

January 17, 2008

MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
January 17, 2008

I. OPENING OF MEETING AT 9:06 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman; Raymond W. Ewell, Betty A. Bukraba, and Ares G. Dalianis, Commissioners; Daniel Stralka, Executive Director; Andrew Barris of the Commission staff; Jan Oncken, Central Management Services, DiAna McCarter, Department of Public Health, Rebecca Shuster, Department of Corrections, Jerome Butler, Margaret LaPorte and Michael Woods, Department of Human Services, and Jodie Winnett, Department of Revenue.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD DECEMBER 20, 2007

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED 4-0 TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 20, 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 .....	458.....	17
Arts Council.....	22.....	2
Capitol Development Board .....	37.....	0
Central Management Services .....	1,527.....	105
Children and Family Services.....	3,199.....	47
Civil Service Commission .....	4.....	0
Commerce & Economic Opportunity .....	417.....	66
Commerce Commission.....	69.....	0
Corrections.....	12,009.....	108
Criminal Justice Authority.....	59.....	6
Deaf and Hard of Hearing Comm. ....	7.....	1
Developmental Disabilities Council .....	9.....	1
Emergency Management Agency .....	97.....	2
Employment Security.....	1,666.....	25
Environmental Protection Agency .....	1,022.....	19
Financial & Professional Regulation .....	759.....	50
Guardianship and Advocacy .....	111.....	7
Healthcare and Family Services.....	2,342.....	29
Historic Preservation Agency .....	257.....	12
Human Rights Commission .....	9.....	2
Human Rights Department .....	156.....	8
Human Services .....	14,606.....	67
Investment Board.....	2.....	2
Juvenile Justice .....	1,233.....	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.....	21.....	3
Prisoner Review Board .....	21.....	0
Property Tax Appeal Board .....	23.....	2
Public Health.....	1,121.....	37
Revenue .....	2,071.....	64
State Fire Marshal.....	159.....	12
State Police .....	1,457.....	6
State Police Merit Board.....	5.....	1
State Retirement Systems .....	80.....	1
Transportation.....	3,361.....	1
Veterans' Affairs.....	1,121.....	5
Workers' Compensation Commission .....	172.....	11
<b>TOTALS .....</b>	<b>51,592.....</b>	<b>789</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. Requests for 4d(3) Exemption**

- With regard to Items C1, C2, D, and E, Executive Director Daniel Stralka indicated that these requests were withdrawn by the agencies.
- With regard to Item F, Executive Director Daniel Stralka reported that this request is for exemption for a “high level staff assistant” to the Chief of Intergovernmental Relations, essentially another legislative liaison. This was continued a second time from last month after Staff recommended denial of the request and the agency had yet to respond substantively to the Staff request for additional information. The agency has since provided additional information that indicated the reporting requirement of four other legislative liaisons within the unit will remain to the Chief of Intergovernmental Relations and not this position. Therefore, that concern has been satisfied. However, the agency has yet to provide a reason for the increase which would essentially make six exempt positions performing legislative liaison type functions in the unit. Lastly, while the agency has petitioned the Labor Board to have this excluded from the bargaining unit, this matter has not been definitely resolved. More for this reason, the Staff recommendation will remain to deny this request.

Rebecca Shuster, Deputy Director, Department of Corrections, indicated to the Commission that this position would primarily focus on the Department of Juvenile Justice's legislative agenda now that it has been made a separate state agency. Chairman Kolker noted the ongoing issue with the inclusion of such positions in bargaining units and inquired whether the applicable collective bargaining agreement has a "just cause" provision, which Ms. Shuster indicated it did. Chairman Kolker then indicated that the agency needs to be aware that if the request does get approved, the exemption may be rescinded in the future due to the position's inclusion in a bargaining unit. Rebecca Shuster acknowledged this possibility.

