

August 18, 2005

AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
August 18, 2005

- 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 JULY 21, 2005

WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR MEETING HELD JULY 21, 2005?

August 18, 2005

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

A. Report on Exempt Positions

<u>Agency</u>	Total <u>Employees</u>	Number of Exempt <u>Positions</u>
Aging.....	154	6
Agriculture	599	17
Arts Council	22	1
Capitol Development Board.....	15	0
Central Management Services.....	1688	119
Children and Family Services	3391	41
Civil Service Commission.....	4	0
Commerce & Econ. Opportunity.....	459	61
Commerce Commission	43	0
Corrections	14,214	116
Criminal Justice Authority	80	5
Deaf and Hard of Hearing Comm.	7	1
Developmental Disabilities Council.....	10	1
Emergency Management Agency.....	116	1
Employment Security	1889	26
Environmental Protect. Agency.....	1095	16
Fin. & Prof. Regulation	795	41
Guardianship and Advocacy	109	5
Historic Preservation Agency.....	361	8
Human Rights Commission.....	11	2
Human Rights Department.....	149	7
Human Services.....	14,807	59
Workers Comp. Commission	170	9
Investment Board	4	1
Labor	78	7
Labor Relations Board Educational.....	15	2
Labor Relations Board Local	1	0
Labor Relations Board State.....	20	2
Law Enforce. Trng. & Standard Bd.....	24	1
Medical District Comm.	2	0
Military Affairs	146	3
Natural Resources	1754	27
Pollution Control Board	26	3
Prisoner Review Board.....	24	0
Property Tax Appeal Board.....	24	2
Public Aid.....	2201	24
Public Health	1111	32
Revenue.....	2024	58
State Fire Marshal	137	8
State Police.....	1473	6
State Police Merit Board	5	1
State Retirement Systems	83	1
Transportation	2841	1
Veterans Affairs	1153	4
TOTALS	53,321	725

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. **Illinois Historic Preservation Agency - Proposed Exemption**

The following recommendation and supporting materials were received from the Director of the Illinois Historic Preservation Agency.

COPY

Dear Director Campbell:

The Illinois Historic Preservation Agency is requesting a 4d3 exemption from the Personnel Code for a Senior Public Service Administrator, position # 40070-48-30-000-00-01 in the Illinois Historic Preservation Agency.

This position will act as the Chief Legal Counselor, for the Illinois Historic Preservation Agency (IHPA) which includes the Abraham Lincoln Presidential Library and Museum (ALPLM). This position will also serve as the Preservation Services Division Manager which encompasses the role as the Deputy State Historic Preservation Officer for the Illinois Historic Preservation Agency.

We feel that this position meets the criteria for exemption from 4d3 of the Personnel Code in that it:

- The position reports directly to the Director of the Illinois Historic Preservation Agency.
- Serves as the Agency's Chief Legal Counselor and advises and counsels the IHPA and ALPLM Directors and all levels of management on difficult and complex interpretations and legal precedents of pertinent law, rules, regulation, and procedures, and represents the Agency on all legal issues affecting IHPA/ALPLM.
- Serves as the Preservation Services Division Manager/Deputy State Historic Preservation Officer with full authority of the IHPA Director in exercising principle responsibility in establishing, developing, and administering Local Government, Registration & Survey, Architectural, and Regulatory programs while ensuring that the Agency complies with all applicable State and Federal preservation laws.
- Establishes, develops, and implements policies and makes decisions in exercising principal responsibility for a major agency program.

If you have any questions or need additional information for consideration of our request, please feel free to contact Ednita Murdock, Human Resource Administrator, at 217/785-4674.

END OF COPY

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

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 REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITION?

Position Title:	Senior Public Service Administrator
Position Number:	40070-48-30-000-00-01
Bureau/Division:	Preservation Services
Incumbent:	William L. Wheeler
Supervisor:	Director
Location:	Sangamon County

D. **Illinois State Board of Investment - Proposed Exemption**

The following recommendation and supporting materials were received from the Illinois State Board of Investment.

COPY

Dear Director Campbell:

Enclosed please find CMS 104 which clarifies and requests an exempt code change for the Sr. Public Service Administrator position. This position serves as the Chief Fiscal Officer for the agency. Please submit for 4d3 exemption consideration to the Civil Service Commission.

