

February 21, 2008

AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
FEBRUARY 21, 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 JANUARY 17, 2008

WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR MEETING HELD JANUARY 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	152.....	9
Agriculture	466.....	16
Arts Council.....	23.....	2
Capitol Development Board	36.....	0
Central Management Services	1,518.....	105
Children and Family Services.....	3,198.....	47
Civil Service Commission	4.....	0
Commerce & Economic Opportunity	412.....	66
Commerce Commission.....	68.....	0
Corrections.....	11,931.....	109
Criminal Justice Authority	58.....	6
Deaf and Hard of Hearing Comm.	7.....	1
Developmental Disabilities Council	9.....	1
Emergency Management Agency	98.....	2
Employment Security.....	1,631.....	25
Environmental Protection Agency	1,009.....	19
Financial & Professional Regulation	757.....	51
Guardianship and Advocacy	112.....	7
Healthcare and Family Services.....	2,360.....	29
Historic Preservation Agency	244.....	12
Human Rights Commission	9.....	2
Human Rights Department	153.....	8
Human Services	14,688.....	67
Investment Board.....	2.....	2
Juvenile Justice	1,217.....	18
Labor.....	81.....	8
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	118.....	3
Natural Resources	1,427.....	27
Pollution Control Board.....	20.....	3
Prisoner Review Board	21.....	0
Property Tax Appeal Board	23.....	2
Public Health.....	1,123.....	37
Revenue	2,068.....	66
State Fire Marshal.....	157.....	12
State Police	1,457.....	6
State Police Merit Board.....	5.....	1
State Retirement Systems	82.....	1
Transportation.....	4,232.....	1
Veterans' Affairs.....	1,107.....	6
Workers' Compensation Commission	166.....	11
TOTALS	52,304.....	793

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.

* * *

C. Illinois Department of Agriculture – Proposed Exemption

Position Number	40070-11-01-300-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Executive Office
Functional Title	Chief Legal Counsel
Incumbent	None
Supervisor	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.”

D. Illinois Department of Central Management Services – Proposed Exemption

Position Number	40070-37-11-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Bureau of Communication and Computer Services (BCCS)
Functional Title	Chief Technology Officer, Infrastructure Services Division
Incumbent	Kevin Rademacher
Supervisor	BCCS Deputy Director, 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.”

E. Illinois Department of Corrections – Proposed Exemption

Position Number	40070-29-82-400-30-01
Position Title	Senior Public Service Administrator
Bureau/Division	Stateville Correctional Center
Functional Title	Assistant Warden of Operations-Reception & Classification Ctr.
Incumbent	None
Supervisor	Warden of Stateville Correctional Center, who reports to District 1 Deputy Director, who reports to the Chief of Operations, who reports to the Chief of Staff, who in turn reports to the Director
Location	Will 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 Healthcare and Family Services – Proposed Exemption

Position Number	40070-33-00-900-00-21
Position Title	Senior Public Service Administrator
Bureau/Division	Office of the Director
Functional Title	Deputy Director for Policy Coordination and New Initiatives
Incumbent	None
Supervisor	Director
Location	Cook 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.”

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

- C: Chief Legal Counsel**
- D: Chief Technology Officer, Infrastructure Services Division**
- E: Assistant Warden of Operations-Reception & Classification Center**
- F: Deputy Director for Policy Coordination and New Initiatives**

G. Proposed Rescissions in accordance with Rule 11(c) of the Rules of the Civil Service Commission (continued from January 17, 2008)

On December 17, 2007, the Executive Director sent notice to the Director of Central Management Services of the proposed rescissions of 36 current 4d(3) exempt positions which may no longer meet the requirements for exemption. According to information provided by Central Management Services, these positions were granted exempt status but have been vacant for an extended period of time or the positions have been included in bargaining units certified by the ILRB (Items 1, 2, 4, 5, 7 and 10). Each affected agency director was also provided with a courtesy notice of this proposed action. After resolving a number of issues with several of the proposed rescissions, the following is a list of the positions continued from January 17, 2008 that will now be put forth before the Commission for formal consideration of rescission of their exemption. Rule 11(c) also provides that withdrawal of exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status positions which will ensure responsive and accountable administrative control of the programs of the agency.

Agenda Item	Agency	Position Number	Functional Title
G1	Aging	00502-47-00-400-01-01	Legislative Liaison
G2	CMS	00502-37-06-000-01-01	Legislative Liaison
G3	CMS	00501-37-06-000-01-02	Legislative Liaison

Agenda Item	Agency	Position Number	Functional Title
G4	DCFS	13852-16-00-320-00-01	Legislative Liaison
G5	DCFS	13852-16-00-300-10-01	Legislative Liaison
G6	Gaming	40070-25-61-000-00-01	Mgr., Enforcement/Investigations
G7	IDPH	13852-20-02-000-20-01	Legislative Liaison
G8	IWCC	40070-50-37-500-00-07	Mgr., Arbitration & Support Staff
G9	IWCC	40070-50-37-200-00-01	Assistant Secretary
G10	Revenue	00501-25-04-110-00-02	Legislative Liaison

WILL THE COMMISSION RESCIND THE EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS?