- With regard to Item G, Executive Director Daniel Stralka reported that this request is for exemption of the Chief, Bureau of Civil Affairs for the agency. This position essentially functions as the EEO/AA officer reporting to the Chief Operating Officer – a position that would be considered the equivalent of a statutory Assistant Director – who reports to the Secretary. However, the agency already has a unique position – Chief of Recruitment and Selection – which has highly similar responsibilities. The agency has been unable to comply with Staff’s request to explain the difference in programmatic responsibilities between the two positions. For that reason, Staff’s recommendation is to deny this request.

Department of Human Services Chief Operating Officer, Jerome Butler, stated that while the language in the position descriptions may be similar, the two positions have different responsibilities. He then introduced the incumbent, Margaret LaPorte, who indicated that the position ensures compliance with state and federal laws for non-discrimination, affirmative action, and workplace violence. She performs investigations related to these responsibilities. Michael

Wood, Chief of Recruitment and Selection at Department of Human Services, then testified how his responsibilities are to recruit and generate populations of candidates to interview. He participates in the interview and selection process. Commissioner Dalianis inquired of Margaret LaPorte if any of her responsibilities are changing in conjunction with this request, to which she responded negatively.

- With regard to Item H, Executive Director Daniel Stralka reported that this request is for the Chief Information Officer who reports directly to the agency Director. This position has principal programmatic responsibility for all information technology programs of the agency, functions the Commission has previously recognized as supporting principal policy exemption. For these reasons, Staff recommends approval of this request.

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED 4-0 TO GRANT THE REQUEST FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITION:**

**F. Illinois Department of Corrections**

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

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED 4-0 TO GRANT THE REQUEST FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITION:**

**G. Illinois Department of Human Services**

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

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 4-0 TO GRANT THE REQUEST FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITION:**

**H. Illinois Department of Public Health**

Position Number	40070-20-90-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Information Technology
Functional Title	Chief Information Officer
Incumbent	None
Supervisor	Director
Location	Sangamon County

Prior to addressing Items I1 and I2 on the agenda, Executive Director Daniel Stralka reiterated for the Commissioners that the original list of Commission-initiated rescissions for November’s meeting contained 35 positions, most of which had been vacant in excess of six months. Notice went out to both the Director of Central Management Services and each affected Agency Director of the proposed rescissions. After discussions with many of the affected agencies, many of the concerns that led to the proposed rescission notices were resolved and only 13 were placed on the November agenda, with four being continued to December and the following two continued to January’s agenda. If the Commission approves the rescission of 4d(3) exempt status for any of these positions, it does not mean that the position is eliminated, only that the position is subject to the merit and fitness provisions of the Personnel Code and Rules. Finally, if a position has its exempt status rescinded and an agency subsequently decides that it believes exemption is warranted, there is nothing that prevents it from making a new request for exemption next month.

- With regard to Item I1, Executive Director Daniel Stralka reported that this is the Department of Public Health Deputy Director for its Office of Health Protection program which has been vacant for – at a minimum – three years. This was continued at last month’s meeting after the agency indicated this position was a critical need and would be filled imminently. The agency has a relatively new Director and is losing its Chief of Staff. Staff believes it is appropriate in this instance to allow the agency additional time to determine if it will be filling this position so the recommendation is to deny the proposed rescission and Staff will monitor the agency’s progress in filling the position.
- With regard to Item I2, Executive Director Daniel Stralka indicated that this is the Lottery Deputy Director for the Hispanic Market Office, first exempted in July 2004. This position had been filled at one time, but has been vacant at least two years. Upon notification, the Department of Revenue indicated that it has “had a person acting in this position for over a year pending PAR approval.” They have requested PAR approval and it is their intention to “permanently fill this position.” Staff responded to the agency seeking the appointment history of the

position and an explanation as to who was performing the responsibilities while it was vacant. Prior to last month's meeting, the agency asked that this be continued, which occurred. Staff's most recent contact with Department of Revenue indicates that the EPAR has been pending over 16 months. At this time, the person performing these functions has been appointed to a private secretary position. It has been three months since the proposed rescission was first brought to the agency's attention and it still has not been able to secure EPAR approval. It is Staff's recommendation to rescind the principal policy exemption for this position with the caveat already communicated to the agency that if the EPAR does get approved, it can resubmit the exemption request for this position.

