

April 17, 2008

AGENDA  
ILLINOIS CIVIL SERVICE COMMISSION  
APRIL 17, 2008

I. OPENING OF MEETING AT 10:30 A.M. AT 400 WEST MONROE STREET, SUITE 306, SPRINGFIELD, ILLINOIS

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD MARCH 20, 2008

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR MEETING HELD MARCH 20, 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 .....	155.....	9
Agriculture.....	470.....	16
Arts Council.....	23.....	2
Capitol Development Board .....	36.....	0
Central Management Services .....	1,535.....	105
Children and Family Services.....	3,189.....	47
Civil Service Commission .....	4.....	0
Commerce & Economic Opportunity .....	414.....	67
Commerce Commission.....	69.....	0
Corrections.....	11,814.....	108
Criminal Justice Authority.....	56.....	6
Deaf and Hard of Hearing Comm. ....	7.....	1
Developmental Disabilities Council .....	9.....	1
Emergency Management Agency .....	96.....	2
Employment Security.....	1,637.....	25
Environmental Protection Agency .....	1,019.....	19
Financial & Professional Regulation .....	760.....	50
Guardianship and Advocacy .....	112.....	7
Healthcare and Family Services.....	2,396.....	29
Historic Preservation Agency .....	242.....	12
Human Rights Commission .....	9.....	2
Human Rights Department .....	150.....	9
Human Services .....	14,767.....	66
Investment Board.....	3.....	2
Juvenile Justice .....	1,201.....	18
Labor.....	82.....	8
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 .....	123.....	3
Natural Resources .....	1,401.....	27
Pollution Control Board.....	20.....	3
Prisoner Review Board .....	22.....	0
Property Tax Appeal Board .....	24.....	2
Public Health.....	1,139.....	37
Revenue .....	2,110.....	66
State Fire Marshal .....	157.....	13
State Police .....	1,451.....	6
State Police Merit Board.....	6.....	1
State Retirement Systems .....	83.....	1
Transportation.....	3,675.....	0
Veterans' Affairs.....	1,118.....	6
Workers' Compensation Commission .....	170.....	11
<b>TOTALS .....</b>	<b>51,810.....</b>	<b>792</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 Children & Family Services – Proposed Exemption**

Position Number	40070-16-24-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Guardian and Advocacy
Functional Title	Deputy Director, Division of Guardian and Advocacy
Incumbent	D. Jean Ortega Piron
Supervisor	Chief of Staff 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 Emergency Management Agency – Proposed Exemption**

Position Number	40070-50-17-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Administration
Functional Title	Policy Administrator
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.”

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

Position Number	40070-10-12-100-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Assistant Secretary
Functional Title	Special Management Assistant & Senior Policy Advisor
Incumbent	Gregory A. Diephouse (interim appointment)
Supervisor	Assistant Secretary who reports to the Secretary
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.”

**F. Illinois Department of Human Services – Proposed Exemption**

Position Number	40070-10-79-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Mental Health
Functional Title	Region 1 North, Executive Director (Network Manager)
Incumbent	Daniel J. Wasmer
Supervisor	Director of the Mental Health Division, who reports to the Assistant Secretary, who in turn reports to the Secretary
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.”

**G. Illinois Dept. of Financial & Professional Regulation – Proposed Exemption**

Position Number	40070-13-10-200-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Banking
Functional Title	Residential Real Property Disclosure Program Director
Incumbent	None
Supervisor	Director of Banking Division, who reports to the Secretary
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.”

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

Position Number	40070-20-52-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Health Protection
Functional Title	Food Drugs and Dairies’ Division Chief
Incumbent	Marlena Bordson
Supervisor	Deputy Director of Health Protection, who reports to the 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.”

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

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.”

**J. State Retirement Systems – Proposed Exemption**

Position Number	40070-50-74-000-00-03
Position Title	Senior Public Service Administrator
Bureau/Division	Data Processing
Functional Title	Chief Information Officer
Incumbent	None
Supervisor	Executive 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.”

