

January 18, 2007

MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
January 18, 2007

I. OPENING OF MEETING AT 9:16 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman; George E. Richards, Raymond W. Ewell, Barbara J. Peterson, and Betty A. Bukraba, Commissioners; Daniel Stralka, Executive Director; Andrew Barris of the Commission staff; Jan Oncken, Illinois Department of Central Management Services, and Sarah Cummins, Illinois Department of Revenue.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD DECEMBER 21, 2006

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER BUKRABA AND THE MOTION ADOPTED 5-0 TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 21, 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 .....	132.....	9
Agriculture .....	479.....	17
Arts Council.....	22.....	2
Capitol Development Board .....	31.....	0
Central Management Services .....	1,595.....	111
Children and Family Services.....	3,359.....	41
Civil Service Commission .....	4.....	0
Commerce & Economic Opportunity .....	427.....	61
Commerce Commission.....	54.....	0
Corrections.....	12,419.....	101
Criminal Justice Authority.....	63.....	6
Deaf and Hard of Hearing Comm. ....	6.....	1
Developmental Disabilities Council .....	9.....	1
Emergency Management Agency .....	107.....	1
Employment Security.....	1,757.....	26
Environmental Protection Agency .....	1,084.....	18
Financial & Professional Regulation .....	793.....	42
Guardianship and Advocacy .....	113.....	7
Healthcare and Family Services.....	2,354.....	29
Historic Preservation Agency .....	252.....	11
Human Rights Commission .....	12.....	2
Human Rights Department .....	131.....	8
Human Services .....	14,730.....	64
Investment Board.....	5.....	2
Juvenile Justice .....	1,309.....	18
Labor.....	74.....	7
Labor Relations Board Educational .....	14.....	2
Labor Relations Board Local .....	1.....	0
Labor Relations Board State .....	20.....	2
Law Enforcement Training & Standards Bd.....	22.....	1
Medical District Commission .....	2.....	0
Military Affairs .....	143.....	3
Natural Resources .....	1,486.....	27
Pollution Control Board.....	26.....	3
Prisoner Review Board .....	22.....	0
Property Tax Appeal Board .....	23.....	2
Public Health.....	1,111.....	35
Revenue .....	2,027.....	61
State Fire Marshal.....	157.....	9
State Police .....	1,488.....	6
State Police Merit Board.....	5.....	1
State Retirement Systems .....	82.....	1
Transportation.....	3,120.....	1
Veterans' Affairs.....	1,166.....	5
Workers' Compensation Commission .....	174.....	10
TOTALS.....	52,410.....	754

**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 C2 and C3, Executive Director Daniel Stralka reported that the Department of Commerce and Economic Opportunity has a total of 8 attorney (legal advisor) positions and is seeking principal policy exemptions for 3. The general counsel position was approved last month and the other two in the areas of litigation management and grant administration were continued to this month. With regard to the litigation management position, this position manages all pending litigation (approximately 50 cases presently) and has signature authority on behalf of the Director to negotiate settlements of these cases. With regard to the grant administration position, this position is responsible for developing and implementing internal processes to ensure all grants (approximately 9700 presently, with over 2100 awards on an annual basis) are in conformance with all statutory and internal agency requirements. Both positions have significant authority directly to the Director and outside the general counsel. For these reasons, Staff recommended approval of the requests.
- With regard to Items D1 through D4, Executive Director Daniel Stralka reported that Commission staff had some concerns with overlapping responsibilities of these requests not only between the two human resources and two fiscal positions, but also with their respective superiors. In addition, Commission staff expressed some concerns that these positions varied from the model presented to the Commission at its July 2006 meeting in conjunction with the initial Shared Services Center exemption requests. The Shared Services Center Director has agreed to meet to discuss these and other issues that may affect principal policy exemptions for these positions as well as those in subordinate agencies. For that reason Staff recommended that Items D1 through D4 be continued.
- With regard to Item E, Executive Director Daniel Stralka reported that this position reports to the Director of the Liquor Control Commission and has as its principal policy responsibility the Commission's budget, a function outside the scope of the Administrative and Regulatory Shared Services Center. For these reasons, Staff recommended approval of the request.
- With regard to Item F, Executive Director Daniel Stralka reported that this request was withdrawn by the agency.
- With regard to Items G1 through G3, Executive Director Daniel Stralka reported that G1 and G2 report to the Director of the Division of Mental Health and have primary responsibility in the area of the transformation of mental health services from a grants-based practice to a fee-based operation. Item G1 has principal policy development and implementation responsibilities for the overall transformation. Item G2 has principal policy responsibilities in the negotiation and management of the Administrative Services Organization contract to implement the transformation. For these reasons, Staff recommended approval of these requests. As questions remained regarding the level of responsibility of the

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Item G3 (Quality Manager) position and Staff was not prepared to recommend approval, the agency requested a continuance to further address Staff concerns. Staff recommended that Item G3 be continued.