Department of Revenue Associate Director, Jodie Winnett, informed the Commission that it is the agency's request that this proposed rescission be continued generally while the agency's request to fill the position is pending. Chairman Kolker responded that considering the length of time the request has been pending, it would be administratively better for the agency to resubmit an exemption request after obtaining approval to fill the position rather than continue the proposed rescission for an underdetermined amount of time.

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 4-0 TO APPROVE AND DENY THE PROPOSED RESCISSIONS FROM 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:**

**The following 4d(3) exemption rescission was approved on January 17, 2008:**

<b>Agenda Item</b>	<b>Agency</b>	<b>Position Number</b>	<b>Functional Title</b>
I2	Revenue	40070-25-90-200-20-01	Deputy Director, Lottery-Hispanic Market

**The following 4d(3) exemption rescission was denied on January 17, 2008:**

<b>Agenda Item</b>	<b>Agency</b>	<b>Position Number</b>	<b>Functional Title</b>
I1	DPH	26404-20-50-000-00-02	Health Protection

Prior to addressing Items J1-J31 on the agenda, Executive Director Daniel Stralka reported that there are 31 proposed rescissions from Staff's December 17, 2007 notice to the Director of Central Management Services. The agenda accurately describes the process that took place prior to these items being placed on this agenda (December 17, 2007 notice to the Director of Central Management Services of the proposed rescissions with a courtesy copy to each agency director). Before addressing the individual items, he noted that it will be Staff's recommendation to continue Items J1, J4, J10, J11, J20, and J30 for reasons that will be addressed after the presentation on each individual item is completed.

For those positions where the agency has consented or indicated it has no objection to rescission, it can be presumed that the agency was assured by Staff that they would be allowed to resubmit requests for 4d(3) exemption for these positions in the future, if operational needs mandate such action.

- With regard to Item J2, the agency indicated that it has had an EPAR pending for over 11 months to fill this position. Central Management Services' records indicate that it has been vacant for almost four years. The agency was notified to keep Staff posted on the status of the EPAR, and told that if not approved, rescission would be recommended. Not having been approved yet, Staff recommends rescission.
- With regard to Item J3, the agency indicated that there is no funding for the position so it had no objection to the Staff recommendation of rescission.
- With regard to Item J5, the agency requested additional time to determine whether it will be utilizing this position, so Staff recommends continuing this proposed rescission.
- With regard to Item J6, the agency indicated that it has a candidate for this position so Staff's recommendation was to deny the rescission. Staff will monitor the agency's progress in filling this position.
- With regard to Item J7 and J8, the agency indicated it has pending EPARs for these economic development positions so Staff's recommendation was to deny the proposed rescissions. Staff will monitor the agency's progress in filling these positions.
- With regard to Item J9, the agency has filled the position so Staff's recommendation was to deny the proposed rescission.
- With regard to Item J12, the agency has not responded to the notice of proposed rescission so Staff's recommendation was to rescind.
- With regard to Item J13 through J17, the agency indicated it has no objection to the Staff's recommendation of rescission for these positions.
- With regard to Item J18, the agency responded to the notice, but additional research is required so the Staff's recommendation was to continue.
- With regard to Item J19, the agency has not responded to the notice of proposed rescission, so Staff's recommendation was to rescind.
- With regard to Item J21, the agency has filled the position so Staff's recommendation was to deny the proposed rescission.

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- With regard to Item J22, the agency has not responded to the notice of proposed rescission so Staff's recommendation was to rescind.
- With regard to Item J23, the agency has not responded to the notice of proposed rescission so Staff's recommendation was to rescind.
- With regard to Item J24 and J25, a new Human Resources Manager recently started at the agency and the agency was unaware of these pending rescissions. The agency requested a continuance so it may review the status of these positions. Staff concurs with this request.
- With regard to Item J26, the agency indicated it has no plans to fill this position so it had no objection to the Staff's recommendation of rescission.
- With regard to Item J27, the agency indicated it has a pending EPAR for this position so Staff's recommendation was to deny the proposed rescission. Staff will monitor the agency's progress in filling the position.
- With regard to Item J28, the agency has filled the position so Staff's recommendation was to deny the proposed rescission.
- With regard to Item J29, the agency has not responded to the notice of proposed rescission so Staff's recommendation was to rescind.
- With regard to Item J31, the agency indicated that it has a candidate for this position. Staff's recommendation is to deny the proposed rescission. Staff will monitor the agency's progress in filling this position.

