than 25 work days per 12-month period ~~year~~.

#### **VETERANS HOSPITAL LEAVE (80 IAC PART 303.115)**

An employee who is also a veteran shall be permitted 4 ~~2~~ days with pay per year to visit a veterans hospital or clinic for examination of a military service-connected disability. The 4 ~~2~~ days shall not be charged against any sick leave currently available to the employee.

#### **LEAVE FOR PERSONAL BUSINESS (80 IAC PART 303.125)**

- a) ...  
Employees entitled to receive such leave who enter service during the year shall be given credit for such leave at the rate of ½ day for each 2 months service for the calendar year in which hired. Such personal leave may not be used in increments of less than one-half hour ~~2 hours~~ at a time. Except for those emergency situations which preclude the making of prior arrangements, such days off shall be scheduled sufficiently in advance to be consistent with operating needs of the employer. Supervisors may, however, grant employee requests to use personal leave in increments of one-quarter ~~½~~ hour, after a minimum use of one-half ~~1~~ hour.

#### **MATERNITY/PATERNITY AND ADOPTION LEAVE (80 IAC PART 303.130)**

- a) All employees who provide proof of their pregnancy or that of their female partner within 30 days of the expected due date ~~All female employees who show proof that they have received prenatal care in the first 20 weeks~~ will be eligible for 4 weeks (20



~~work days) of paid maternity/paternity leave. Such proof shall be provided to the employer no later than the 24<sup>th</sup> week of pregnancy. All male employees who show proof that their spouses have received prenatal care in the first 20 weeks with notification to the employer with 24 weeks, will be eligible for 3 weeks (15 work days) of paid paternity leave. The State shall require proof of the birth and marriage for a non-covered spouse. Maternity and/or paternity leave shall be limited to 1 leave per family for each pregnancy resulting in birth or multiple births. In addition, non-married male employees may be required to provide proof of paternity such as a birth certificate or other appropriate documentation confirming paternity.~~

- b) All employees are eligible for ~~4~~ 3 weeks (~~20~~ 15 work days) of paid leave with a new adoption, with the leave to commence when physical custody of the child or children has been granted to the employee member, provided that the employee can show that the formal adoption process is underway. The agency personnel office must be notified and the employee must submit proof that the adoption has been initiated. Adoption leave shall be limited to 1 leave per adoption family per year.

**LEAVE IN THE EVENT OF A STILLBORN CHILD (80 IAC PART 303.131)**

All employees who have provided proof of their pregnancy or that of their female partner within 30 days of the expected due date will be eligible for 4 weeks (20 work days) of paid leave in the event of a full-term stillborn child. The State shall require proof of a stillbirth, such as a fetal death certificate or certificate of stillbirth. This leave shall be limited to 1 leave per family for each stillbirth. In addition, non-married male employees may be required to provide proof of paternity.

**VACATION ELIGIBILITY (80 IAC PART 303.250)**

- a) Employees, except emergency and temporary ~~and those paid pursuant to 80 Ill. Adm. Code 310.230~~, shall earn vacation time. No employee on leave of absence may earn vacation except when the leave was for the purpose of accepting a temporary working assignment in another class.

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- c) Vacation time may be taken in increments of not less than one-quarter ~~half~~ hour after a minimum use of one-half hour 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.

**XII. STAFF REPORT**

December 18, 2008



XIII. ANNOUNCEMENT OF NEXT MEETING

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

XIV. MOTION TO ADJOURN