

February 17, 2005

AGENDA  
ILLINOIS CIVIL SERVICE COMMISSION  
FEBRUARY 17, 2005

- I. OPENING OF MEETING AT 9:00 A.M. AT 160 NORTH LASALLE, SUITE S-901, CHICAGO, ILLINOIS
  
- II. PRESENT
  
- III. APPROVAL OF MINUTES OF REGULAR MEETING HELD JANUARY 20, 2005

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR MEETING HELD JANUARY 20, 2005?**

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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 .....	154	6
Agriculture .....	492	18
Arts Council .....	21	1
Banks & Real Estate.....	1	0
Capitol Development Board.....	16	0
Central Management Services.....	1251	113
Children and Family Services .....	3434	40
Civil Service Commission.....	4	0
Commerce & Econ. Opportunity.....	472	60
Commerce Commission .....	56	0
Corrections .....	14,322	116
Criminal Justice Authority .....	79	5
Deaf and Hard of Hearing Comm. ....	7	1
Developmental Disabilities Council.....	8	1
Elections Board .....	57	1
Emergency Management Agency.....	110	2
Employment Security .....	1919	25
Environmental Protect. Agency.....	1115	15
Fin. & Prof. Regulation .....	820	35
Guardianship and Advocacy .....	108	6
Historic Preservation Agency.....	210	8
Human Rights Commission.....	11	2
Human Rights Department.....	133	7
Human Services.....	15,386	61
Industrial Commission .....	170	7
Investment Board .....	3	1
Labor .....	78	7
Labor Relations Board Educational.....	16	2
Labor Relations Board Local .....	1	0
Labor Relations Board State.....	18	2
Law Enforce. Trng. & Standard Bd.....	24	1
Medical District Comm. ....	2	0
Military Affairs .....	145	3
Natural Resources .....	1455	28
Pollution Control Board .....	25	3
Prisoner Review Board.....	22	0
Property Tax Appeal Board.....	21	2
Public Aid.....	2275	23
Public Health.....	1135	28
Revenue.....	2113	57
State Fire Marshal .....	137	7
State Police.....	1512	6
State Police Merit Board .....	5	1
State Retirement Systems.....	83	1
Transportation .....	4,071	1
Veterans Affairs .....	1180	2
TOTALS .....	54,677	705

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

**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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IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

C. Central Management Services – Proposed Exemption

**The following 4d(3) request for exemption was continued at the January 20, 2005 meeting until February 17, 2005.**

COPY

Dear Chairman Kolker:

The Department of Central Management Services is requesting 4d(3) policy exemption of the following position:

Position Title:	Senior Public Service Administrator
Position Number:	40070-37-60-340-01-01
Bureau/Division:	Bureau of Property Management/Transactions & Property
Incumbent:	Vacant
Supervisor:	Manager of Transactions and Property Administration
Location:	Cook County

The rationale for requesting this exemption is supported by the following:

1. The Manager of Real Property Transactions reports to the Manager of Transactions and Property Administration (MTPA) who in turn reports to the Deputy Director of Property Management for Central Management Services.
2. This position exercises principal responsibility for the determination and execution of policy involved in the development, negotiation and implementation of real property disposition and acquisition statewide which fixes objectives and states principles towards operating objectives of multiple divisions and agencies with decisions being subject to reversal only by the Deputy Director of Property Management.
3. This position serves as official spokesperson and representative acting with autonomy on behalf of the agency in negotiations with prospective clients, property owners and their representatives in the disposition of surplus properties and the acquisition of new properties possessing significant independent authority acting in the capacity of the MTPA, the Deputy Director of Property Management, CMS and the client agencies to bind the agency to commitments in the development and negotiation of dispositions and acquisitions consisting of an annual disposition income/acquisition spend portfolio of approximately \$15 - \$25 million (primarily consisting of disposition income due to migration towards the increased economy in many cases of leased real estate versus owned real estate) thereby impacting the economy and operational efficiency of all agencies, boards and commissions occupying and or utilizing state-owned facilities and properties statewide. Also impacting the economy and efficiency of operations in addition to the real property

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IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

income and expenditure budget for which this position is responsible, the Transactions Financial Analysis staff which this position manages is responsible for the provision of financial, market, lease versus by analyses, property valuation and comparable properties studies and the development of financial models to analyze property transactions for all real property transactions and also the most monetarily substantial leases negotiated by the Bureau Transactions Managers.

4. This position plans and programs the activities of other divisions in Property Management, senior management of all client agencies statewide which occupy and /or utilize owned facilities and properties, prospective clients, property owners and their representatives in the development, execution and implementation of dispositions and acquisitions of facilities and properties integrating the plans and projections of these related entities, and schedules projected work activities of those entities in the transaction process during the negotiation and execution of the sale and purchase of facilities and properties.