With regard to Items J1, J4, J10, J11, J20, and J30, these are positions which have previously been declared 4d(3) exempt as involving principal administrative responsibility for the determination of policy or the way in which policies are carried out. These all happen to be functioning as legislative liaisons. Being 4d(3) exempt meant that they were exempt from Jurisdiction B of the Personnel Code which is commonly referred to as the "merit and fitness" provision. As such, the employees in these positions need not take competitive examinations, are not subject to veterans' preference, and are not entitled to a hearing before discharge or demotion. In short, they become what is traditionally referred to as "at will" employees.

Approximately three to four years ago, an expansion of bargaining units within the State of Illinois began. The establishment of bargaining units is not within the jurisdiction of the Civil Service Commission, but lies with the Illinois Labor Relations Board, commonly referred to as the Labor Board. The Labor Board establishes bargaining units by defining a class of jobs or positions that are held by employees whose collective interests may suitably be represented by a labor organization for collective bargaining. The factors that the Board considers in determining unit appropriateness include, but are not limited to, the following: historical pattern of recognition; community of interest including employee skill and

functions; degree of functional integration; interchangeability and contact among employees; fragmentation of employee groups; common supervision, wages, hours and other working conditions of the employees involved; and the desires of the employees. Traditionally within the State of Illinois, bargaining units are initially defined by job titles, such as Administrative Assistant, sometimes in combination with other criteria such as agency. An exclusive bargaining representative – a Union – is then designated by the Labor Board and negotiates a labor contract on behalf of these employees.

Within bargaining units, there are specific positions which the Labor Board may exclude for one of three reasons: they are supervisory, confidential, or managerial. Employees in excluded positions are not covered by a labor contract negotiated by the Union. Over the past several years, there have been 4d(3) exempt positions that due to their title would be part of a bargaining unit, but the Labor Board has subsequently excluded. However, Staff has recently discovered that the above six positions are presently within bargaining units certified by the Labor Board. This presents a potential conflict between positions that the Commission has approved as 4d(3) exempt, and these same positions being included in bargaining units certified by the Labor Board. Most significantly, these 4d(3) positions are now covered by a “just cause” provision in labor contracts with regard to discipline and discharge. A determination must be made whether this conflicts with their 4d(3) status and if so, what is the proper action to take. At the present time, these are the only positions that have this dual status, but with the creation of a bargaining unit for Public Service Administrators and a number of pending exclusionary petitions, it is anticipated that the number of such conflicted positions will increase. In addition, it appears that a similar situation has arisen with respect to 4d(1) exempt private secretaries.

Staff is requesting that these matters be continued as it continues to research and gather information to make a recommendation for action at the February meeting. After discussion, the Commissioners concurred with this request.

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER EWELL, AND THE MOTION ADOPTED 4-0, WITH COMMISSIONER DALIANIS ABSTAINING FROM THE VOTE ON AGENDA ITEM J29, TO APPROVE, CONTINUE AND DENY THE PROPOSED RESCISSIONS FROM 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:**

**The following 4d(3) exemption rescissions were approved on January 17, 2008:**

<b>Agenda Item</b>	<b>Agency</b>	<b>Position Number</b>	<b>Functional Title</b>
J3	Agriculture	40070-11-01-700-00-01	Mgr., Grants in Aid
J12	DHFS	40070-33-00-060-00-21	Spec. Ass't., Prescription Drug Prog.
J13	DNR	40070-12-00-900-00-01	Dir., Scientific Research & Analysis
J14	DNR	37015-12-00-500-00-01	Mgr., Nature Preserves Program