- G1: Aging – Legislative Liaison**
- G2: CMS – Legislative Liaison**
- G3: CMS – Legislative Liaison**
- G4: DCFS – Legislative Liaison**
- G5: DCFS – Legislative Liaison**
- G6: Gaming – Manager, Enforcement/Investigations**
- G7: IDPH – Legislative Liaison**
- G8: WCC – Manager, Arbitration & Support Staff**
- G9: WCC – Assistant Secretary**
- G10: DOR – Legislative Liaison**

V. CLASS SPECIFICATIONS

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

A. Position Title

Clinical Psychology Associate (new)

Classification Analysis

“The Department of Human Services (DHS), Division of Mental Health requested the creation of a Clinical Psychology Associate class. With this class, the Department will be able to incorporate changes in the Illinois Licensure Laws as reflected by the current Department of Financial and Professional Regulations standards, as well as assist DHS in the recruitment of licensed-eligible clinical psychologists. The Clinical

February 21, 2008

Psychology Associate will provide a bridge for pre-doctoral clinical psychology interns to progress within the State system and continue their statutorily required clinical training in order to meet legal requirements to be admitted for examination to become licensed Clinical Psychologists. This new class brings the Division of Mental Health into compliance with the changes in the State statute and the Illinois Department of Financial and Professional Regulations requirements.”

WILL THE COMMISSION APPROVE THE CREATION OF THE FOLLOWING CLASS TITLE TO BE EFFECTIVE MARCH 1, 2008?

Clinical Psychology Associate (new)

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	12/31/07	1/31/08	1/31/07
Agriculture	0	1	1
Arts Council	0	1	1
Central Management Services	4	2	4
Children and Family Services	4	4	8
Employment Security	0	0	1
Financial and Professional Regulation	0	0	1
Healthcare and Family Services	6	6	7
Historic Preservation	2	1	0
Human Services	3	4	3
Natural Resources	23	7	7
Property Tax Appeal Board	0	0	2
State Fire Marshal	0	0	1
State Retirement Systems	0	0	1
Transportation	45	62	74
Veteran's Affairs	1	0	0
Totals	88	88	111

IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

- **DISCHARGE**

DA-6-08

Employee	M. KiVaughn Shelton	Appeal Date	8/13/07
Agency	DCFS	Decision Date	2/08/08
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Engaged in a sexual relationship with a subordinate; had a sexual encounter in a DCFS office; gave preferential treatment to this subordinate; misused DCFS e-mail and telephone system	Recommended Decision	Discharge upheld.

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

- **ALLOCATION APPEAL**

AA-34-07

Employee	Michelle Wethington	Appeal Date	3/27/07
Agency	CMS	Decision Date	2/05/08
Type	Allocation	ALJ	Andrew Barris
Charge(s)	Position should be allocated to Administrative Assistant II	Proposed Finding	Appeal denied; employee did not prove by a preponderance of the evidence that position was more appropriately allocated to AA II.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSED FINDING IN THE ABOVE MATTER?

X. **APPEALS TERMINATED WITHOUT DECISION ON THE MERITS**

- **DISMISSED**

RV-1-08

Employee	Michael Wiehle	Appeal Date	7/05/07
Agency	DHS	Decision Date	1/15/08
Type	Rule Violation	ALJ	Andrew Barris
Charge(s)	Alleges violation of veterans' preference in hiring	Proposed Finding	Dismissed subject to approval of Commission; default (failure to appear at hearing).

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSED FINDING IN THE ABOVE MATTER?

- **DISMISSED**

DA-12-08

Employee	William R. Jones	Appeal Date	10/16/07
Agency	DHS	Decision Date	01/24/08
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Failure to perform job duties; failure to understand & apply rules and to seek clarification and contacts in community	Recommended Decision	Dismissed subject to approval of Commission; withdrawn.

February 21, 2008

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

- **DISMISSED**

S-16-08

Employee	Steven E. Richie	Appeal Date	10/31/07
Agency	DHS	Decision Date	01/24/08
Type	Suspension	ALJ	Andrew Barris
Charge(s)	Conduct unbecoming (awarded a contract to company owned by a relative; authorized temporary assignment pay for office clerk to office assistant)	Recommended Decision	Dismissed subject to approval of Commission; withdrawn

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

XI. STAFF REPORT

XII. ANNOUNCEMENT OF NEXT MEETING

The next regular meeting is to be held on Thursday, March 20, 2008 at 9:00 a.m. in the Commission's Chicago office.

XIII. MOTION TO ADJOURN