This Sr. Public Service Administrator/Chief Fiscal Officer position reports directly to the Executive Director and is a principal policy advisor to the Executive Director regarding all internal fiscal controls and regulations.

I understand that there is a meeting of the Civil Service Commission scheduled for August 18, 2005 and would appreciate this position being considered at that meeting. If you have any questions or require further information, please do not hesitate to contact me at 312/793-5710 or watwood@mail.state.il.us or Katherine Spinato, Deputy Executive Director at 312/793-5711 or kspinato@mail.state.il.us.

Thank you for your assistance in this matter.

END OF COPY

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

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 REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITION?

Position Title:	Senior Public Service Administrator
Position Number:	40070-50-95-000-00-03
Bureau/Division:	Fiscal Office
Incumbent:	Vacant
Supervisor:	Executive Director
Location:	Cook County

E. **Illinois Department of Aging - Proposed Exemption**

The following recommendation and supporting materials were received from the Director of the Illinois Department of Aging.

COPY

Dear Acting Director Campbell:

The purpose of this letter is to request exemption from Jurisdiction B of the Personnel Code for the policy formulating and implementing administrator positions listed below at the August 2005 meeting of the Civil Service Commission.

Position Title:	Senior Public Service Administrator
Position Number:	40070-47-20-000-00-01
Bureau/Division:	Planning, Research and Development
Incumbent:	Michele Piel
Supervisor:	Deputy Director
Location:	Sangamon County

Position Title:	Senior Public Service Administrator
Position Number:	40070-47-30-000-00-01
Bureau/Division:	Home and Community Services
Incumbent:	Vacant
Supervisor:	Deputy Director
Location:	Sangamon County

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

CMS Recommendation

These positions 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 REQUEST FOR EXEMPTIONS FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS?

Position Title:	Senior Public Service Administrator
Position Number:	40070-47-20-000-00-01
Bureau/Division:	Planning, Research and Development
Incumbent:	Michele Piel
Supervisor:	Deputy Director
Location:	Sangamon County

Position Title:	Senior Public Service Administrator
Position Number:	40070-47-30-000-00-01
Bureau/Division:	Home and Community Services
Incumbent:	Vacant
Supervisor:	Deputy Director
Location:	Sangamon County

F. **Illinois State Fire Marshal - Proposed Exemption**

The following recommendation and supporting materials were received from the Illinois State Fire Marshal.

COPY

Dear Director Campbell,

I would like to request the following Public Service Administrator, Option 1 (SS) (37015-50-50-001-04-84) position to be 4D3 Exempt. This Public Service Administrator will report to the agency head and is responsible for making and carrying out agency-wide and state-wide policies. This PSA will conduct studies and investigations concerning agency operations and serve as a liaison to other agencies, State Officials and the general public.

If you have any questions, please contact me at 217-785-4143.

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

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 REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITION?

Position Title:	Public Service Administrator
Position Number:	37015-50-50-001-04-84
Division:	Executive
Incumbent:	Vacant
Supervisor:	Illinois State Fire Marshal
Location:	Sangamon County

G. **Illinois Department of Revenue - Proposed Exemption**

The following recommendation and supporting materials were received from the Illinois Department of Revenue.

COPY

Dear Director Campbell:

I am proposing the exemption of a Senior Public Service Administrator position as provided in Section 4d(3) of the Personnel Code.

This position serves as administrator of the Chicago Administrative/Financial Services Program area with principal administrative responsibility for the development of policy or for the way in which policy is carried out.

The attached CMS-104 and organizational chart will depict the placement and responsibility of this position. If additional information is required, please contact Deborah Tumulty, Chief Personnel Officer, at 782-4708.

END OF COPY

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

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 REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITION?

Position Title:	Senior Public Service Administrator
Position Number:	40070-25-18-000-00-01
Division:	Chicago Administrative/Financial Services Program
Incumbent:	Vacant
Supervisor:	Agency Director
Location:	Cook County

H. **Illinois Workers' Compensation Commission - Proposed Exemption**

The following recommendation and supporting materials were received from the Illinois Workers' Compensation Commission.

COPY

Dear Director Campbell:

Please find the attached new job description for the title of Senior Public Administrator (Chief Legal Counsel) for your review and submission to the Civil Service Commission for their approval to change this title to the exempt code 4(d)3.

