

November 17, 2005

AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
November 17, 2005

- I. OPENING OF MEETING AT 10:30 A.M. AT 425½ SOUTH FOURTH STREET, SPRINGFIELD, ILLINOIS
- II. PRESENT
- III. APPROVAL OF MINUTES OF REGULAR MEETING HELD OCTOBER 20, 2005

WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR MEETING HELD OCTOBER 20, 2005?

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	151.....	8
Agriculture	508.....	17
Arts Council.....	22.....	1
Capitol Development Board	17.....	0
Central Management Services	1648.....	120
Children and Family Services.....	3315.....	41
Civil Service Commission	3.....	0
Commerce & Econ. Opportunity	446.....	61
Commerce Commission.....	42.....	0
Corrections.....	14,113.....	117
Criminal Justice Authority	77.....	6
Deaf and Hard of Hearing Comm.	5.....	1
Developmental Disabilities Council	13.....	1
Emergency Management Agency	113.....	1
Employment Security.....	1873.....	26
Environmental Protect. Agency	1079.....	16
Fin. & Prof. Regulation.....	796.....	42
Guardianship and Advocacy	109.....	5
Healthcare and Family Services.....	2179.....	28
Historic Preservation Agency	274.....	12
Human Rights Commission	11.....	2
Human Rights Department	129.....	8
Human Services	14,763.....	60
Investment Board.....	4.....	2
Labor.....	71.....	7
Labor Relations Board Educational	16.....	2
Labor Relations Board Local	1.....	0
Labor Relations Board State	18.....	2
Law Enforce. Trng. & Standard Bd.	23.....	1
Medical District Comm.....	2.....	0
Military Affairs	142.....	3
Natural Resources	1481.....	29
Pollution Control Board.....	26.....	3
Prisoner Review Board	23.....	0
Property Tax Appeal Board	22.....	2
Public Health.....	1104.....	35
Revenue	2020.....	59
State Fire Marshal	140.....	9
State Police	1461.....	6
State Police Merit Board.....	5.....	1
State Retirement Systems	80.....	1
Transportation.....	2838.....	1
Veterans Affairs.....	1119.....	5
Workers Comp. Commission.....	167.....	9
TOTALS	52,449.....	750

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 Healthcare and Family Services - Proposed Exemption

Position Number	40070-33-01-100-00-62
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Legislative Affairs
Functional Title	Legislative Liaison
Incumbent	None
Supervisor	Office of Legislative Affairs (Reports to Director)
Location	Sangamon

CMS Recommendation:

"Although this position does not meet the strict reporting criteria of the Commission Rules, the legislative spokesperson responsibilities and duties vested are similar to those of other legislative liaison positions granted 4d(3) exemption."

D. Illinois Department of Central Management Services - Proposed Exemption

Position Number	40070-37-80-000-11-02
Position Title	Senior Public Service Administrator
Bureau/Division	Illinois Office of Communication and Information
Functional Title	Media Administrator
Incumbent	None
Supervisor	Deputy Director (Reports to Director)
Location	Cook

CMS Recommendation:

"As this position meets the reporting criteria as set forth in Section 1.142 Jurisdiction B Exemptions of the 80 Illinois Administrative Code and considering similarities of this requested position with those of other 4d(3) exempted positions in Central Management Services, I recommend 4d(3) exemption."

E. Illinois Department of Revenue - Proposed Exemption

Position Number	40070-25-91-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Lottery Sales
Functional Title	Deputy Director
Incumbent	Kristine A. Hanlon
Supervisor	Lottery Superintendent
Location	Cook

CMS Recommendation:

The 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.”

F1. Illinois Department of Financial & Professional Regulation - Proposed Exemption

Position Number	40070-13-04-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Legislative Affairs
Functional Title	Legislative Director
Incumbent	None
Supervisor	Secretary
Location	Sangamon

CMS Recommendation:

"The 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."