<b>Agenda Item</b>	<b>Agency</b>	<b>Position Number</b>	<b>Functional Title</b>
J15	DNR	40070-12-40-000-00-01	Mgr., Resource Conservation
J16	DNR	40070-12-20-000-00-01	Mgr., Grant Admin. & Engineering
J17	DNR	40070-12-00-200-00-01	Deputy Dir., Land Mgmt. & Others
J19	IDES	40070-44-00-000-10-01	Chief Staff Assistant to the Director
J22	Invest. Bd.	40070-50-95-000-00-01	CFO (Accounting & Investments)
J23	IPCB	40070-50-80-000-00-02	Legislative Liaison
J26	Labor	40070-15-00-000-00-02	Executive Assistant to the Director
J29	PTAB	40070-50-48-200-00-01	Deputy Director, Des Plaines Office

**The following 4d(3) exemption rescissions were continued on January 17, 2008:**

<b>Agenda Item</b>	<b>Agency</b>	<b>Position Number</b>	<b>Functional Title</b>
J1	Aging	00502-47-00-400-01-01	Legislative Liaison
J4	CMS	00502-37-06-000-01-01	Legislative Liaison
J5	CMS	00501-37-06-000-01-02	Legislative Liaison
J10	DCFS	13852-16-00-320-00-01	Legislative Liaison
J11	DCFS	13852-16-00-300-10-01	Legislative Liaison
J18	Gaming	40070-25-61-000-00-01	Manager, Enforcement/Investigations
J20	IDPH	13852-20-02-000-20-01	Legislative Liaison
J24	IWCC	40070-50-37-500-00-07	Mgr., Arbitration & Support Staff
J25	IWCC	40070-50-37-200-00-01	Assistant Secretary
J30	Revenue	00501-25-04-110-00-02	Legislative Liaison

**The following 4d(3) exemption rescissions were denied on January 17, 2008:**

<b>Agenda Item</b>	<b>Agency</b>	<b>Position Number</b>	<b>Functional Title</b>
J2	Agriculture	40070-11-40-000-00-01	Mgr. Agriculture Industry Regulation
J6	DCEO	40070-42-60-200-00-01	Mgr., High Performance Workplace
J7	DCEO	40070-42-10-700-00-01	Regional Mgr., SE Region
J8	DCEO	40070-42-10-050-00-01	Regional Mgr., NE Region
J9	DCEO	37015-42-00-000-02-01	Associate Executive Assistant
J21	IDPH	40070-20-20-000-00-81	DD, Health Stats Policy & Planning
J27	Labor	40070-15-20-100-00-01	Carnival & Amusement Rides
J28	Labor	40070-15-00-000-00-01	Chief Legal Counsel
J31	Revenue	40070-25-03-110-00-02	Mgr., Local Government Services

V. CLASS SPECIFICATIONS

**The Director of Central Management Services submitted the following class titles for creation, revision, and abolishment:**

A. Current Position Titles

Fire Prevention Inspector Trainee (new)  
Fire Prevention Inspector 1 (revise)  
Fire Prevention Inspector 2 (revise)

Staff Analysis: Assistant Executive Director Andrew Barris addressed the Commission regarding the new Fire Prevention Inspector Trainee classification. He stated this new title has been developed to provide an alternate entry point into the Fire Prevention Inspector series. The class is patterned after the old Fire Prevention Trainee, which was abolished in March 1980. The class requirements are similarly being revised for the Fire Prevention Inspector 1 and 2 to identify the trainee in the requirements at the 1-level, and to afford greater emphasis in preferentially selecting candidates with a background more closely related to fire prevention inspection work, and requiring certification of skills needed in this occupational area. The agency has provided updated information to reflect work performed, such as the need for basic computer skills in preparing inspection reports.

