

January 19, 2006

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
January 19, 2006

I. OPENING OF MEETING AT 9:05 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman; Raymond W. Ewell, Betty Bukraba, and Barbara Peterson, Commissioners; Daniel Stralka, Executive Director; Andrew Barris of the Commission staff (via telephone); and Jan Oncken (Central Management Services).

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD DECEMBER 15, 2005

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER BUKRABA AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD DECEMBER 15, 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 | 152 | 8 |
| Agriculture | 500 | 17 |
| Arts Council | 22 | 1 |
| Capitol Development Board | 23 | 0 |
| Central Management Services | 1640 | 119 |
| Children and Family Services | 3298 | 41 |
| Civil Service Commission | 4 | 0 |
| Commerce & Econ. Opportunity | 444 | 61 |
| Commerce Commission | 42 | 0 |
| Corrections | 14,036 | 117 |
| Criminal Justice Authority | 78 | 6 |
| Deaf and Hard of Hearing Comm. | 5 | 1 |
| Developmental Disabilities Council | 13 | 1 |
| Emergency Management Agency | 109 | 1 |
| Employment Security | 1855 | 26 |
| Environmental Protect. Agency | 1077 | 16 |
| Fin. & Prof. Regulation | 798 | 46 |
| Guardianship and Advocacy | 109 | 5 |
| Healthcare and Family Services | 2168 | 29 |
| Historic Preservation Agency | 248 | 12 |
| Human Rights Commission | 11 | 2 |
| Human Rights Department | 127 | 8 |
| Human Services | 14,777 | 60 |
| Investment Board | 4 | 2 |
| Labor | 70 | 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 | 144 | 3 |
| Natural Resources | 1456 | 27 |
| Pollution Control Board | 26 | 3 |
| Prisoner Review Board | 23 | 0 |
| Property Tax Appeal Board | 21 | 2 |
| Public Health | 1100 | 35 |
| Revenue | 2035 | 59 |
| State Fire Marshal | 144 | 9 |
| State Police | 1466 | 6 |
| State Police Merit Board | 5 | 1 |
| State Retirement Systems | 78 | 1 |
| Transportation | 3155 | 1 |
| Veterans Affairs | 1136 | 4 |
| Workers Comp. Commission | 164 | 9 |
| TOTALS | 52,623 | 751 |

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.
 4. 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.
 5. 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

- Executive Director Daniel Stralka reported that Item C had been withdrawn by the agency.
- Regarding Item D, Executive Director Daniel Stralka reported that the Illinois Department of Public Health had yet to respond to his inquiry regarding additional information about presently vacant 4d(3) positions within the agency. Staff recommended denial or continuance until the next meeting.
- Regarding Item E, Executive Director Daniel Stralka reported that after additional information and clarification was provided by the Department of Aging, staff is satisfied that the main focus of this position will be legislative and not administrative. For that reason and consistent with past decisions of the Commission, staff recommended exemption.
- Regarding Item F, Executive Director Daniel Stralka reported that this position had recently been approved for a single position class. There has been no substantive change to the significant policy making and implementing responsibilities it possessed in its prior title which the Civil Service Commission previously found to qualify for exemption, so staff recommended exemption.
- Regarding Item G, Executive Director Daniel Stralka reported this position is presently 4(d)1 exempt. Substantial changes in both its policy-making responsibilities as Chief of Staff and the reporting structure of the Workers' Compensation Commission support this request, so staff recommended exemption.

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL AND THE MOTION ADOPTED BY A VOTE OF 4-0 (COMMISSIONER EWELL ABSTAINED FROM THE VOTE ON ITEM F) TO GRANT OR CONTINUE THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

The following 4d(3) requests for exemption were granted at the January 19, 2006 meeting:

Illinois Department on Aging

Position Number: 00502-47-00-400-01-01
Position Title: Administrative Assistant II
Bureau/Division: Executive Office
Functional Title: Assistant to the Legislative Liaison
Incumbent: None
Supervisor: Legislative Liaison (Reports to the Director)
Location: Sangamon County

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Illinois Department of Human Services

Position Number: 26908-10-76-000-00-01
Position Title: Mental Health Program Administrator
Bureau/Division: Office of Mental Health
Functional Title: Director of Mental Health
Incumbent: Lorrie R. Stone
Supervisor: Assistant Secretary (Reports to the Secretary)
Location: Cook County

Illinois Workers' Compensation Commission

Position Number: 40070-50-37-000-00-02
Position Title: Senior Public Service Administrator
Bureau/Division: Law Division
Functional Title: Chief of Staff / Assistant Secretary
Incumbent: Amy J. Masters
Supervisor: Chairman of the Commission
Location: Cook County

The following 4d(3) request for exemption was continued until the February 16, 2006 meeting:

Illinois Department of Public Health

Position Number: 40070-20-07-100-00-01
Position Title: Senior Public Service Administrator
Division: Director's Office-Hearing Review
Functional Title: Chief Administrative Law Judge
Incumbent: None
Supervisor: Assistant Director (Reports to the Director)
Location: Sangamon County

V. MOTION TO GO INTO EXECUTIVE SESSION

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY CHAIRMAN KOLKER AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS FILED WITH THE COMMISSION PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4) AND 2(c)(11) OF THE OPEN MEETINGS ACT.

| | | | |
|-----------------|------------|----------------|------------|
| PETERSON | YES | KOLKER | YES |
| EWELL | YES | BUKRABA | YES |
| RICHARDS | | | |

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VI. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Chicago, Illinois at 9:37 a.m.

