

June 19, 2008

AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
June 19, 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 MAY 16, 2008

WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR MEETING HELD MAY 16, 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	159.....	9
Agriculture.....	456.....	16
Arts Council.....	22.....	2
Capitol Development Board	36.....	0
Central Management Services	1,521.....	106
Children and Family Services.....	3,189.....	47
Civil Service Commission	4.....	0
Commerce & Economic Opportunity	421.....	67
Commerce Commission.....	70.....	0
Corrections.....	11,738.....	109
Criminal Justice Authority.....	55.....	6
Deaf and Hard of Hearing Comm.	6.....	1
Developmental Disabilities Council	9.....	1
Emergency Management Agency	96.....	2
Employment Security.....	1,643.....	24
Environmental Protection Agency	1,013.....	19
Financial & Professional Regulation	740.....	49
Guardianship and Advocacy	111.....	7
Healthcare and Family Services.....	2,430.....	29
Historic Preservation Agency	236.....	12
Human Rights Commission	12.....	2
Human Rights Department	149.....	9
Human Services	14,736.....	68
Investment Board.....	3.....	2
Juvenile Justice	1,191.....	18
Labor.....	81.....	7
Labor Relations Board Educational	12.....	2
Labor Relations Board State	20.....	2
Law Enforcement Training & Standards Bd.....	20.....	1
Medical District Commission	2.....	0
Military Affairs	124.....	3
Natural Resources	1,528.....	22
Pollution Control Board.....	19.....	2
Prisoner Review Board	21.....	0
Property Tax Appeal Board	26.....	1
Public Health.....	1,135.....	38
Revenue	2,148.....	65
State Fire Marshal	155.....	13
State Police	1,442.....	6
State Police Merit Board.....	6.....	1
State Retirement Systems	84.....	1
Transportation.....	2,535.....	0
Veterans' Affairs.....	1,127.....	6
Workers' Compensation Commission	168.....	10
TOTALS	50,699.....	785

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 May 16, 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 Department of Revenue – Proposed Exemption (continued from May 16, 2008)

Position Number	40070-25-12-400-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Administrative & Regulatory (A&R) 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.”

E. Illinois Department of Revenue – Proposed Exemption (continued from May 16, 2008)

Position Number	40070-25-12-410-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Administrative & Regulatory (A&R) 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.”

F. Illinois Department of Revenue – Proposed Exemption (continued from May 16, 2008)

Position Number	40070-25-12-420-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Administrative & Regulatory (A&R) 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.”

G. Illinois Department of Children & Family Services – Proposed Exemption

Position Number	40070-16-25-200-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Service Intervention
Functional Title	Associate Deputy Director of Health Policy
Incumbent	Debra Kinsey
Supervisor	Deputy Director of Service Intervention, who reports to the Director
Location	Sangamon County

CMS Recommendation: “This position does not meet the reporting criteria of the Commission Rules; however, considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

H. Illinois Department of Children & Family Services – Proposed Exemption

Position Number	40070-16-20-300-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Budget & Finance
Functional Title	Manager of the Office of Federal Financial Participation
Incumbent	Nancy T. Haber
Supervisor	Deputy Director of Budget and Finance, who reports to the 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.”

I. Illinois Department of Employment Security – Proposed Exemption

Position Number	40070-44-12-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Administration
Functional Title	Manager of General Services
Incumbent	John T. Rogers
Supervisor	Deputy Director of Administration, 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.”

J. Illinois Department of Human Services – Proposed Exemption

Position Number	40070-10-89-200-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Mental Health & Developmental Disabilities
Functional Title	Director, Bureau of Pharmacy and Clinical Support
Incumbent	Randy D. Malan
Supervisor	Administrator of Mental Health & Developmental Disabilities, who reports to the Assistant Secretary, who reports to the Secretary
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.”