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER DALIANIS AND THE MOTION ADOPTED 4-0 TO APPROVE THE CREATION AND REVISION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE FEBRUARY 1, 2008:**

**Fire Prevention Inspector Trainee** (new)  
**Fire Prevention Inspector 1** (revise)  
**Fire Prevention Inspector 2** (revise)

B. Current Position Titles

Site Superintendent 1 (new)  
Site Superintendent 2 (new)  
Site Superintendent 3 (new)  
Agricultural Executive (new)  
Agricultural Land & Water Resources Supervisor (new)  
Natural Resources Education Program Coordinator (new)  
Natural Resources Grant Coordinator (new)  
Natural Resources Manager 1 (new)  
Natural Resources Manager 2 (new)  
Natural Resources Manager 3 (new)  
Natural Resources Site Manager 1 (new)  
Natural Resources Site Manager 2 (new)  
Plant & Pesticide Specialist Supervisor (new)

Veterinary Consumer Safety Officer (new)  
Veterinary Pathologist (new)  
Veterinary Supervisor 1 (new)  
Veterinary Supervisor 2 (new)  
Warehouse Examiner Supervisor (new)  
Site Superintendent (abolish)  
Public Service Administrator (revise option 5 only)

Staff Analysis: Assistant Executive Director Andrew Barris stated this study was prompted by the collective bargaining inclusion of the Site Superintendent and all Public Service Administrator (PSA) positions in exam option 5, into the RC-056 supervisory bargaining unit. Approximately 700 PSA positions have been included in the bargaining unit. There are 40 Site Superintendents, and 3,716 PSA filled positions, of which 134 are in examination option 5. The option 5 examination option will be withdrawn with implementation of the new, occupationally specific classifications. With both predecessor classifications in the broad-banded 'BBR' salary plan, it was necessary to add level progressions in the form of a class series for some new class developments to accommodate the range of work levels in evidence. For example, the Site Superintendent classification its present form defines a manager of a site of limited scope, or an assistant manager with full supervisory responsibilities. In addition, position records describe managers with oversight of satellite sites of substantial size and scope reporting to a large site manager. Three levels were developed to define these relationships. Level progressions are also exhibited in the proposed Natural Resources Manager series, Natural Resources Site Manager series, and Veterinary Supervisor series.

Other classes have been developed to reflect the clear occupational backgrounds necessary to perform work, such as the supervisory veterinarians in Agriculture. These classes were designed to make the test of occupational fitness relate more closely to the actual requirements needed for the work performed. This is the intent for several positions grouped within the PSA exam option 5. Exam option 5 was assigned to positions with an agricultural or conservation focus. It can be noted through review of the proposed class specifications that the skill sets required to be a Veterinary Pathologist and a Warehouse Examiner Supervisor are radically different, though both positions were previously classified as Public Service Administrators exam option 5. Technically both positions fit within the agriculture/conservation occupational category under the present guidelines. This example illustrates the disparate programmatic functions and responsibilities that can exist within this particular option of the PSA class. Furthermore, these positions were found to exist at various levels within the organizational hierarchy of the respective agencies. Thus, it was necessary to draft several new class specifications to recognize the discrete characteristics of these positions. The Public Service Administrator class will be retained for examination options other than option 5. The Site Superintendent class will be abolished and the positions reclassified within the proposed new three level Site Superintendent series. The intent is to improve the Classification Plan by providing more definitive class specifications than were previously available for the

positions and the improved structure should facilitate the position reporting and classification processes.

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER DALIANIS AND THE MOTION ADOPTED 4-0 TO APPROVE THE CREATION, REVISION, AND ABOLISHMENT OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE FEBRUARY 1, 2008:**

- Site Superintendent 1 (new)**
- Site Superintendent 2 (new)**
- Site Superintendent 3 (new)**
- Agricultural Executive (new)**
- Agricultural Land & Water Resources Supervisor (new)**
- Natural Resources Education Program Coordinator (new)**
- Natural Resources Grant Coordinator (new)**
- Natural Resources Manager 1 (new)**
- Natural Resources Manager 2 (new)**
- Natural Resources Manager 3 (new)**
- Natural Resources Site Manager 1 (new)**
- Natural Resources Site Manager 2 (new)**
- Plant & Pesticide Specialist Supervisor (new)**
- Veterinary Consumer Safety Officer (new)**
- Veterinary Pathologist (new)**
- Veterinary Supervisor 1 (new)**
- Veterinary Supervisor 2 (new)**
- Warehouse Examiner Supervisor (new)**
- Site Superintendent (abolish)**
- Public Service Administrator (revise option 5 only)**

