

May 16, 2008

AGENDA  
ILLINOIS CIVIL SERVICE COMMISSION  
MAY 16, 2008

I. OPENING OF MEETING AT 2:00 P.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD APRIL 17, 2008

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR MEETING HELD APRIL 17, 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 .....	158.....	9
Agriculture.....	464.....	16
Arts Council.....	23.....	2
Capitol Development Board .....	36.....	0
Central Management Services .....	1,527.....	106
Children and Family Services.....	3,194.....	47
Civil Service Commission .....	4.....	0
Commerce & Economic Opportunity .....	414.....	67
Commerce Commission.....	69.....	0
Corrections.....	11,778.....	109
Criminal Justice Authority .....	55.....	6
Deaf and Hard of Hearing Comm. ....	6.....	1
Developmental Disabilities Council .....	9.....	1
Emergency Management Agency .....	94.....	2
Employment Security.....	1,640.....	24
Environmental Protection Agency .....	1,010.....	19
Financial & Professional Regulation .....	763.....	49
Guardianship and Advocacy .....	111.....	7
Healthcare and Family Services.....	2,417.....	29
Historic Preservation Agency .....	240.....	12
Human Rights Commission .....	12.....	2
Human Rights Department .....	149.....	9
Human Services .....	14,815.....	66
Investment Board.....	3.....	2
Juvenile Justice .....	1,198.....	18
Labor.....	82.....	7
Labor Relations Board Educational .....	13.....	2
Labor Relations Board State .....	21.....	2
Law Enforcement Training & Standards Bd.....	20.....	1
Medical District Commission .....	2.....	0
Military Affairs .....	124.....	3
Natural Resources .....	1,397.....	22
Pollution Control Board.....	20.....	2
Prisoner Review Board .....	22.....	0
Property Tax Appeal Board .....	26.....	1
Public Health.....	1,136.....	38
Revenue .....	2,109.....	66
State Fire Marshal .....	159.....	13
State Police .....	1,444.....	6
State Police Merit Board.....	6.....	1
State Retirement Systems .....	83.....	1
Transportation.....	2,575.....	0
Veterans' Affairs.....	1,135.....	6
Workers' Compensation Commission .....	165.....	10
TOTALS .....	50,728.....	784

**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 Revenue – Proposed Exemption (continued from April 17, 2008)**

Position Number	40070-25-07-210-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Legal Services
Functional Title	Deputy General Counsel-Litigation
Incumbent	None
Supervisor	General Counsel who reports to the Director
Location	Cook County

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

**D. Illinois Dept. of Guardianship & Advocacy Commission – Proposed Exemption**

Position Number	40070-50-70-080-11-02
Position Title	Senior Public Service Administrator
Bureau/Division	Administration
Functional Title	Director of Policy and Training
Incumbent	None
Supervisor	Director
Location	Cook County

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

**E. Illinois Department of Human Rights – Proposed Exemption**

Position Number	40070-49-50-100-20-01
Position Title	Senior Public Service Administrator
Bureau/Division	Legal
Functional Title	Assistant Chief Legal Counsel and Chief Litigation Attorney
Incumbent	Michael I. Lieberman
Supervisor	Chief Legal Counsel who reports to Director
Location	Sangamon County

**CMS Recommendation:** “This position does meet the reporting criteria of the Commission Rules and considering 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 Exemption**

Position Number	40070-20-51-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Health Protection
Functional Title	Chief, Infectious Diseases Division
Incumbent	None
Supervisor	Deputy Director of Health Protection 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 position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

**G. Illinois Department of Public Health – Proposed Exemption**

Position Number	40070-20-53-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Health Protection
Functional Title	Chief, Environmental Health Division
Incumbent	None
Supervisor	Deputy Director of Health Protection 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 position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

**H. Illinois Department of Revenue – Proposed Exemption**

Position Number	40070-25-12-400-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Administrative & Regulatory Shared Services Center
Functional Title	Projects Director
Incumbent	None
Supervisor	Director of the A&R Shared Services Center
Location	Sangamon County

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

**I. Illinois Department of Revenue – Proposed Exemption**

Position Number	40070-25-12-410-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Administrative & Regulatory Shared Services Center
Functional Title	Project Communications Manager
Incumbent	None
Supervisor	A&R Shared Services Center Project Director, who reports to the Director of the A&R Shared Services Center
Location	Sangamon County

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

**J. Illinois Department of Revenue – Proposed Exemption**

Position Number	40070-25-12-420-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Administrative & Regulatory Shared Services Center
Functional Title	Risk Assessment Project Manager
Incumbent	None
Supervisor	A&R Shared Services Center Project Director, who reports to the Director of the A&R Shared Services Center
Location	Sangamon County

**CMS Recommendation:** “This position does meet the reporting criteria of the Commission Rules and considering similarities of this 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: Deputy General Counsel-Litigation**

**D: Director of Policy and Training**

**E: Assistant Chief Legal Counsel and Chief Litigation Attorney**

**F: Chief, Infectious Diseases Division**

**G: Chief, Environmental Health Division**

**H: Projects Director**

**I: Project Communications Manager**

**J: Risk Assessment Project Manager**

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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 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>	3/31/08	<b>4/30/08</b>	4/30/07
Agriculture	2	<b>2</b>	1
Arts Council	1	<b>1</b>	0
Central Management Services	3	<b>5</b>	6
Children and Family Services	4	<b>5</b>	7
Commerce and Economic Opportunity	0	<b>0</b>	1
Employment Security	0	<b>1</b>	2
Financial and Professional Regulation	1	<b>1</b>	1
Healthcare and Family Services	15	<b>16</b>	3
Historic Preservation	0	<b>0</b>	4
Human Services	6	<b>6</b>	3
Natural Resources	1	<b>0</b>	4
Property Tax Appeal Board	0	<b>1</b>	2
Public Health	0	<b>0</b>	0
State Police	1	<b>1</b>	0
State Retirement Systems	0	<b>0</b>	2
Transportation	53	<b>5</b>	25
Veteran's Affairs	0	<b>1</b>	2
<b>Totals</b>	87	<b>45</b>	63

IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

• **DISCHARGE**

**DA-14-08**

Employee	Matthew Magalis	Appeal Date	10/29/07
Agency	DHS	Decision Date	05/01/08
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Violated the confidentiality provision of Ethics Act; violated press communication policy and the keys/lock policy; theft of state property; and conduct unbecoming	Recommended Decision	Charges are partially proven and do warrant discharge.

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

X. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

• **DISMISSED**

**DA-34-08**

Employee	Kent Schafer	Appeal Date	2/27/08
Agency	Deaf and Hard of Hearing Commission	Decision Date	5/02/08
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Not applicable; employee was a trainee/intern and not certified	Recommended Decision	Dismissed; default (no show at hearing).

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

**DA-37-08**

Employee	Eloise V. Harnett	Appeal Date	3/20/08
Agency	DHS	Decision Date	4/09/08
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Unauthorized absences	Recommended Decision	Dismissed; appeal withdrawn.

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

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XI. REPORT ON THE APPLICATION OF SECTION 4c(6) OF THE PERSONNEL CODE

**DOES THE COMMISSION ACCEPT THE REPORT OF THE COMMISSION STAFF?**

XII. STAFF REPORT

XIII. ANNOUNCEMENT OF NEXT MEETING

**The next regular meeting is to be held on Thursday, June 19, 2008 at 9:00 a.m. in the Commission's Chicago office.**

XIV. MOTION TO ADJOURN