K1. Illinois Department of Human Services – Proposed Exemption

Position Number	40070-10-77-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Mental Health
Functional Title	Regional Executive Director, Alton Mental Health Center
Incumbent	None
Supervisor	Director of Mental Health, who reports to the Assistant Secretary, who reports to the Secretary
Location	Madison County

K2. Illinois Department of Human Services – Proposed Exemption

Position Number	40070-10-81-000-00-21
Position Title	Senior Public Service Administrator
Bureau/Division	Mental Health
Functional Title	Regional Executive Director, Elgin Mental Health Center
Incumbent	None
Supervisor	Director of Mental Health, who reports to the Assistant Secretary, who reports to the Secretary
Location	Kane County

K3. Illinois Department of Human Services – Proposed Exemption

Position Number	40070-10-82-000-00-21
Position Title	Senior Public Service Administrator
Bureau/Division	Mental Health
Functional Title	Regional Executive Director, Madden Mental Health Center
Incumbent	Gustavo P. Espinosa
Supervisor	Director of Mental Health, who reports to the Assistant Secretary, who reports to the Secretary
Location	Cook County

K4. Illinois Department of Human Services – Proposed Exemption

Position Number	40070-10-83-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Mental Health
Functional Title	Regional Executive Director, McFarland Mental Health Center
Incumbent	Jordan J. Litvak
Supervisor	Director of Mental Health, who reports to the Assistant Secretary, who reports to the Secretary
Location	Sangamon County

K5. Illinois Department of Human Services – Proposed Exemption

Position Number	40070-10-84-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Mental Health
Functional Title	Regional Executive Director, Singer Mental Health Center
Incumbent	Michael S. Pelletier
Supervisor	Director of Mental Health, who reports to the Assistant Secretary, who reports to the Secretary
Location	Winnebago County

K6. Illinois Department of Human Services – Proposed Exemption

Position Number	40070-10-85-000-00-21
Position Title	Senior Public Service Administrator
Bureau/Division	Mental Health
Functional Title	Regional Executive Director, Tinley Park Mental Health Center
Incumbent	Brenda P. Hampton
Supervisor	Director of Mental Health, who reports to the Assistant Secretary, who reports to the Secretary
Location	Cook County

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

L. Illinois Department of Natural Resources – Proposed Exemption

Position Number	40070-12-40-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Resource Conservation
Functional Title	Resource Conservation Administrator
Incumbent	None
Supervisor	Director
Location	Sangamon 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.”

M1. Illinois Department of Revenue – Proposed Exemption

Position Number	40070-25-07-120-12-01
Position Title	Senior Public Service Administrator
Bureau/Division	Legal Services
Functional Title	Senior Counsel, Sales & Excise Tax Policy Office
Incumbent	Terry D. Charlton
Supervisor	Deputy General Counsel, who reports to Chief Legal Counsel, who reports to the Director
Location	Sangamon 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.”

M2. Illinois Department of Revenue – Proposed Exemption

Position Number	40070-25-07-210-20-01
Position Title	Senior Public Service Administrator
Bureau/Division	Legal Services
Functional Title	Deputy General Counsel, Income Tax Litigation
Incumbent	Brian E. Fiflet
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.”

M3. Illinois Department of Revenue – Proposed Exemption

Position Number	40070-25-07-100-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Legal Services
Functional Title	Deputy General Counsel, Special Counsel Office
Incumbent	George E. Logan
Supervisor	General Counsel, who reports to the 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.”

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: Projects Director**
- E: Project Communications Manager**
- F: Risk Assessment Project Manager**
- G: Associate Deputy Director of Health Policy**
- H: Manager of the Office of Federal Financial Participation**
- I: Manager of General Services**
- J: Director, Bureau of Pharmacy and Clinical Support**
- K1: Regional Executive Director, Alton Mental Health Center**
- K2: Regional Executive Director, Elgin Mental Health Center**

- K3: Regional Executive Director, Madden Mental Health Center**
- K4: Regional Executive Director, McFarland Mental Health Center**
- K5: Regional Executive Director, Singer Mental Health Center**
- K6: Regional Executive Director, Tinley Park Mental Health Center**
- L: Resource Conservation Administrator**
- M1: Senior Counsel, Sales & Excise Tax Policy Office**
- M2: Deputy General Counsel, Income Tax Litigation**
- M3: Deputy General Counsel, Special Counsel Office**

V. CLASS SPECIFICATIONS

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

A. Position Title: Architect

Classification Analysis: “An out-of-state job applicant recently appealed a failing grade remitted by Central Management Services’ Division of Examining regarding an Architect position posting. The applicant possesses an architect’s license in several states, including Illinois, and has been a practicing architect for thirty years. He received the failing grade notice in regard to employment eligibility because he does not have the bachelor’s degree in architecture as required by the current Architect class specification.