- With regard to Item H, Executive Director Daniel Stralka reported that the overlap with the presently exempt Media Administrator position has been eliminated with the clarification of its position responsibilities. For that reason, Staff recommended approval of this request.

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY CHAIRMAN KOLKER AND THE MOTION ADOPTED 5-0 TO GRANT AND CONTINUE THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:**

**The following 4d(3) exemption requests were granted on January 18, 2007:**

Item C2: Illinois Department of Commerce and Economic Opportunity

Position Number: 40070-42-00-040-20-01  
Position Title: Senior Public Service Administrator  
Bureau/Division: Legal Office  
Functional Title: Deputy General Counsel/Springfield  
Incumbent: None  
Supervisor: Chief Legal Counsel (reports to Agency Director)  
Location: Sangamon County

Item C3: Illinois Department of Commerce and Economic Opportunity

Position Number: 40070-42-00-040-30-01  
Position Title: Senior Public Service Administrator  
Bureau/Division: Legal Office  
Functional Title: Deputy General Counsel/Chicago  
Incumbent: None  
Supervisor: Chief Legal Counsel (reports to Agency Director)  
Location: Cook County

Item E: Illinois Department of Revenue

Position Number: 40070-25-73-000-00-01  
Position Title: Senior Public Service Administrator  
Bureau/Division: Fiscal Division, Liquor Control Commission  
Functional Title: Manager, Fiscal Division for Liquor Control Commission  
Incumbent: Mark T. Lewis  
Supervisor: Executive Director, Liquor Control Commission  
(reports to Director)  
Location: Cook County

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Item G1: Illinois Department of Human Services

Position Number: 40070-10-76-000-10-01  
Position Title: Senior Public Service Administrator  
Bureau/Division: Division of Mental Health  
Functional Title: System Transformation Administrator  
Incumbent: None  
Supervisor: Director, Office of Mental Health (reports to Secretary)  
Location: Cook County

Item G2: Illinois Department of Human Services

Position Number: 40070-10-76-000-30-01  
Position Title: Senior Public Service Administrator  
Bureau/Division: Division of Mental Health  
Functional Title: Administrative Services Organization Manager  
Incumbent: None  
Supervisor: Director, Office of Mental Health (reports to Secretary)  
Location: Sangamon County

Item H: Illinois Department of Revenue

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

**The following 4d(3) exemption requests were continued on January 18, 2007:**

Item D1: Illinois Department of Revenue

Position Number: 40070-25-12-210-00-01  
Position Title: Senior Public Service Administrator  
Bureau/Division: Administrative and Regulatory Shared Services Center  
Functional Title: Human Resources Strategic Manager  
Incumbent: None  
Supervisor: Human Resources Director (reports to Shared Services Center Director, who in turn reports to the Governor)  
Location: Sangamon County

Item D2: Illinois Department of Revenue

Position Number: 40070-25-12-220-00-01  
Position Title: Senior Public Service Administrator  
Bureau/Division: Administrative and Regulatory Shared Services Center  
Functional Title: Human Resources Functional Manager  
Incumbent: None  
Supervisor: Human Resources Director (reports to Shared Services Center Director, who in turn reports to the Governor)  
Location: Sangamon County

Item D3: Illinois Department of Revenue

Position Number: 40070-25-12-310-00-01  
Position Title: Senior Public Service Administrator  
Bureau/Division: Administrative and Regulatory Shared Services Center  
Functional Title: Fiscal Strategic Manager  
Incumbent: None  
Supervisor: Chief Fiscal Officer (reports to Shared Services Center Director, who in turn reports to the Governor)  
Location: Sangamon County

Item D4: Illinois Department of Revenue

Position Number: 40070-25-12-320-00-01  
Position Title: Senior Public Service Administrator  
Bureau/Division: Administrative and Regulatory Shared Services Center  
Functional Title: Fiscal Functional Manager  
Incumbent: None  
Supervisor: Chief Fiscal Officer (reports to Shared Services Center Director, who in turn reports to the Governor)  
Location: Sangamon County

Item G3: Illinois Department of Human Services

Position Number: 40070-10-76-000-40-01  
Position Title: Senior Public Service Administrator  
Bureau/Division: Division of Mental Health  
Functional Title: Quality Manager  
Incumbent: None  
Supervisor: Director, Office of Mental Health (reports to Secretary)  
Location: Cook County

