

April 20, 2006

AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
April 20, 2006

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 MARCH 16, 2006

WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR MEETING HELD MARCH 16, 2006?

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	147.....	9
Agriculture	480.....	17
Arts Council.....	21.....	1
Capitol Development Board	27.....	0
Central Management Services	1,656.....	120
Children and Family Services.....	3,319.....	41
Civil Service Commission	4.....	0
Commerce & Econ. Opportunity	454.....	62
Commerce Commission.....	42.....	0
Corrections.....	13,920.....	117
Criminal Justice Authority	75.....	6
Deaf and Hard of Hearing Comm.	6.....	1
Developmental Disabilities Council	11.....	1
Emergency Management Agency	106.....	1
Employment Security.....	1,787.....	26
Environmental Protect. Agency	1,068.....	17
Fin. & Prof. Regulation.....	802.....	44
Guardianship and Advocacy	109.....	6
Healthcare and Family Services.....	2,231.....	29
Historic Preservation Agency	251.....	12
Human Rights Commission	11.....	2
Human Rights Department	130.....	8
Human Services	14,833.....	61
Investment Board.....	4.....	2
Labor.....	73.....	7
Labor Relations Board Educational	16.....	2
Labor Relations Board Local	1.....	0
Labor Relations Board State	18.....	2
Law Enforce. Trng. & Standard Bd.	22.....	1
Medical District Comm.....	2.....	0
Military Affairs	143.....	3
Natural Resources	1,415.....	27
Pollution Control Board.....	26.....	3
Prisoner Review Board	23.....	0
Property Tax Appeal Board	23.....	2
Public Health.....	1,120.....	36
Revenue	2,013.....	56
State Fire Marshal	144.....	9
State Police	1,461.....	6
State Police Merit Board.....	5.....	1
State Retirement Systems	83.....	1
Transportation.....	3,961.....	1
Veterans Affairs.....	1,174.....	4
Workers Comp. Commission.....	170.....	10
TOTALS	53,387.....	754

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 Human Services-Proposed Exemption¹

Position Number	40070-10-10-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Business Services
Functional Title	Director of the Office of Business Services
Incumbent	None
Supervisor	Chief Operations Officer (Reports to the Secretary)
Location	Sangamon

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 Financial and Professional Regulation - Proposed Exemption

Position Number	40070-13-00-100-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Secretary’s Office-Policy & Community Relations
Functional Title	Policy Advisor
Incumbent	None
Supervisor	Secretary
Location	Cook

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 Veterans’ Affairs - Proposed Exemption

Position Number	40070-34-00-200-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Legal Affairs
Functional Title	Chief Legal Counsel
Incumbent	None
Supervisor	Director
Location	Sangamon

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.”

¹ Continued from the March 16, 2006 meeting

F. Illinois State Fire Marshal – Proposed Exemption

Position Number	37015-50-50-000-10-84
Position Title	Public Service Administrator
Bureau/Division	Elevator Safety
Functional Title	Division Director
Incumbent	None
Supervisor	Deputy Director (reports to the State Fire Marshall)
Location	Sangamon

CMS Recommendation: “This position meets 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.”

G. Illinois Department of Revenue – Proposed Exemption

Position Number	40070-25-00-000-20-01
Position Title	Senior Public Service Administrator
Bureau/Division	Labor Relations Division
Functional Title	Chief Labor Relations Director
Incumbent	None
Supervisor	Director
Location	Sangamon

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.”

H. Illinois Department of Commerce and Economic Opportunity - Proposed Rescission

Position Number	40070-42-10-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Bureau of Economic Development
Functional Title	Deputy Director
Incumbent	None
Supervisor	Director
Location	Cook

Staff Recommendation: This position no longer qualifies for exemption based on the agency’s previous representation that the Assistant Director of the Illinois Department of Commerce and Economic Opportunity has assumed functional responsibility for this position.

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V. 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.

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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 Appointment Report as of March 31, 2006.

