

September 21, 2006

AGENDA  
ILLINOIS CIVIL SERVICE COMMISSION  
September 21, 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 AUGUST 17, 2006

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR MEETING HELD AUGUST 17, 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 .....	144.....	9
Agriculture .....	620.....	17
Arts Council.....	20.....	1
Capitol Development Board .....	32.....	0
Central Management Services .....	1,607.....	111
Children and Family Services.....	3,363.....	41
Civil Service Commission .....	4.....	0
Commerce & Econ. Opportunity .....	435.....	61
Commerce Commission.....	54.....	0
Corrections.....	12,486.....	101
Criminal Justice Authority .....	70.....	6
Deaf and Hard of Hearing Comm. ....	6.....	1
Developmental Disabilities Council .....	11.....	1
Emergency Management Agency .....	106.....	1
Employment Security.....	1,790.....	26
Environmental Protect. Agency .....	1,077.....	17
Financial. & Prof. Regulation .....	815.....	43
Guardianship and Advocacy .....	112.....	6
Healthcare and Family Services .....	2,341.....	29
Historic Preservation Agency .....	344.....	12
Human Rights Commission .....	12.....	2
Human Rights Department .....	136.....	8
Human Services .....	14,907.....	62
Investment Board.....	5.....	2
Juvenile Justice .....	1,331.....	18
Labor.....	76.....	7
Labor Relations Board Educational .....	16.....	2
Labor Relations Board Local .....	1.....	0
Labor Relations Board State .....	17.....	2
Law Enforce. Trng. & Standard Bd. ....	23.....	1
Medical District Comm.....	2.....	0
Military Affairs .....	143.....	3
Natural Resources .....	1,708.....	27
Pollution Control Board.....	26.....	3
Prisoner Review Board .....	22.....	0
Property Tax Appeal Board .....	19.....	2
Public Health.....	1,110.....	35
Revenue .....	2,031.....	59
State Fire Marshal .....	150.....	9
State Police .....	1,476.....	6
State Police Merit Board.....	5.....	1
State Retirement Systems .....	84.....	1
Transportation.....	2,864.....	1
Veterans Affairs.....	1,168.....	5
Workers Comp. Commission.....	177.....	10
<b>TOTALS .....</b>	<b>52,946.....</b>	<b>749</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 Revenue – Proposed Exemption (Continued from 8/17/06)**

Position Number	37015-25-90-210-10-01
Position Title	Public Service Administrator
Bureau/Division	Lottery-Superintendent’s Office
Functional Title	Communications Manager
Incumbent	None
Supervisor	Lottery Superintendent (reports to Director)
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 Commerce and Economic Opportunity – Proposed Exemption (Continued from 8/17/06)**

Position Number	40070-42-00-700-05-01
Position Title	Senior Public Service Administrator
Bureau/Division	Entrepreneurial/Small Business Programs
Functional Title	Assistant Deputy Director
Incumbent	None
Supervisor	Entrepreneurial/Small Business Programs Director (reports to agency Director)
Location	Sangamon County

**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.”

**E. Illinois Department of Corrections – Proposed Exemption**

Position Number	40070-29-10-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Adult Education & Vocational Services
Functional Title	Chief Administrative Officer
Incumbent	None
Supervisor	Deputy Director of Support Services (reports to 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.”

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

Position Number	40070-10-23-100-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Community Health and Prevention
Functional Title	Chief of the Bureau of Youth Services and Delinquency Prevention
Incumbent	None
Supervisor	Associate Director, Community Health and Prevention (reports to Director, Community Health and Prevention, who in turn reports to the Assistant Secretary, who in turn reports to the Secretary)
Location	Sangamon County

**CMS Recommendation:** “Although this position does not strictly meet the reporting criteria of the Commission Rules, it is found to have equivalent authorities to other positions in Department of Human Services which have been granted 4d(3) exemption. These noted positions include: the Manager of Bureau of Policy and Review (40070-10-04-200-00-01), the Manager of Bureau of Contract Compliance (40070-10-04-300-00-01), the Manager of Bureau of Administrative Services (40070-10-10-100-00-01) the Manager of Bureau of Recruitment and Selection (40070-10-11-200-00-01) and the Manager of Bureau of Training and Development (40070-10-11-700-00-01). Thus, I recommend 4d(3) exemption.”