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V. CLASS SPECIFICATIONS

**The Director of Central Management Services submitted the following class title for revision:**

A. Position Title:

Elevator Inspector

Staff Analysis: Assistant Executive Director Andrew Barris advised the Commission that the Elevator Inspector class specification allowed for the certification of a Qualified Elevator Inspector only by the National Association of Elevator Safety Authorities (NAESA). Barris advised the Commission that the American Society of Mechanical Engineers actually accredits organizations - such as the NAESA - that provide certification training and testing to candidates. Therefore, the proposed revision substituted the language "Requires certification as a Qualified Elevator Inspector (QEI) by the National Association of Elevator Safety Authorities" with the language "Requires certification as a Qualified Elevator Inspector (ASME QEI-1) from an organization accredited by the American Society of Mechanical Engineers."

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER PETERSON AND THE MOTION ADOPTED 5-0 TO APPROVE THE REVISION TO THE FOLLOWING CLASS TITLE TO BE EFFECTIVE ON FEBRUARY 1, 2007.**

**Item A: Elevator Inspector**

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER RICHARDS AND THE MOTION ADOPTED 5-0 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 COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER EWELL AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0 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>RICHARDS</b>	<b>YES</b>
<b>PETERSON</b>	<b>YES</b>	<b>EWELL</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 10:05 a.m.

PRESENT

Chris Kolker, Chairman; George E. Richards, Raymond W. Ewell, Barbara J. Peterson, and Betty A. Bukraba, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris of the Commission staff.

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	11/30/06	<b>12/31/06</b>	12/31/05
Aging	0	<b>0</b>	1
Agriculture	2	<b>2</b>	3
Arts Council	1	<b>1</b>	1
Central Management Services	2	<b>2</b>	4
Children and Family Services	6	<b>7</b>	4
Commerce and Economic Opportunity	0	<b>0</b>	1
Emergency Management Agency	0	<b>0</b>	1
Environmental Protection Agency	0	<b>0</b>	1
Healthcare and Family Services	7	<b>9</b>	11
Human Services	3	<b>3</b>	3
Natural Resources	17	<b>21</b>	23
State Fire Marshal	1	<b>0</b>	0
State Retirement Systems	1	<b>1</b>	0
Transportation	7	<b>45</b>	37
Veterans' Affairs	0	<b>3</b>	2
<b>Totals</b>	47	<b>94</b>	92

IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

• DISCHARGE APPEAL

DA-5-07

Employee	Michael K. Hogan	Appeal Date	8/29/06
Agency	DOC	Decision Date	1/05/07
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Tested positive for THC (marijuana) in random drug test	Recommended Decision	Charges not proven.

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL AND BY UNANIMOUS VOTE THE MOTION ADOPTED TO REMAND THIS MATTER TO THE ADMINISTRATIVE LAW JUDGE FOR THE PURPOSE OF TAKING ADDITIONAL EVIDENCE.**

X. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

• WITHDRAWN

D-17-07

Employee	Andrea Cobb	Appeal Date	12/13/06
Agency	DHS	Decision Date	12/26/06
Type	Demotion	ALJ	Andrew Barris
Charge(s)	Demoted unfairly	Recommended Decision	Withdrawn; dismissed subject to Commission approval

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY CHAIRMAN KOLKER, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO APPROVE AND ADOPT THE DISMISSAL OF THE APPEAL.**

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

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XI. STAFF REPORT

Executive Director Daniel Stralka reported that:

- The new Commission identification cards which are effective through the expiration date of each Commissioner's term have been mailed to your homes.
- Statement of Economic Interest forms will be mailed by the Secretary of State's Office in March and are due to be filed by May 31, 2007. The Secretary of State has been advised of address changes for Andrew Barris, Chairman Kolker and Commissioner Richards.
- S.B. 1537 addressing State Official's compensation failed to pass the House.
- The Commission's fiscal year 2007 supplemental budget request for Administrative Law Judge Dos Santos has not yet been acted on by the legislature.
- Assistant Executive Director Andrew Barris reported that the record retention project is proceeding. He delivered over 30 boxes of files for the years 1970-1984 to the Illinois State Archives for permanent retention.
- At the request of the Commissioners, Andrew Barris will prepare a summary for the next Commission meeting on recent changes to and compliance with the Open Meetings Act.

XII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular meeting to be held on February 15, 2007 at 9:00 a.m. in the Commission's Chicago office.

XIII. MOTION TO ADJOURN

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER RICHARDS AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 10:25 A.M.**