Considering similarities of this requested position with those of other 4d(3) exempted positions in Central Management Services, I recommend 4d(3) exemption.

To facilitate your review, I have enclosed copies of the position description and organization charts. If additional information is required, please contact Larry Plummer in the Bureau of Personnel at 557-0225.

END OF COPY

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

Position Title:	Senior Public Service Administrator
Position Number:	40070-37-60-340-01-01
Bureau/Division:	Bureau of Property Management/Transactions & Property
Incumbent:	Vacant
Supervisor:	Manager of Transactions and Property Administration
Location:	Cook County

D. Central Management Services – Proposed Exemption

**The following 4d(3) request for exemption was continued at the January 20, 2005 meeting until February 17, 2005.**

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IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

COPY

Dear Chairman Kolker:

The Department of Central Management Services is requesting 4d(3) policy exemption of the following position:

Position Title:	Senior Public Service Administrator
Position Number:	40070-37-60-330-01-02
Bureau/Division:	Bureau of Property Management/Transactions & Property
Incumbent:	Vacant
Supervisor:	Manager of Transactions and Property Administration
Location:	Sangamon County

The rationale for requesting this exemption is supported by the following:

1. The Manager of Transactions – Central and Southern Regions reports to the Manager of Transactions and Property Administration who in turn reports to the Deputy Director of Property Management for Central Management Services.
2. This position exercises principal responsibility for the determination and execution of policy involved in the development, negotiation and implementation of leases for the Central and Southern Regions to accommodate geographically varying real estate economics, leasing regulations and client agencies' operational requirements in these Regions which fixes objectives and states principles towards operating objectives of multiple divisions and agencies with decisions being subject to reversal only by the Deputy Director of Property Management.
3. This position serves as official spokesperson and representative acting with autonomy on behalf of the agency in negotiations with property owners, landlords and their representatives in the leasing of all new properties and the restructuring of existing leasing arrangements, possessing significant independent authority acting in the capacity of the MTPA, the Deputy Director of Property Management, CMS and the client agencies to bind the agency to commitments in the development and negotiations of leases consisting of an annual spend portfolio of approximately \$40 million thereby impacting the economy and efficiency of operations of all agencies, boards and commissions occupying leased facilities located in these Regions.
4. This position plans and programs the activities of other divisions in Property Management, senior management of all Central and Southern Region client agencies, property owners and their representatives in the development, execution and implementation of leases for facilities integrating the plans and projections of these related entities and schedules projected work activities of those entities in the lease transaction process during the initial development of lease specifications, the lease negotiation and execution process.

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IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

Considering similarities of this requested position with those of other 4d(3) exempted positions in Central Management Services, I recommend 4d(3) exemption.

To facilitate your review, I have enclosed copies of the position description and organization charts. If additional information is required, please contact Larry Plummer in the Bureau of Personnel at 557-0225.

END OF COPY

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

Position Title:	Senior Public Service Administrator
Position Number:	40070-37-60-330-01-02
Bureau/Division:	Bureau of Property Management/Transactions & Property
Incumbent:	Vacant
Supervisor:	Manager of Transactions and Property Administration
Location:	Sangamon County

E. Central Management Services – Proposed Exemption

**The following 4d(3) request for exemption was continued at the January 20, 2005 meeting until February 17, 2005.**

COPY

Dear Chairman Kolker:

The Department of Central Management Services is requesting 4d(3) policy exemption of the following position:

Position Title:	Senior Public Service Administrator
Position Number:	40070-37-60-310-01-02
Bureau/Division:	Bureau Of Property Management/Transactions and Property Administration
Incumbent:	Vacant
Supervisor:	Manager of Transactions and Property Administration
Location:	Cook County

The rationale for requesting this exemption is supported by the following:

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

1. The Manager of Transactions – Chicago and Northern Regions reports to the Manager of Transactions and Property Administration who in turn reports to the Deputy Director of Property Management for Central Management Services.
2. This position exercises principal responsibility for the determination and execution of policy involved in the development, negotiation and implementation of leases for the Chicago and Northern Regions to accommodate geographically varying real estate economics, leasing regulations and client agencies' operational requirements in these Regions which fixes objectives and states principles towards operating objectives of multiple divisions and agencies with decisions being subject to reversal only by the Deputy Director of Property Management.
3. This position serves as official spokesperson and representative acting with autonomy on behalf of the agency in negotiations with property owners, landlords and their representatives in the leasing of all new properties and the restructuring of existing leasing arrangements possessing significant independent authority acting in the capacity of the MTPA, the Deputy Director of Property Management, CMS and the client agencies to bind the agency to commitments in the development and negotiations of leases consisting of an annual spend portfolio of approximately \$40 million thereby impacting the economy and operational efficiency of all agencies, boards and commissions occupying leased facilities located in these Regions.
4. This position plans and programs the activities of other divisions in Property Management, senior management of all Chicago and Northern Region client agencies, property owners and their representatives in the development, execution and implementation of leases for facilities integrating the plans and projections of these related entities and schedules projected work activities of those entities in the lease transaction process during the initial development of lease specifications, the lease negotiation and execution process.

