

December 20, 2007



AGENDA  
ILLINOIS CIVIL SERVICE COMMISSION  
DECEMBER 20, 2007

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 NOVEMBER 15, 2007

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR MEETING HELD NOVEMBER 15, 2007?**



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 .....	152.....	9
Agriculture .....	470.....	17
Arts Council.....	22.....	2
Capitol Development Board .....	37.....	0
Central Management Services .....	1,556.....	108
Children and Family Services.....	3,226.....	44
Civil Service Commission .....	4.....	0
Commerce & Economic Opportunity .....	418.....	65
Commerce Commission.....	69.....	0
Corrections.....	12,046.....	107
Criminal Justice Authority.....	59.....	6
Deaf and Hard of Hearing Comm. ....	7.....	1
Developmental Disabilities Council .....	10.....	1
Emergency Management Agency .....	96.....	2
Employment Security.....	1,666.....	25
Environmental Protection Agency .....	1,022.....	19
Financial & Professional Regulation .....	762.....	50
Guardianship and Advocacy .....	111.....	7
Healthcare and Family Services.....	2,364.....	29
Historic Preservation Agency .....	269.....	12
Human Rights Commission .....	9.....	2
Human Rights Department .....	157.....	8
Human Services .....	14,643.....	67
Investment Board.....	2.....	2
Juvenile Justice .....	1,236.....	18
Labor.....	80.....	8
Labor Relations Board Educational .....	13.....	2
Labor Relations Board Local .....	1.....	0
Labor Relations Board State .....	19.....	2
Law Enforcement Training & Standards Bd.....	20.....	1
Medical District Commission .....	2.....	0
Military Affairs .....	120.....	3
Natural Resources .....	1,496.....	27
Pollution Control Board.....	22.....	3
Prisoner Review Board .....	21.....	0
Property Tax Appeal Board .....	23.....	2
Public Health.....	1,123.....	36
Revenue .....	2,095.....	64
State Fire Marshal.....	157.....	12
State Police .....	1,457.....	6
State Police Merit Board.....	5.....	1
State Retirement Systems .....	81.....	1
Transportation.....	2,738.....	1
Veterans' Affairs.....	1,122.....	5
Workers' Compensation Commission .....	173.....	11
<b>TOTALS .....</b>	<b>51,181.....</b>	<b>786</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.

\* \* \*



**C1. Illinois Department of Central Management Services – Proposed Exemption (continued from November 15, 2007)**

Position Number	40070-37-00-010-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director’s Office
Functional Title	Associate Director (BOSSAP, Property Mgmt., BEP)
Incumbent	None
Supervisor	Director
Location	Cook County

**C2. Illinois Department of Central Management Services – Proposed Exemption (continued from November 15, 2007)**

Position Number	40070-37-00-200-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director’s Office
Functional Title	Chief Administrative Officer
Incumbent	None
Supervisor	Director
Location	Cook County

**CMS Recommendation:** “These positions meet the reporting criteria of the Commission Rules and considering the similarities of these requested positions with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

**D. Illinois Department of Central Management Services – Proposed Exemption (continued from November 15, 2007)**

Position Number	40070-37-60-000-20-01
Position Title	Senior Public Service Administrator
Bureau/Division	Bureau of Property Management
Functional Title	Chief Operating Officer
Incumbent	None
Supervisor	Deputy Director, Bureau of Property Management who reports to the 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.”



