

March 15, 2007

AGENDA  
ILLINOIS CIVIL SERVICE COMMISSION  
March 15, 2007

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 FEBRUARY 15, 2007

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR MEETING HELD FEBRUARY 15, 2007?**

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 .....	150.....	9
Agriculture .....	464.....	17
Arts Council.....	23.....	2
Capitol Development Board .....	32.....	0
Central Management Services .....	1,581.....	111
Children and Family Services.....	3,320.....	41
Civil Service Commission .....	4.....	0
Commerce & Economic Opportunity .....	421.....	64
Commerce Commission.....	52.....	0
Corrections.....	12,396.....	101
Criminal Justice Authority .....	64.....	6
Deaf and Hard of Hearing Comm. ....	6.....	1
Developmental Disabilities Council .....	10.....	1
Emergency Management Agency .....	104.....	1
Employment Security.....	1,733.....	26
Environmental Protection Agency .....	1,071.....	18
Financial & Professional Regulation .....	790.....	42
Guardianship and Advocacy .....	113.....	7
Healthcare and Family Services.....	2,369.....	29
Historic Preservation Agency .....	251.....	11
Human Rights Commission .....	12.....	2
Human Rights Department .....	136.....	8
Human Services .....	14,580.....	66
Investment Board.....	4.....	2
Juvenile Justice .....	1,300.....	18
Labor.....	72.....	8
Labor Relations Board Educational .....	14.....	2
Labor Relations Board Local.....	1.....	0
Labor Relations Board State .....	20.....	2
Law Enforcement Training & Standards Bd.....	21.....	1
Medical District Commission .....	2.....	0
Military Affairs .....	142.....	3
Natural Resources .....	1,426.....	27
Pollution Control Board.....	26.....	3
Prisoner Review Board .....	22.....	0
Property Tax Appeal Board .....	26.....	2
Public Health.....	1,097.....	35
Revenue .....	2,039.....	63
State Fire Marshal .....	159.....	11
State Police .....	1,484.....	6
State Police Merit Board.....	5.....	1
State Retirement Systems .....	80.....	1
Transportation.....	3,824.....	1
Veterans' Affairs.....	1,177.....	5
Workers' Compensation Commission .....	175.....	10
<b>TOTALS .....</b>	<b>52,798.....</b>	<b>764</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 Central Management Services – Proposed Exemption (continued from February 15, 2007)**

Position Number	40070-37-10-050-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Bureau of Communication & Computer Services (BCCS)/Technology
Functional Title	Chief Technology Officer
Incumbent	None
Supervisor	Deputy Director, Bureau of Communication & Computer Services (BCCS)
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.”

**D. 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	Director’s Office
Functional Title	Deputy Director for Policy
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.”

**E1. Illinois Dept. of Financial and Professional Regulation – Proposed Exemption**

Position Number	40070-13-30-400-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Department of Insurance
Functional Title	Deputy Director of Workers’ Compensation Fraud
Incumbent	None
Supervisor	Director of Insurance (reports to Secretary)
Location	Cook County

**E2. Illinois Dept. of Financial and Professional Regulation – Proposed Exemption**

Position Number	40070-13-40-940-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Professional Regulation
Functional Title	Director of Real Estate Investigations
Incumbent	None
Supervisor	Director of State-wide Enforcement (who reports to Director, who in turn reports to Secretary)
Location	Cook County

**E3. Illinois Dept. of Financial and Professional Regulation – Proposed Exemption**

Position Number	40070-13-40-950-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Professional Regulation
Functional Title	Director of Pharmacy Investigations
Incumbent	Yashwant M. Amin
Supervisor	Director of State-wide Enforcement (who reports to Director, who in turn reports to Secretary)
Location	Cook County

**E4. Illinois Dept. of Financial and Professional Regulation – Proposed Exemption**

Position Number	40070-13-40-960-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Professional Regulation
Functional Title	Director of Athletics
Incumbent	Ronald A. Puccillo
Supervisor	Director of State-wide Enforcement (who reports to Director, who in turn reports to Secretary)
Location	Cook County