F2. Illinois Department of Financial & Professional Regulation - Proposed Exemption

Position Number	00502-13-04-000-01-01
Position Title	Administrative Assistant II
Bureau/Division	Legislative Affairs
Functional Title	Administrative Assistant
Incumbent	None
Supervisor	Legislative Director (Reports to Secretary)
Location	Sangamon

F3. Illinois Department of Financial & Professional Regulation - Proposed Exemption

Position Number	37015-13-04-200-00-01
Position Title	Public Service Administrator
Bureau/Division	Legislative Affairs, Financial Institutions
Functional Title	Legislative Liaison
Incumbent	Craig Cellini
Supervisor	Legislative Director (Reports to Secretary)
Location	Sangamon

F4. Illinois Department of Financial & Professional Regulation - Proposed Exemption

Position Number	37015-13-04-300-00-01
Position Title	Public Service Administrator
Bureau/Division	Legislative Affairs
Functional Title	Division of Insurance Legislative Liaison
Incumbent	Melinda Kolaz
Supervisor	Legislative Director (Reports to Secretary)
Location	Sangamon

CMS Recommendation:

"The...three positions do not meet the reporting criteria of the Commission Rules. However, considering similarities of these requested positions with those of other 4d(3) positions, I recommend 4d(3) exemption."

F5. Illinois Department of Financial & Professional Regulation - Proposed Exemption

Position Number	40070-13-01-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Legal Affairs
Functional Title	General Counsel
Incumbent	None
Supervisor	Secretary
Location	Cook

CMS Recommendation:

"The 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."

F6. Illinois Department of Financial & Professional Regulation - Proposed Exemption

Position Number	40070-13-01-300-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Legal Affairs
Functional Title	Deputy General Counsel
Incumbent	Steven Ginsburg
Supervisor	General Counsel (Reports to Secretary)
Location	Cook

F7. Illinois Department of Financial & Professional Regulation - Proposed Exemption

Position Number	40070-13-01-400-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Legal Affairs
Functional Title	Deputy General Counsel
Incumbent	Donald Seasock
Supervisor	General Counsel (Reports to Secretary)
Location	Cook

CMS Recommendation:

"The...two positions do not meet the reporting criteria of the Commission Rules. However, considering similarities of these requested positions with those of other 4d(3) positions, I recommend 4d(3) exemption."

F8. Illinois Department of Financial & Professional Regulation - Proposed Exemption

Position Number	40070-13-02-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Fiscal Operations
Functional Title	Chief Financial Officer
Incumbent	None
Supervisor	Secretary
Location	Sangamon

F9. Illinois Department of Financial & Professional Regulation - Proposed Exemption

Position Number	40070-13-06-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Information Technology
Functional Title	Director of Information Technology
Incumbent	None
Supervisor	Secretary
Location	Sangamon

CMS Recommendation:

"These two 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) exemption."

G. Illinois Department of Central Management Services - Proposed Exemption

Position Number	40070-37-80-000-25-01
Position Title	Senior Public Service Administrator
Bureau/Division	Illinois Office of Communication and Information
Functional Title	Media Administrator
Incumbent	None
Supervisor	Deputy Director of the Illinois Office of Communication and Information (Reports to Director)
Location	Cook

CMS Recommendation:

"This request is being made to correct a mutual administrative oversight on behalf of Central Management Services and the Civil Service Commission from the July, 2004 CSC meeting at which it was mutually believed this position was exempted at that meeting however conflicting records subsequently exist."

"As this position meets the reporting criteria as set forth in Section 1.142 Jurisdiction B Exemptions of the 80 Illinois Administrative Code and considering similarities of this requested position with those of other 4d(3) exempted positions in Central Management Services, I recommend 4d(3) exemption."

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.

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 October 31, 2005.

Agency	September 30, 2005	October 31, 2005
Agriculture	4	3
Central Management Services	5	3
Children & Family Services	5	4
Comm. & Econ. Opportunity	1	1
Emergency Mgmt. Agency	0	1
Healthcare & Family Services	12	12
Historic Preservation	22	9
Human Rights	1	1
Natural Resources	18	22
State Retirement Systems	1	1
Transportation	42	29
Total	111	86

VIII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

- **DISCHARGE APPEAL**

DA-6-06

Petitioner	Surami Garcia	Appeal Date	07/29/05
Agency	IDES	Decision Date	11/07/05
Type of Appeal	Discharge	ALJ	Andrew Barris
Charge(s)	Misuse of benefit time; Conduct unbecoming a State Employee	Recommended Decision	No Violation.

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

- **DISCHARGE APPEAL**

DA-16-06

Petitioner	Youra Benofamil	Appeal Date	09/10/05
Agency	EPA	Decision Date	11/04/05
Type of Appeal	Discharge	ALJ	Andrew Barris
Charge(s)	Unexcused absences	Recommended Decision	No jurisdiction; dismissed subject to Commission Approval.