Considering similarities of this requested position with those of other 4d(3) exempted positions in Central Management Services, I recommend 4d(3) exemption.

To facilitate your review, I have enclosed copies of the position description and organization charts. If additional information is required, please contact Larry Plummer in the Bureau of Personnel at 557-0225.

END OF COPY

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

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IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

Position Title: Senior Public Service Administrator  
Position Number: 40070-37-60-310-01-02  
Bureau/Division: Bureau Of Property Management/Transactions and  
Property Administration  
Incumbent: Vacant  
Supervisor: Manager of Transactions and Property Administration  
Location: Cook County

F. **Environmental Protection Agency - Proposed Exemption**

The following recommendation and supporting materials were received from the Director of the Illinois Environmental Protection Agency.

COPY

Dear Mr. Rumman:

We are requesting approval to exempt the position of Senior Public Service Administrator (40070-46-13-000-00-01) in accordance with Section 4d(3) of the Personnel Code.

Position Title: Senior Public Service Administrator  
Position Number: 40070-46-13-000-00-01  
Division: Bureau of Air  
Incumbent: Vacant  
Supervisor: Deputy Director  
Location: Sangamon County

This position serves as Bureau Chief for Air and reports to the Deputy Director at the Illinois EPA located in Springfield, Illinois. The position directs the operation of the Division Air Pollution Control and Vehicle Inspection and Maintenance. Duties include supervising staff managers responsible for carrying out all phases of a vehicle inspection program, statewide pollution abatement and control program and responsible for budget preparation.

The attached CMS-104 (Position Description) and organizational chart depicts the placement and responsibilities of this position.

If additional information is needed, please contact me so that we may respond effectively and expeditiously.

END OF COPY

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IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

**CMS Recommendation**

This position meets the reporting criteria of the Commission Rules and considering similarities of the requested position with those of other 4d(3) exempt positions, CMS recommends 4d(3) exemption.

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

Position Title: Senior Public Service Administrator  
Position Number: 40070-46-13-000-00-01  
Division: Bureau of Air  
Incumbent: Vacant  
Supervisor: Deputy Director  
Location: Sangamon County

G. **Environmental Protection Agency - Proposed Exemption**

The following recommendation and supporting materials were received from the Director of the Illinois Environmental Protection Agency.

COPY

Dear Mr. Rumman:

We are requesting approval to exempt the position of Senior Public Service Administrator (40070-46-16-200-00-01) in accordance with Section 4d(3) of the Personnel Code.

Position Title: Senior Public Service Administrator  
Position Number: 40070-46-16-200-00-01  
Division: Administrator/Div. Of Laboratories  
Incumbent: Vacant  
Supervisor: Deputy Director  
Location: Sangamon County

This position directly reports to the Deputy Director and is located in Springfield, Illinois. This position serves as Administrator of the Division of Laboratories by directing the statewide laboratory system comprised of professional and technical personnel responsible for conducting scientific and technical studies.

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IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

The attached CMS-104 (Position Description) and organizational chart depicts the placement and responsibilities of this position.

If additional information is needed, please contact me so that we may respond effectively and expeditiously.

**END OF COPY**

**CMS Recommendation**

This position does meet the reporting criteria of the Commission Rules and considering similarities of the requested position with those of other 4d(3) exempt positions, CMS recommends 4d(3) exemption.

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

Position Title:	Senior Public Service Administrator
Position Number:	40070-46-16-200-00-01
Division:	Administrator/Div. Of Laboratories
Incumbent:	Vacant
Supervisor:	Deputy Director
Location:	Sangamon County

H. **Environmental Protection Agency - Proposed Exemption**

The following recommendation and supporting materials were received from the Director of the Illinois Environmental Protection Agency.

**COPY**

Dear Mr. Rumman:

We are requesting approval to exempt the position of Senior Public Service Administrator (40070-46-30-210-00-01) in accordance with Section 4d(3) of the Personnel Code.