The Architect class specification desirable requirements are excerpted here:

- Requires a bachelor’s degree in architecture.
- Requires two years progressively responsible professional experience in architecture.
- Requires possession of a valid Illinois certificate as a registered architect.
- May require education and experience specific to the field of historic architecture or preservation, such as one year of full-time professional experience applying the theories, methods, and practices of architecture to the identification, evaluation, registration, documentation, and treatment of historic properties in the United States and its territories; and completion of products or activities that demonstrate the successful application of acquired proficiencies in the discipline to the practice of historic preservation.

The proposed revisions are:

- Remove the bachelor’s degree in architecture requirement, and
- Remove the two years progressively responsible experience in architecture requirement.

According to the Illinois Department of Financial and Professional Regulation (DFPR), current potential licensees are obliged to meet these initial requirements to become a licensed architect in Illinois. Thus, any educational or experiential requirements are satisfied when the applicant obtains the license and are not intended to serve as separate conditions of employment eligibility. In this regard, specifying the education and experience requirements as well as the licensure requirement is unnecessary. Additionally, the education and experience requirements by which licensure have been issued to architects have not always been the same (per Section 1150 Appendix B of Title 68, Chapter 8, and Subchapter b: PROFESSIONS AND OCCUPATIONS). The standards by which a person becomes a registered architect in Illinois have been different in previous years and may change in the future. The proposed revisions recognize and provide for the variances that may occur over time in regard to the statutes governing the regulation of professions such as architecture.

The removal of the aforementioned requirements will resolve the following issues:

- A person already in possession of a certificate as a registered architect in Illinois will not be disqualified from employment eligibility if he/she does not have a bachelor's degree in architecture and two years of experience.
- Licensure in Illinois as a registered architect will be established as the standard for employment eligibility as an architect in the state of Illinois regardless of changes to the conditions for licensure.”

WILL THE COMMISSION APPROVE THE REVISION OF THE FOLLOWING CLASS TITLE TO BE EFFECTIVE JULY 1, 2008?

Architect (revised)

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.

Agency	4/30/08	5/31/08	5/31/07
Agriculture	2	2	1
Arts Council	1	1	0
Central Management Services	5	6	6
Children and Family Services	5	12	4
Commerce and Economic Opportunity	0	0	1
Employment Security	1	2	1
Financial and Professional Regulation	1	1	0
Healthcare and Family Services	16	15	19
Historic Preservation	0	0	11
Human Services	6	7	4
Natural Resources	0	21	19
Property Tax Appeal Board	1	1	2
Public Health	0	0	0
State Police	1	1	0
State Retirement Systems	0	0	1
Transportation	5	10	30
Veteran's Affairs	1	1	2
Workers' Compensation Commission	0	0	1
Totals	45	80	102

IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

- **DISCHARGE**

DA-44-07

Employee	Evelyn Williams	Appeal Date	6/11/07
Agency	DHS	Decision Date	6/06/08
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Verbal and physical abuse to patient; conduct unbecoming	Recommended Decision	Charges partially proven and warrant 30-day suspension.

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

- **DISCHARGE**

DA-4-08

Employee	Eunice D. Smith	Appeal Date	8/07/07
Agency	DCFS	Decision Date	6/06/08
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Falsification of information; conduct unbecoming; poor work performance	Recommended Decision	Charges partially proven and warrant 10-day suspension.

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

X. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

- **DISMISSED**

DA-15 -08

Employee	A. Maria Nanos	Appeal Date	10/29/07
Agency	DCFS	Decision Date	05/09/08
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Conduct unbecoming; provided false information; sent inappropriate e-mail regarding traffic ticket; provided false information to OIG	Recommended Decision	Dismissed; withdrawn (settled).

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- **DISMISSED**

DA-31-08

Employee	Dan Cain	Appeal Date	1/09/08
Agency	DHS	Decision Date	5/21/08
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Falsified application, reports, ACT database records; travel vouchers; failed to cooperate with OEIG investigation	Recommended Decision	Dismissed; withdrawn (settled).

DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISIONS IN THE ABOVE MATTERS?

XI. **STAFF REPORT**

XII. **ANNOUNCEMENT OF NEXT MEETING**

The next regular meeting is to be held on Thursday, July 17, 2008 at 9:00 a.m. in the Commission's Chicago office.

XIII. **MOTION TO ADJOURN**