**K. Illinois Department of Veterans’ Affairs – Proposed Exemption**

Position Number	40070-34-00-100-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	IT/EDP
Functional Title	Chief Information Officer
Incumbent	James E. Johnson
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.”

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

- C: Deputy Director, Division of Guardian and Advocacy**
- D: Policy Administrator**
- E: Special Management Assistant & Senior Policy Advisor**
- F: Region 1 North, Executive Director (Network Manager)**
- G: Residential Real Property Disclosure Program Director**
- H: Food Drugs and Dairies' Division Chief**
- I: Deputy General Counsel-Litigation**
- J: Chief Information Officer (State Retirement Systems)**
- K: Chief Information Officer (Veterans' Affairs)**

V. CLASS SPECIFICATIONS

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

- A. Position Title: Occupational Therapist Supervisor (new)

Classification Analysis: “Effective June 19, 2006 the State Labor Relations Board ruled that the positions in the Public Service Administrator (PSA) option 8O should be subject to collective bargaining and they certified the PSA option 8O’s as being included in RC-063. The last paragraph of the Distinguishing Features of the PSA includes the following statement: ‘Excluded from this class are...as well as those subject to the provisions of collective bargaining contracts.’ In keeping with this statement, the new class of Occupational Therapist Supervisor has been created to perform the duties of the positions formerly classified as PSA option 8O. In addition, as the new class is in an AFSCME bargaining unit, the positions can no longer serve as full time supervisors of other AFSCME bargaining unit positions. Per Article V, Section 2 of the master contractual agreement between AFSCME and the State of Illinois: ‘The employee and/or the Union shall orally raise the grievance with the employee’s supervisor *who is outside the bargaining unit.*’ (Italics added.) Accordingly, positions in this class serve as working supervisors and cannot perform disciplinary functions or resolve grievances.”

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

**Occupational Therapist Supervisor (new)**

April 17, 2008

**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>2/29/08</b>	<b>3/31/08</b>	<b>3/31/07</b>
Agriculture	2	<b>2</b>	1
Arts Council	1	<b>1</b>	1
Central Management Services	3	<b>3</b>	1
Children and Family Services	3	<b>4</b>	7
Commerce and Economic Opportunity	0	<b>0</b>	1
Employment Security	0	<b>0</b>	2
Financial and Professional Regulation	1	<b>1</b>	1
Healthcare and Family Services	16	<b>15</b>	3
Historic Preservation	0	<b>0</b>	1
Human Services	3	<b>6</b>	2
Natural Resources	1	<b>1</b>	1
Property Tax Appeal Board	0	<b>0</b>	2
Public Health	1	<b>0</b>	0
State Police	0	<b>1</b>	0
State Retirement Systems	0	<b>0</b>	2
Transportation	70	<b>53</b>	57
Veteran's Affairs	1	<b>0</b>	1
Workers' Compensation Committee	2	<b>0</b>	0
<b>Totals</b>	104	<b>87</b>	83

IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

- **DISCHARGE**

**DA-27-08**

Employee	Shawn L. Young	Appeal Date	12/13/07
Agency	DHS	Decision Date	04/04/08
Type	Discharge	ALJ	Barris
Charge(s)	Probationary employee	Recommended Decision	Motion to Dismiss is granted; no jurisdiction.

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

X. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

• **DISMISSED**

**DA-33-08**

Employee	Shameeka Adams	Appeal Date	2/11/08
Agency	DHS	Decision Date	3/31/08
Type	Discharge	ALJ	Stralka
Charge(s)	Tardiness	Recommended Decision	Dismissed subject to approval of Commission; default (no show at hearing).

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

**S-36-08**

Employee	Edward Emerson	Appeal Date	3/14/08
Agency	DOC	Decision Date	3/31/08
Type	Suspension	ALJ	Stralka
Charge(s)	Unauthorized absence	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 Friday, May 16, 2008 at 2:00 p.m. in the Commission's Chicago office.**

XIII. MOTION TO ADJOURN