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

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

**Item C: Chief Technology Officer**

**Item D: Deputy Director for Policy**

**Item E1: Deputy Director of Workers’ Compensation Fraud**

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**Item E2: Director of Real Estate Investigations**

**Item E3: Director of Pharmacy Investigations**

**Item E4: Director of Athletics**

V. CLASS SPECIFICATIONS

- None

**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>	<b>1/31/07</b>	<b>2/28/07</b>	<b>2/28/06</b>
Agriculture	1	<b>2</b>	2
Arts Council	1	<b>1</b>	1
Central Management Services	4	<b>1</b>	0
Children and Family Services	8	<b>8</b>	9
Commerce and Economic Opportunity	0	<b>0</b>	1
Emergency Management Agency	0	<b>0</b>	1
Employment Security	1	<b>2</b>	0
Environmental Protection Agency	0	<b>0</b>	1
Financial and Professional Regulation	1	<b>1</b>	2
Healthcare and Family Services	7	<b>6</b>	5
Historic Preservation	0	<b>1</b>	0
Human Services	4	<b>3</b>	5
Natural Resources	6	<b>3</b>	3
Property Tax Appeal Board	2	<b>2</b>	1
State Fire Marshal	1	<b>1</b>	0
State Retirement Systems	1	<b>1</b>	0
Transportation	74	<b>90</b>	34
Veterans' Affairs	0	<b>2</b>	2
<b>Totals</b>	111	<b>124</b>	67

IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

- **DISCHARGE APPEAL**

**DA-3-07**

Employee	Gregory Gill	Appeal Date	07/14/06
Agency	EMA	Decision Date	03/02/07
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Abuse of telephone system, insubordination, unauthorized absences; falsification of information; driving with a suspended driver's license	Recommended Decision	Charges are proven and do warrant discharge.

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

- **DISCHARGE APPEAL**

**DA-7-07**

Employee	Marilyn Summers	Appeal Date	09/29/06
Agency	DHS	Decision Date	03/01/07
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Failure to return from leave of absence	Recommended Decision	Charge is proven but unique factual circumstances do not warrant discharge.

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

- **DISCHARGE APPEAL**

**DA-14-07**

Employee	Marie Wroblewski	Appeal Date	12/04/06
Agency	DHS	Decision Date	03/02/07
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Unauthorized absences/tardiness	Recommended Decision	Charges are proven and do warrant discharge.

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

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- **RULE VIOLATION APPEAL**

**RV-23-03**

Petitioner	AFSCME	Appeal Date	10/31/02
Agency	Various Agencies	Decision Date	02/20/07
Type	Rule Violation	ALJ	Daniel Stralka
Charge(s)	Agencies utilized contract employees in violation of the Personnel Code	Proposed Finding	No jurisdiction.

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

- **RULE VIOLATION APPEAL**

**RV-44-06**

Petitioner	Justin Hale	Appeal Date	05/09/06
Agency	DHS	Decision Date	02/21/07
Type	Rule Violation	ALJ	Andrew Barris
Charge(s)	Alleged violation of Personnel Rules in selecting interview candidates for vacant position	Proposed Finding	Agency violated the Personnel Rules.

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

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

- **DISMISSED**

**DA-22-07**

Employee	Darlisha Britton	Appeal Date	01/08/07
Agency	DHS	Decision Date	03/05/07
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Unauthorized absences	Recommended Decision	Dismissed subject to Commission approval; default (no show at hearing).

**DOES THE COMMISSION APPROVE THE DISMISSAL OF THE ABOVE MATTER?**

XI. **STAFF REPORT**

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XII. PRESENTATION ON OPEN MEETINGS ACT

XIII. REVIEW OF EXECUTIVE SESSION MINUTES PURSUANT TO OPEN MEETINGS ACT

XIV. ANNOUNCEMENT OF NEXT MEETING

The next regular meeting is to be held on Thursday, April 19, 2007 at 9:00 a.m. in the Commission's Chicago office.

XV. MOTION TO ADJOURN