PRESENT

Chris Kolker, Chairman; Raymond W. Ewell, Betty Bukraba, and Barbara Peterson, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris of the Commission staff (via telephone).

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 December 31, 2005.

| Agency | 11/30/2005 | 12/31/05 |
|------------------------------|-------------------|-----------------|
| Aging | 1 | 1 |
| Agriculture | 3 | 3 |
| Arts Council | 1 | 1 |
| Central Management Services | 6 | 4 |
| Children & Family Services | 5 | 4 |
| Comm. & Econ. Opportunity | 1 | 1 |
| Emergency Mgmt. Agency | 1 | 1 |
| Environmental Protection | 1 | 1 |
| Healthcare & Family Services | 11 | 11 |
| Historic Preservation | 1 | 0 |
| Human Services | 1 | 3 |
| Human Rights | 1 | 0 |
| Natural Resources | 25 | 23 |
| Transportation | 11 | 37 |
| Veterans Affairs | 2 | 2 |
| Total | 71 | 92 |

VIII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

- DISCHARGE APPEAL

DA-5-06

| | | | |
|----------------|---------------------------|----------------------|------------------------------------------------------------------------|
| Petitioner | Paul E. Dillon | Appeal Date | 7/25/05 |
| Agency | DHS | Decision Date | 1/06/06 |
| Type of Appeal | Discharge | ALJ | Andrew Barris |
| Charge(s) | Failure to perform duties | Recommended Decision | Charges proven; ALJ recommends 60-day suspension in lieu of discharge. |

IT WAS MOVED BY COMMISSIONER BUKRABA, SECONDED BY COMMISSIONER EWELL AND BY ROLL CALL VOTE OF 4-0 THE MOTION WAS ADOPTED TO MODIFY THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION AND REDUCE THE 60-DAY SUSPENSION TO 30 DAYS IN LIEU OF DISCHARGE BECAUSE IT IS MORE REFLECTIVE OF APPROPRIATE DISCIPLINE DUE TO THE NATURE AND TIMELINESS OF THE INSTRUCTION GIVEN TO THE RESPONDENT FROM HIS SUPERVISOR.

| | | | |
|-----------------|------------|----------------|------------|
| PETERSON | YES | KOLKER | YES |
| EWELL | YES | BUKRABA | YES |
| RICHARDS | | | |

- RULE VIOLATION

RV-21-06

| | | | |
|----------------|---------------------------------------------------------------------------|------------------|-------------------------------------------------------------|
| Petitioner | Connie Davis | Appeal Date | 10/07/05 |
| Agency | CMS | Decision Date | 12/28/05 |
| Type of Appeal | Rule Violation | ALJ | Daniel Stralka |
| Charge(s) | Inequity of pay between merit comp & collective bargaining unit employees | Proposed Finding | ALJ finds there is no violation of Personnel Code or Rules. |

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO DENY THE PETITIONER'S REQUEST FOR HEARING AND TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSED FINDING THAT THERE IS NO VIOLATION OF THE PERSONNEL CODE OR RULES.

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|-----------------|------------|----------------|------------|
| PETERSON | YES | KOLKER | YES |
| EWELL | YES | BUKRABA | YES |
| RICHARDS | | | |

IX. APPEALS TERMINATED WITHOUT DECISION

• WITHDRAWN

DA-60-05

| | | | |
|----------------|-------------------------------------------------------------------|----------------------|-------------------------------------------------------|
| Respondent | Alan Moyzis | Appeal Date | 03/10/05 |
| Agency | ISP | Decision Date | 12/13/05 |
| Type of Appeal | Discharge | ALJ | Daniel Stralka |
| Charge(s) | Illegal eavesdrop; misrepresentation of facts to ISP investigator | Recommended Decision | Settlement; withdrawn subject to Commission approval. |

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER BUKRABA AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S DECISION DISMISSING THE APPEAL OF THE PETITIONER, ALAN MOYZIS.

| | | | |
|-----------------|------------|----------------|------------|
| PETERSON | YES | KOLKER | YES |
| EWELL | YES | BUKRABA | YES |
| RICHARDS | | | |

X. AMENDMENTS IN CLASS SPECIFICATIONS

None submitted.

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER BUKRABA AND THE MOTION UNANIMOUSLY ADOPTED TO DISAPPROVE ANY CLASS SPECIFICIATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.

XI. STAFF REPORT

- Executive Director Daniel Stralka reported that a History section has been added to the Commission website.

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- Executive Director Daniel Stralka reported that Assistant Executive Director Andrew Barris has commenced a reorganization of the class specifications maintained by the Commission. Executive Director Daniel Stralka also reported on progress of the current 4d(3) exemption reorganization.
- Executive Director Daniel Stralka reported that Fiscal Officer Sandy Guppy attended Rutan interview training in line with her duties as Personnel Manager and that she attended Spend Management and Knowledge Management training.
- Executive Director Daniel Stralka reported that Central Management Services has determined no currently available space within the State is suitable for relocation of the Civil Service Commission's Springfield office. Therefore, it is anticipated that lease renewal negotiations will commence shortly.

XII. ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, February 16, 2006 at 9:00 a.m. in the Commission's Chicago Office.

XIII. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER BUKRABA, SECONDED BY COMMISSIONER PETERSON AND THE MOTION UNANIMOUSLY ADOPTED TO ADJOURN THE MEETING AT 9:55 A.M.