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 4-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.**

**VI. MOTION TO GO INTO EXECUTIVE SESSION**

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER BUKRABA, AND BY ROLL CALL VOTE THE MOTION ADOPTED 4-0 TO HOLD AN EXECUTIVE SESSION PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT.**

<b>KOLKER</b>	<b>YES</b>	<b>EWELL</b>	<b>YES</b>
<b>PETERSON</b>		<b>DALIANIS</b>	<b>YES</b>
<b>BUKRABA</b>	<b>YES</b>		

VII. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Suite S-901, Chicago, Illinois at 10:20 a.m.

PRESENT

Chris Kolker, Chairman; Raymond W. Ewell, Betty A. Bukraba, and Ares G. Dalianis, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris of the Commission staff.

Department of Revenue Associate Director, Jodie Winnett, reappeared in connection with Item I2 and, after being granted leave to address the Commission, represented that the agency's request to fill the position has just been approved.

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER EWELL, AND THE MOTION ADOPTED 4-0 TO RECONSIDER THE VOTE TO APPROVE THE RESCISSION OF THE 4D(3) EXEMPTION FOR ITEM I2, AND TO DENY THE 4D(3) EXEMPTION RESCISSION OF THIS POSITION.**

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 Report.

Agency	11/30/07	<b>12/31/07</b>	12/31/06
Agriculture	0	<b>0</b>	2
Arts Council	0	<b>0</b>	1
Central Management Services	4	<b>4</b>	2
Children and Family Services	6	<b>4</b>	7
Healthcare and Family Services	4	<b>6</b>	9
Historic Preservation	3	<b>2</b>	0
Human Services	2	<b>3</b>	3
Natural Resources	13	<b>23</b>	21
State Retirement Systems	0	<b>0</b>	1
Transportation	5	<b>45</b>	45
Veteran's Affairs	0	<b>1</b>	3
<b>Totals</b>	<b>37</b>	<b>88</b>	<b>94</b>

IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

- **DISCHARGE**

**DA-7-08**

Employee	Carl N. Akers	Appeal Date	8/20/07
Agency	DOR	Decision Date	1/04/08
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Misuse of e-mail system and conduct unbecoming	Recommended Decision	Charges are proven and warrant 90-day suspension.

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO MODIFY AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION THAT THE PROVEN CHARGES WARRANT A 90-DAY SUSPENSION IN LIEU OF DISCHARGE. THE EVIDENCE INDICATED THAT THE EMPLOYEE'S EMAIL USE PERSISTED OVER AN EXTENDED PERIOD OF TIME AND, AFTER A CO-WORKER COMPLAINED ABOUT THE CONTENT OF RESPONDENT'S EMAIL, AKERS PERSISTED IN SENDING EMAILS OF THE SAME NATURE TO ANOTHER CO-WORKER. THE CONTENT OF THE EMAILS WAS OFFENSIVE AND THE EMAILS VIOLATED THE AGENCY'S EMAIL POLICY. THE EMAILS ILLUSTRATE A SUBSTANTIAL SHORTCOMING WHICH RENDERS AKERS' CONTINUANCE IN HIS POSITION DETRIMENTAL TO THE DISCIPLINE AND EFFICIENCY OF THE SERVICE AND WHICH THE LAW AND SOUND PUBLIC OPINION RECOGNIZE AS GOOD CAUSE FOR THE EMPLOYEE NO LONGER HOLDING THE POSITION. THEREFORE, SAID PROVEN CHARGES WARRANT DISCHARGE.**