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

- **LAYOFF APPEAL**

LA-78-05

Petitioner	Edward White	Appeal Date	06/01/05
Agency	DHS	Decision Date	10/26/05
Type of Appeal	Layoff Appeal	ALJ	Andrew Barris
Charge(s)	Violation of Personnel Rules	Proposed Finding	ALJ finds violation of Section 302.520 of the Personnel Rules.

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

- **LAYOFF APPEAL**

LA-54-05

Respondent	Charlene Powers	Appeal Date	1/20/05
Agency	Dept. of Agriculture	Decision Date	10/26/05
Type of Appeal	Layoff Appeal	ALJ	Andrew Barris
Charge(s)	Violation of Personnel Rules	Proposed Finding	ALJ finds violation of Section 302.520 of the Personnel Rules.

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

- **DISCHARGE APPEAL**

DA-82-05

Respondent	Richard A. King	Appeal Date	6/16/05
Agency	DOT	Decision Date	11/7/05
Type of Appeal	Discharge Appeal	ALJ	Andrew Barris
Charge(s)	Conduct unbecoming a State Employee (sexual harassment); Lack of Courtesy; Disruptive Conduct	Recommended Decision	Charges partially proven; ALJ recommends 90-day suspension in lieu of discharge.

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

IX. APPEALS TERMINATED WITHOUT DECISION

- **DISMISSAL**

DA-17-06

Respondent	Mark A. Cannon	Appeal Date	9/08/05
Agency	DOC	Decision Date	10/25/05
Type of Appeal	Discharge	ALJ	Daniel Stralka
Charge(s)	Unauthorized Absences	Recommended Decision	Settlement; dismissal subject to Commission approval.

DOES THE COMMISSION APPROVE THE DISMISSAL OF THE ABOVE MATTER?

- **DISMISSAL**

DA-22-06

Petitioner	John Hallinan	Appeal Date	10/11/05
Agency	DCFS	Decision Date	11/04/05
Type of Appeal	Discharge	ALJ	Daniel Stralka
Charge(s)	Falsification of records; Failure to perform duties	Recommended Decision	Settlement; dismissal subject to Commission approval.

DOES THE COMMISSION APPROVE THE DISMISSAL OF THE ABOVE MATTER?

- **DISMISSAL**

DA-13-06

Petitioner	Matthew Franklin	Appeal Date	9/08/05
Agency	DCFS	Decision Date	11/08/05
Type of Appeal	Discharge	ALJ	Andrew Barris
Charge(s)	Negligent performance of assigned duties	Recommended Decision	Settlement; dismissal subject to Commission approval.

DOES THE COMMISSION APPROVE THE DISMISSAL OF THE ABOVE MATTER?

November 17, 2005

X. AMENDMENTS IN CLASS SPECIFICATIONS

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

Position Title

Aircraft Pilot II - Revised Class
Aircraft Pilot II - Dual Rating - New Class

Effective July 1, 2005, through collective bargaining negotiations, pilots employed under the title Aircraft Pilot II, Option C, who are dual rated, and regularly fly both fixed wing airplanes and helicopters have been afforded an additional salary grade. Previously, the three options-A, B, and C-for the Aircraft Pilot II class have been paid at the same rate. Option A references fixed wing aircraft exclusively, and Option B references rotary wing aircraft (helicopters) only, whereas Option C necessitates a dual rating for pilots to fly both airplanes and helicopters. The Aircraft Pilot II, Option C requires additional training and competencies that are more comprehensive than Option A or Option B. To account for this, the Option C provision on the class specification requirements has been removed from the Aircraft Pilot II classification. A separate classification has been developed at the higher pay rate for those pilots who, on a recurring basis, are assigned to fly both fixed wing and rotary wing aircraft. The new classification is entitled Aircraft Pilot II-Dual Rating and represents the work previously included in the Aircraft Pilot II class as Option C. Furthermore, the Aircraft Pilot II is proposed for revision to consist of only the A and B options. Minor refinements in format and language have also been made to the existing class.

WILL THE COMMISSION APPROVE THE FOLLOWING CLASSES TO BE EFFECTIVE DECEMBER 1, 2005?

Aircraft Pilot II - Revised Class
Aircraft Pilot II - Dual Rating - New Class

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. ANNOUNCEMENT OF NEXT MEETING

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

XIII. MOTION TO ADJOURN