Due to the responsibilities of the Chief Legal Counsel we are requesting that you make this position exempt under code 4(d)3, for the following reasons:

The Chief Legal Counsel position plans, directs, and coordinates the activities of the Illinois Workers' Compensation Commission's Legal Counsel Division. This position formulates, develops and interprets legal decisions for the Commission and provides technical opinions on legal, statutory and administrative issues affecting the Commission. It conducts research, interviews employees and witnesses and handles other details in preparation for EEOC and Department of Human Rights hearings. Develops strategy, arguments and testimony in preparation for presentation of cases. Represents the Illinois Workers' Compensation Commission before quasi-judicial or administrative agencies of government.

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If you need additional information or documentation regarding the above, please feel free to contact our Human Resources Managers, Ms. Rebecca Paz at 312/814-5990.

Thank you for your assistance in this matter.

END OF COPY

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 REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITION?

Position Title:	Senior Public Service Administrator
Position Number:	40070-50-37-000-00-01
Division:	Legal Counsel Division
Incumbent:	Kathryn A. Kelley
Supervisor:	Chairman
Location:	Cook County

I. Department of Central Management Services - Proposed Revocation

WILL THE COMMISSION REVOKE 4D3 EXEMPT STATUS FOR THE FOLLOWING POSITIONS?

Position Title:	40070-37-11-000-01-08
Position Title:	40070-37-12-000-01-01
Position Title:	40070-37-14-000-01-01

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 report as of July 31, 2005.

	<u>6/30/05</u>	<u>7/31/05</u>
Agriculture	1	1
Central Management Services	8	7
Children & Family Services	10	9
Comm. & Econ. Opportunity	3	0
Healthcare & Family Services	10	6
Comm. & Econ. Opportunity	3	0
Financial & Professional Reg.	1	1
Historic Preservation	31	32
Human Services	1	0
Labor	1	1
Natural Resources	32	26
Property Tax Appeal Board	1	0
Public Health	2	1
State Fire Marshall	3	4
State Retirement Systems	1	0
Transportation	<u>6</u>	<u>10</u>
Totals	111	99

VIII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

- LAYOFF APPEAL

LA-77-05

Petitioner	Zelleria Dennis	Appeal Date	5/17/05
Agency	DHS	Decision Date	7/27/05
Type of Appeal	Layoff Appeal	ALJ	Andrew Barris
Charge(s)	Violation of Personnel Rules	Proposed Finding	ALJ Finds No Violation of the Personnel Rules as Alleged by the Petitioner

DOES THE COMMISSION CONCUR WITH THE PROPOSED FINDING IN THE ABOVE MATTER?

- DISCHARGE

DA-59-05

Respondent	Michael O'Donnell	Appeal Date	3/2/05
Agency	DOC	Decision Date	7/8/05
Type of Appeal	Discharge	ALJ	Daniel Stralka
Charge(s)	Misconduct; Drug & Alcohol Use on the Job; Misuse of State Vehicle	Recommended Decision	Charges Partially Proven; ALJ Recommends Discharge

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

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IX. APPEALS TERMINATED WITHOUT DECISION

- **DISCHARGE**
DA-04-06

Respondent	Annette L. Hawk	Appeal Date	7/11/05
Agency	DOC	Decision Date	7/26/05
Type of Appeal	Discharge	ALJ	Daniel Stralka
Charge(s)	Conduct Unbecoming; Violation of Departmental Rules	Recommended Decision	Appeal Withdrawn, Dismissal Subject to Commission Approval

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

X. AMENDMENTS IN CLASS SPECIFICATIONS

- A. **The following class title was submitted for establishment by the Director of Central Management Services:**

Position Title

Laborer Foreman

Assistant Executive Director Andrew Barris granted interim approval effective July 1, 2005 until the July 21, 2005 meeting for the Laborer Foreman position. At the July 21, 2005 meeting, the Commission approved the establishment of the class title to be effective August 1, 2005. However, the effective date should have been stated as July 1, 2005.

WILL THE COMMISSION APPROVE THE ESTABLISHMENT OF THE FOLLOWING CLASS TITLE TO BE EFFECTIVE JULY 1, 2005?

Laborer Foreman

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

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

XII. STAFF REPORT

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, September 15, 2005 at 9:00 a.m. in the Commission's Chicago Office.

XIV. MOTION TO ADJOURN