<b>KOLKER</b>	<b>YES</b>	<b>EWELL</b>	<b>NO</b>
<b>PETERSON</b>		<b>DALIANIS</b>	<b>YES</b>
<b>BUKRABA</b>	<b>YES</b>		

- **RULE VIOLATION**

**RV-10-08**

Employee	Erika Raymond	Appeal Date	09/27/07
Agency	DHS/CMS	Decision Date	12/21/07
Type	Rule Violation	ALJ	Andrew Barris
Charge(s)	Alleges violation of Personnel Rules Section 310.420(a) in denying annual merit bonus	Proposed Finding	Employee proven by a preponderance of the evidence that DHS violated Section 310.420(a) of the Personnel Rules.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO MODIFY THE ADMINISTRATIVE LAW JUDGE'S PROPOSED FINDING BY DELETING FOOTNOTE #1 AND THAT THE EMPLOYEE HAS PROVEN BY A PREPONDERANCE OF THE EVIDENCE THAT THE AGENCY VIOLATED SECTION 310.420(A) OF THE PERSONNEL RULES BY FAILING TO PAY HER APPROVED BONUS IN RECOGNITION OF HER PAST WORK PERFORMANCE. THE AGENCY WAS DIRECTED TO COME INTO COMPLIANCE BY AWARDED THE EMPLOYEE HER ANNUAL MERIT BONUS.

<b>KOLKER</b>	<b>YES</b>	<b>EWELL</b>	<b>YES</b>
<b>PETERSON</b>		<b>DALIANIS</b>	<b>YES</b>
<b>BUKRABA</b>	<b>YES</b>		

X. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

• **DISMISSED**

**S-17-08**

Employee	Patrick Freed	Appeal Date	11/15/07
Agency	DOC	Decision Date	12/11/07
Type	Suspension	ALJ	Andrew Barris
Charge(s)	Unauthorized absence	Recommended Decision	Dismissed subject to approval of Commission; withdrawn.

• **DISMISSED**

**D-20-08**

Employee	Siretha M. Ruff	Appeal Date	12/03/07
Agency	DCEO	Decision Date	12/24/07
Type	Demotion	ALJ	Daniel Stralka
Charge(s)	Involuntary reduction-certified status (demotion while still serving probationary period)	Recommended Decision	Dismissed subject to approval of Commission; withdrawn.

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- **DISMISSED**

**DA-22-08**

Employee	Susan L. Nooks	Appeal Date	12/10/07
Agency	DVA	Decision Date	12/26/07
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Violated last chance agreement by refusing mandatory overtime on 10/02/07	Recommended Decision	Dismissed subject to approval of Commission; withdrawn.

- **DISMISSED**

**DA-28-08**

Employee	Leisa A. Graves	Appeal Date	12/14/07
Agency	DCFS	Decision Date	1/03/08
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Employee resigned prior to charges being issued	Recommended Decision	Dismissed subject to approval of Commission; withdrawn.

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY CHAIRMAN KOLKER AND BY ROLL CALL VOTE OF 4-0, THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGES' RECOMMENDED DECISIONS TO DISMISS THE FREED APPEAL, THE RUFF APPEAL, THE NOOKS APPEAL, AND THE GRAVES APPEAL.**

<b>KOLKER</b>	<b>YES</b>	<b>EWELL</b>	<b>YES</b>
<b>PETERSON</b>		<b>DALIANIS</b>	<b>YES</b>
<b>BUKRABA</b>	<b>YES</b>		

XI. **STAFF REPORT**

Executive Director Daniel Stralka reported that:

- The Commission's fiscal year 2009 budget submission was accepted by the Office of Management and Budget at 97.5% of fiscal year 2008 funding.
- The Secretary of State's office will mail out the Statements of Economic Interest in March 2008.
- Notice of the Commission's intent to change its rules was published in Illinois Register, Volume 32, Issue 2.

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XII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular meeting to be held on February 21, 2008 at 9:00 a.m. in the Commission's Chicago office.

XIII. MOTION TO ADJOURN

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 4-0 TO ADJOURN THE MEETING AT 10:37 AM.**