Agency	2/28/06	3/31/06
Aging	2	0
Agriculture	1	8
Arts Council	9	1
Central Management Services	1	3
Children and Family Services	1	8
Commerce and Economic Opportunity	1	2
Emergency Management Agency	2	1
Environmental Protection Agency	5	0
Financial and Professional Regulation	0	2
Healthcare and Family Services	5	8
Human Services	3	5
Natural Resources	1	3
Property Tax Appeal Board	0	1
Transportation	34	60
Veterans Affairs	2	2
Totals	67	104

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VIII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

• **LAYOFF APPEAL**

LA-51-05

Petitioner	Olga Aranzubia	Appeal Date	1/28/05
Agency	DNR	Decision Date	3/29/06
Type	Layoff	ALJ	Andrew Barris
Charge(s)	Violation of Personnel Rules	Proposed Finding	No violation.

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

• **LAYOFF APPEAL**

LA-54-05

Petitioner	Charlene Powers	Appeal Date	1/20/05
Agency	Agriculture	Decision Date	3/29/06
Type	Layoff	ALJ	Andrew Barris
Charge(s)	Violation of Personnel Rules	Proposed Finding	No violation.

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

• **SUSPENSION APPEAL**

S-24-06

Petitioner	Kirstin Henderson	Appeal Date	11/10/05
Agency	CMS	Decision Date	04/06/06
Type	Suspension	ALJ	Andrew Barris
Charge(s)	Unauthorized Absences	Recommended Decision	Charges partially proven but Respondent disproved the matter by the same quantity of evidence; therefore, no discipline to be imposed in this matter.

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

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- **SUSPENSION APPEAL**

S-32-06

Petitioner	George Guidish	Appeal Date	2/03/06
Agency	DOC	Decision Date	4/05/06
Type	Suspension	ALJ	Daniel Stralka
Charge(s)	Left assigned post to attend a grievance meeting	Recommended Decision	Charges proven but unique circumstances warrant 5-day suspension in lieu of 30-day suspension.

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

IX. **APPEALS TERMINATED WITHOUT DECISION**

- **WITHDRAWN**

RV-11-06

Respondent	Donald Harris	Appeal Date	8/15/05
Agency	DHR	Decision Date	3/14/06
Type	Rule Violation	ALJ	Daniel Stralka
Charge(s)	Violation of Personnel Code and Rules	Proposed Finding	Withdrawn; dismissed subject to Commission approval.

DOES THE COMMISSION APPROVE THE DISMISSAL OF THE ABOVE MATTER?

- **DISMISSAL**

DA-15-06

Respondent	Jeff Kruger	Appeal Date	9/09/05
Agency	DOC	Decision Date	4/05/06
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Failure to return to work within 5 days after expiration of date of leave	Recommended Decision	Settlement; dismissed subject to Commission approval.

DOES THE COMMISSION APPROVE THE DISMISSAL OF THE ABOVE MATTER?

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- **DISMISSAL**

RV-29-06

Petitioner	AFSCME	Appeal Date	1/03/06
Agency	DHS	Decision Date	3/28/06
Type	Rule Violation	ALJ	Daniel Stralka
Charge(s)	Violation of Personnel Code and Rules	Proposed Finding	Default-failure to provide information; dismissed subject to Commission approval.

DOES THE COMMISSION APPROVE THE DISMISSAL OF THE ABOVE MATTER?

X. **AMENDMENTS IN CLASS SPECIFICATIONS**

The Director of Central Management Services has submitted the following class titles for revision/abolishment:

A. **Current Position Titles**

Staff Development Specialist I (revise)

Corrections Academy Trainer (abolish)

Classification Analysis

“Management at the Illinois Department of Corrections (IDOC), in agreement with AFSCME, requested that a class study be performed on the Corrections Academy Trainer for possible reclassification to the title of Staff Development Specialist I. It was determined that Corrections Academy Trainers perform the same work as the Staff Development Specialist I’s at IDOC. However, the Staff Development Specialist I is compensated at one salary grade higher than the Corrections Academy Trainer. Therefore, IDOC management, AFSCME Council 31 and CMS in order to properly maintain the classification plan, recommend that the Corrections Academy Trainer be reclassified to the Staff Development Specialist I. The Corrections Academy Trainer is then recommended for abolition.”

WILL THE COMMISSION APPROVE THE REVISION AND ABOLISHMENT OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE MAY 1, 2006?

Staff Development Specialist I (revise)

Corrections Academy Trainer (abolish)

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

XI. STAFF REPORT

XII. CONSIDERATION OF MAINTAINING THE DATE OF THE MAY, 2006 MEETING

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Wednesday, May 17, 2006 at 10:30 a.m. in the Commission's Springfield Office.

XIV. MOTION TO ADJOURN