**E. Illinois Department of Corrections – Proposed Exemption**  
**(continued from November 15, 2007)**

Position Number	00502-29-00-700-01-01
Position Title	Administrative Assistant II
Bureau/Division	Director's Office
Functional Title	Staff Assistant to Chief Legal Counsel and the Chief of Labor Relations
Incumbent	None
Supervisor	Chief Legal Counsel, who reports to the 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 Corrections – Proposed Exemption**  
**(continued from November 15, 2007)**

Position Number	37015-29-00-110-05-01
Position Title	Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Executive Staff Assistant to Chief of Intergovernmental Relations
Incumbent	None
Supervisor	Chief of Intergovernmental Relations, who reports to the Director
Location	Sangamon County

**CMS Recommendation:** “This position does meet the reporting criteria of the Commission Rules and considering the similarities of the requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

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

Position Number	40070-49-00-000-01-02
Position Title	Senior Public Service Administrator
Bureau/Division	Administrative Executive Office
Functional Title	Administrator, Interagency Committee on Employees with Disabilities (ICED)
Incumbent	None
Supervisor	Director
Location	Sangamon County



**CMS Recommendation:** “This position does meet the reporting criteria of the Commission Rules and considering the similarities of the 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	40070-10-00-520-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Chief Operations Office
Functional Title	Chief of the Bureau of Civil Affairs
Incumbent	Margaret D. LaPorte
Supervisor	Chief Operating Officer, who reports to the Secretary
Location	Cook County

**CMS Recommendation:** “This position does meet the reporting criteria of the Commission Rules and considering the similarities of the requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

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

Position Number	37015-50-50-000-20-16
Position Title	Public Service Administrator
Bureau/Division	Fire Prevention
Functional Title	Fire Safety Compliance Manager
Incumbent	None
Supervisor	State Fire Marshal
Location	Cook County

**CMS Recommendation:** “This position does meet the reporting criteria of the Commission Rules and considering the similarities of the requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

**J. Illinois Dept. of Commerce and Economic Opportunity – Proposed Exemption**

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

**CMS Recommendation:** “This position does meet the reporting criteria of the Commission Rules and considering the similarities of the requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”



**K. Illinois Department of Human Rights – Proposed Exemption**

Position Number	40070-49-50-100-20-01
Position Title	Senior Public Service Administrator
Bureau/Division	Legal
Functional Title	Chief Litigation Attorney
Incumbent	Michael I. Lieberman
Supervisor	Chief Legal Counsel, who reports to the Director
Location	Cook County

**CMS Recommendation:** “This position does meet the reporting criteria of the Commission Rules and considering the similarities of the 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?**

- C1: Associate Director (BOSSAP, Property Management, BEP)**
- C2: Chief Administrative Officer**
- D: Chief Operating Officer, Bureau of Property Management**
- E: Staff Assistant to Chief Legal Counsel & Labor Relations Chief**
- F: Executive Staff Assistant to Chief of Intergovernmental Relations**
- G: Administrator, Interagency Committee on Employees with Disabilities (ICED)**
- H: Chief, Bureau of Civil Affairs**
- I: Fire Safety Compliance Manager**
- J: Deputy Director, Bureau of Economic Development**
- K: Chief Litigation Attorney**

**L. Proposed Rescissions in accordance with Rule 11(c) of the Rules of the Civil Service Commission (continued from November 15, 2007)**

On October 16, 2007, the Executive Director sent notice to the Director of Central Management Services of the proposed rescissions of 35 current 4d(3) exempt positions which may no longer meet the requirements for exemption. According to information provided by Central Management Services, these positions were granted exempt status but appointments had never been made to them.<sup>1</sup> Each affected agency director was also provided notice of this proposed action. After resolving a number of issues with many of the proposed rescissions, the following is a list of the positions

<sup>1</sup> With the exception of Item L1 which is in accordance with a prior representation by the agency.



continued from November 15, 2007 that will now be put forth before the Commission for formal consideration of rescission of their exemption. Rule 11(c) also provides that withdrawal of exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status positions which will ensure responsive and accountable administrative control of the programs of the agency.