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IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

Position Title: Senior Public Service Administrator  
Position Number: 40070-46-30-210-00-01  
Division: Manager/Policy and Outreach  
Incumbent: Vacant  
Supervisor: Associate Director  
Location: Sangamon County

This position directly reports to the Associate Director and is located in Springfield, Illinois. This position serves as Manager of the Office of Policy and Outreach for the development and administration of environmental policy and outreach programs administered by the Agency. The position also implements compilation of regular policy and event reports for the Governor's Office.

The attached CMS-104 (Position Description) and organizational chart depicts the placement and responsibilities of this position.

If additional information is needed, please contact me so that we may respond effectively and expeditiously.

**END OF COPY**

**CMS Recommendation**

This position does meet the reporting criteria of the Commission Rules and considering similarities of the requested position with those of other 4d(3) exempt positions, CMS recommends 4d(3) exemption.

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

Position Title: Senior Public Service Administrator  
Position Number: 40070-46-30-210-00-01  
Division: Manager/Policy and Outreach  
Incumbent: Vacant  
Supervisor: Associate Director  
Location: Sangamon County

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V. MOTION TO GO INTO EXECUTIVE SESSION

**WILL THE COMMISSION HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS OF DISMISSAL FILED WITH THE COMMISSION?**

VI. RECONVENE MEETING

VII. 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 report as of January 31, 2005.

	<u>12/31/04</u>	<u>1/31/05</u>
Central Management Services	9	4
Children & Family Services	1	1
Comm. & Econ. Opportunity	3	5
Employment Security	0	1
Historic Preservation	2	0
Human Services	3	5
Natural Resources	11	6
Public Aid	3	8
Public Health	2	1
Revenue	0	1
State Fire Marshal	0	1
State Retirement Systems	1	0
Transportation	<u>3</u>	<u>8</u>
Totals	38	41

VIII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

• **DISCHARGE**

**DA-32-05**

Respondent	Joseph Beauchamp	Appeal Date	12/08/04
Agency	DHS	Decision Date	2/04/05
Type of Appeal	Discharge	ALJ	Daniel Stralka
Charge(s)	Conduct Unbecoming A State Employee.	Recommended Decision	Appeal Not Filed Timely; No Jurisdiction.

**DOES THE COMMISSION CONCUR WITH THE RECOMMENDED DECISION IN THE ABOVE MATTER?**

• **DISCHARGE**

**DA-97-04**

Respondent	Michelle D. Sullivan	Appeal Date	6/04/04
Agency	DHS	Decision Date	2/8/05
Type of Appeal	Discharge	ALJ	Andrew Barris
Charge(s)	Abuse of an Individual.	Recommended Decision	Charges Proven; Discharge Upheld.

**DOES THE COMMISSION CONCUR WITH THE RECOMMENDED DECISION IN THE ABOVE MATTER?**

• **SUSPENSION**

**S-07-05**

Respondent	Mary L. Thomas	Appeal Date	7/08/04
Agency	DCFS	Decision Date	2/04/05
Type of Appeal	Suspension	ALJ	Daniel Stralka
Charge(s)	Inappropriate Behavior; Failure to Perform Duties/Follow Directive; Unprofessional Conduct.	Recommended Decision	Charges Proven; Suspension Upheld; Appeal Denied.

**DOES THE COMMISSION CONCUR WITH THE RECOMMENDED DECISION IN THE ABOVE MATTER?**

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IX. AMENDMENTS IN CLASS SPECIFICATIONS

A. **The following class title was submitted for revision by the Director of Central Management Services and continued from the January 20, 2005 meeting:**

Current Position Title

Proposed Position Title

Veterans Service Officer

No change in title.

Classification Analysis

Myra Meyerholz of Central Management Services, Division of Examining and Counseling, asks that we update the Veterans Service Officer to reflect the dates for the War on Terrorism, as this meets the criteria for inclusion as a time of hostility. The War on Terrorism began as a result of the terrorist attacks on the twin towers of the World Trade Center in New York City on September 11, 2001. The criteria for the inclusion as a time of hostility is September 11, 2001 to January 31, 2005. As the conflict continues requests to extend the date will be submitted by CMS.

**WILL THE COMMISSION APPROVE THE REVISION OF THE FOLLOWING CLASS TITLE TO BE EFFECTIVE MARCH 1, 2005?**

Veterans Service Officer

**WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY?**

X. FY2004 ANNUAL REPORT

**WILL THE COMMISSION APPROVE THE FISCAL YEAR 2004 ANNUAL REPORT?**

XI. STAFF REPORT

February 17, 2005

XII. ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, March 17, 2005 at 9:00 a.m. in the Commission's Chicago Office.

XIII. MOTION TO ADJOURN