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

Position Number	40070-10-12-100-10-01
Position Title	Senior Public Service Administrator
Bureau/Division	Assistant Secretary
Functional Title	Immigrant Welcoming Center Director
Incumbent	None
Supervisor	Assistant Secretary (reports to 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 Human Services – Proposed Exemption**

Position Number	40070-10-76-100-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Mental Health
Functional Title	Bureau Chief of the Bureau of System Support
Incumbent	Nancy Staples
Supervisor	Director, Office of Mental Health (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.”

**I. Illinois Arts Council – Proposed Exemption**

Position Number	40070-50-90-200-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Programs
Functional Title	Deputy Director
Incumbent	Eliud Hernandez
Supervisor	Executive 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. Illinois Environmental Protection Agency – Proposed Exemption**

Position Number	40070-46-15-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Bureau of Land
Functional Title	Bureau Chief, Bureau of Land
Incumbent	William Child
Supervisor	Deputy Director (reports to 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.”

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

Position Number	40070-25-07-220-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Legal Services
Functional Title	Deputy General Counsel, Assistant Attorney General Support Office
Incumbent	James D. Newbold
Supervisor	General Counsel (reports to 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.”

**L. Illinois State Fire Marshal – Proposed Exemption**

Position Number	40070-50-50-200-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Boiler and Pressure Vessel Safety
Functional Title	Director, Statewide Boiler and Pressure Vessel Safety Division
Incumbent	David Douin
Supervisor	Illinois State Fire Marshal
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?**

- Item C: Communications Manager**
- Item D: Assistant Deputy Director**
- Item E: Chief Administrative Officer**
- Item F: Chief of the Bureau of Youth Services & Delinquency Prevention**
- Item G: Immigrant Welcoming Center Director**
- Item H: Bureau Chief of the Bureau of System Support**
- Item I: Deputy Director, Illinois Arts Council**
- Item J: Bureau Chief, Bureau of Land**
- Item K: Deputy General Counsel, Assistant Attorney General Support Office**
- Item L: Director, Statewide Boiler and Pressure Vessel Safety Division**

September 21, 2006

V. CLASS SPECIFICATIONS

None submitted.

**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>7/31/06</b>	<b>8/31/06</b>	<b>8/31/05</b>
Agriculture	11	6	3
Arts Council	1	1	0
Central Management Services	2	4	5
Children and Family Services	8	5	7
Commerce and Economic Opportunity	2	1	1
Financial and Professional Regulation	5	2	0
Healthcare and Family Services	9	6	10
Historic Preservation	15	18	31
Human Rights Department	1	0	1
Human Services	3	2	0
Natural Resources	34	34	26
Property Tax Appeal Board	1	0	0
State Fire Marshal	0	0	2
State Police	0	1	0
State Retirement Systems	0	0	1
Transportation	53	78	11
<b>Totals</b>	<b>145</b>	<b>158</b>	<b>98</b>

IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

- **RULE VIOLATION APPEAL**

**RV-80-05**

Petitioner	Marcos De Leon	Appeal Date	1/15/05
Agency	DHS	Decision Date	8/29/06
Type	Rule Violation	ALJ	Daniel Stralka
Charge(s)	Age discrimination for purposes of promotion	Proposed Finding	No violation.

September 21, 2006

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

X. STAFF REPORT

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

XII. MEETING SCHEDULE FOR 2007

**WILL THE COMMISSION APPROVE THE FOLLOWING AS ITS MEETING  
SCHEDULE FOR 2007?**

January 18, 2007	Chicago		July 19, 2007	Chicago
February 15, 2007	Chicago		August 16, 2007	Chicago
March 15, 2007	Chicago		September 20, 2007	Chicago
April 19, 2007	Chicago		October 18, 2007	Chicago
May 17, 2007	Springfield		November 15, 2007	Springfield
June 21, 2007	Chicago		December 20, 2007	Chicago

XIII. ADMINISTRATIVE LAW JUDGE SEARCH

XIV. CONSIDERATION OF AMENDMENTS TO CIVIL SERVICE COMMISSION RULE  
11 (ILLINOIS ADMINISTRATIVE CODE, TITLE 80, SECTION 1.142)

XV. ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, October 19, 2006 at 9:00 a.m. in the Commission's Chicago Office.

XVI. MOTION TO ADJOURN