<b>Agenda Item</b>	<b>Agency</b>	<b>Position Number</b>	<b>Functional Title</b>
L1	DOC	40070-29-00-000-60-01	Planning & Research
L2	DOC	40070-29-00-500-00-01	Placement Resource
L3	DPH	26404-20-50-000-00-02	Health Protection
L4	Revenue	40070-25-90-200-20-01	Deputy Director, Lottery-Hispanic Market

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

- L1: Corrections – Planning & Research**
- L2: Corrections – Placement Resource**
- L3: Department of Public Health – Health Protection**
- L4: Revenue – Deputy Director, Lottery-Hispanic Market Office**

**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>	10/31/07	<b>11/30/07</b>	11/30/06
Agriculture	0	<b>0</b>	2
Arts Council	0	<b>0</b>	1
Central Management Services	5	<b>4</b>	2
Children and Family Services	6	<b>6</b>	6
Healthcare and Family Services	5	<b>4</b>	7
Historic Preservation	7	<b>3</b>	0
Human Services	2	<b>2</b>	3
Natural Resources	9	<b>13</b>	17
State Fire Marshal	0	<b>0</b>	1
State Retirement Systems	0	<b>0</b>	1
Transportation	10	<b>5</b>	7
Workers' Compensation Commission	2	<b>0</b>	0
<b>Totals</b>	46	<b>37</b>	47

IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

- **DISCHARGE**

**DA-35-07**

Employee	Teresa Ralph	Appeal Date	04/02/07
Agency	DOC	Decision Date	12/07/07
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Conduct unbecoming (used a recording device to record unauthorized conversations with the Warden)	Recommended Decision	Charges are partially proven and warrant discharge.



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

- **DISCHARGE**

**DA-41-07**

Employee	Deborah Fuqua	Appeal Date	04/30/07
Agency	DOC	Decision Date	12/07/07
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Conduct unbecoming (secured a recording device to be used to record unauthorized conversations)	Recommended Decision	Charges proven but circumstances warrant 60-day suspension in lieu of discharge

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

- **DISCHARGE**

**DA-5-08**

Employee	Brenda Gold	Appeal Date	08/09/07
Agency	DOT	Decision Date	11/26/07
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	No charges available; employee was a non-code employee (Technical Manager for IDOT)	Recommended Decision	Motion to Dismiss is granted subject to approval of the Commission; (no jurisdiction-employee is not subject to Jurisdiction B of the Personnel Code).

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



X. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

• **DISMISSED**

**DA-27-07**

Employee	Thomas Himpsl	Appeal Date	02/01/07
Agency	DOC	Decision Date	11/16/07
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Conduct unbecoming; sexual harassment; standards of conduct violation	Recommended Decision	Dismissed subject to approval of Commission; withdrawn.

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

• **DISMISSED**

**AA-18-08**

Employee	Carl A. Fritz	Appeal Date	11/27/07
Agency	CMS	Decision Date	11/18/07
Type	Allocation	ALJ	Andrew Barris
Charge(s)	Position should be allocated to Public Service Administrator instead of Technical Advisor II	Proposed Finding	Dismissed subject to approval of Commission; no jurisdiction (not timely filed).

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

XI. AMENDMENT TO THE PERSONNEL RULES

SUBPART F: PROBATIONARY STATUS (80 IAC 302.300)

**Section 302.300 Probationary Period**

- c) An employee transferred during the probationary period shall serve that portion of the probationary period which was not completed at the time of ~~such~~ the transfer.
- d) A probationary period shall not be deemed to be continued by the payment of any sum for vacation or other benefits accrued during ~~such~~ the probationary period.
- e) If an employee is absent from work for more than 15 consecutive calendar days during the probationary period because of leave of absence, disciplinary

December 20, 2007



suspension, sick leave, unauthorized absence, or work related injury or industrial disease, ~~such~~ the absence shall serve to extend the probationary period by the length of the absence.

Staff analysis: The above changes serve as a housekeeping function rather than a substantive change.

XII. STAFF REPORT

XIII. ANNOUNCEMENT OF NEXT MEETING

**The next regular meeting is to be held on Thursday, January 17, 2008 at 9:00 a.m. in the Commission's Chicago office.**

XIV. MOTION TO ADJOURN