

February 15, 2007

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
February 15, 2007

I. OPENING OF MEETING AT 9:25 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman; George E. Richards, Barbara J. Peterson, and Betty A. Bukraba, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris of the Commission staff (via telephone).

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD JANUARY 18, 2007

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER PETERSON AND THE MOTION ADOPTED 4-0 TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON JANUARY 18, 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	140.....	9
Agriculture	461.....	17
Arts Council.....	22.....	2
Capitol Development Board	33.....	0
Central Management Services	1,599.....	111
Children and Family Services.....	3,343.....	41
Civil Service Commission	4.....	0
Commerce & Economic Opportunity	426.....	62
Commerce Commission.....	52.....	0
Corrections.....	12,354.....	101
Criminal Justice Authority.....	63.....	6
Deaf and Hard of Hearing Comm.	6.....	1
Developmental Disabilities Council	10.....	1
Emergency Management Agency	105.....	1
Employment Security.....	1,720.....	26
Environmental Protection Agency	1,076.....	18
Financial & Professional Regulation	790.....	42
Guardianship and Advocacy	113.....	7
Healthcare and Family Services.....	2,369.....	29
Historic Preservation Agency	250.....	11
Human Rights Commission	12.....	2
Human Rights Department	136.....	8
Human Services	14,622.....	64
Investment Board.....	5.....	2
Juvenile Justice	1,303.....	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.....	21.....	1
Medical District Commission	2.....	0
Military Affairs	142.....	3
Natural Resources	1,444.....	27
Pollution Control Board.....	26.....	3
Prisoner Review Board	22.....	0
Property Tax Appeal Board	25.....	2
Public Health.....	1,103.....	35
Revenue	2,039.....	61
State Fire Marshal.....	158.....	11
State Police	1,496.....	6
State Police Merit Board.....	5.....	1
State Retirement Systems	80.....	1
Transportation.....	3,497.....	1
Veterans' Affairs.....	1,153.....	5
Workers' Compensation Commission	173.....	10
TOTALS.....	52,509.....	757

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 through C4, Executive Director Daniel Stralka reported that these requests were withdrawn by the agency.
- With regard to Item D, Executive Director Daniel Stralka reported that staff expressed concerns over recommending approval for a principal policy exemption for this Quality Manager position as it inherently monitors the designated program. The position description lacked sufficient policy development and implementation responsibilities. For these reasons, staff recommended denial of this request.
- With regard to Item E, Executive Director Daniel Stralka reported that this position serves as the Human Resources Manager for the agency, reporting to the Chairman of the Illinois Workers' Compensation Commission. For this reason, staff recommended approval of this request.
- With regard to Item F, Executive Director Daniel Stralka reported that staff expressed concerns to Central Management Services about several issues relating to this request, including potential overlap with other presently exempt positions in the Bureau of Communication and Computer Services. As these issues have yet to be resolved, staff recommended that this request be continued.

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

The following 4d(3) exemption request was granted on February 15, 2007:

E. Workers' Compensation Commission

Position Number	40070-50-37-700-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Human Resources
Functional Title	Human Resources Manager
Incumbent	None
Supervisor	The Chairman
Location	Cook County

The following 4d(3) exemption request was denied on February 15, 2007:

D. 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

The following 4d(3) exemption request was continued on February 15, 2007:

F. Illinois Department of Central Management Services

Position Number	40070-37-10-050-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Bureau of Communication & Computer Services (BCCS)/Technology
Functional Title	Chief Technology Officer
Incumbent	None
Supervisor	Deputy Director, Bureau of Communication & Computer Services (BCCS)
Location	Cook County

V. CLASS SPECIFICATIONS

- None submitted.

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

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VI. MOTION TO GO INTO EXECUTIVE SESSION

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER RICHARDS, 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.

KOLKER	YES	RICHARDS	YES
PETERSON	YES	EWELL	
BUKRABA	YES		

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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 10:35 a.m.

PRESENT

Chris Kolker, Chairman; George E. Richards, Barbara J. Peterson, and Betty A. Bukraba, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris of the Commission staff (via telephone).

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	12/31/06	1/31/07	1/31/06
Agriculture	2	1	1
Arts Council	1	1	1
Central Management Services	2	4	0
Children and Family Services	7	8	5
Commerce and Economic Opportunity	0	0	1
Emergency Management Agency	0	0	1
Employment Security	0	1	0
Environmental Protection Agency	0	0	1
Financial and Professional Regulation	0	1	0
Healthcare and Family Services	9	7	6
Human Services	3	4	5
Natural Resources	21	6	10
Property Tax Appeal Board	0	2	0
State Fire Marshal	0	1	0
State Retirement Systems	1	1	0
Transportation	45	74	27
Veterans' Affairs	3	0	2
Totals	94	111	60

Executive Director Daniel Stralka noted Illinois Department of Transportation's increase and is working with them to identify the reasons for it prior to the next meeting.

IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

• DISCHARGE APPEAL

DA-58-05

Employee	Willie Miranda	Appeal Date	03/04/05
Agency	DOC	Decision Date	02/05/07
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Worked at secondary employment while on paid status with DOC; falsification of documents; refused supervisory order; violations of conduct	Recommended Decision	Charges are partially proven and do warrant discharge.

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER RICHARDS, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO DENY THE RESPONDENT'S REQUEST FOR ORAL ARGUMENT BEFORE THE COMMISSION AND APPROVE AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION IN PART IN THAT THE FINDINGS OF FACT IN THE RECOMMENDED DECISION INACCURATELY STATE THAT THE RESPONDENT WAS "ASSIGNED TO THE CENTRALIA CORRECTIONAL CENTER (CENTRALIA)", RATHER THE RESPONDENT OCCUPIED THE POSITION OF PAROLE SUPERVISOR ASSIGNED TO DUTIES IN COOK COUNTY; AND THAT COUNT I AND COUNT IV OF THE WRITTEN CHARGES FOR DISCHARGE APPROVED BY THE DIRECTOR OF THE DEPARTMENT OF CENTRAL MANAGEMENT SERVICES HAVE BEEN PROVEN AND IN ADDITION TO PROVING COUNT I AND COUNT IV, THE PETITIONER PROVED COUNT III OF THE CHARGES IN THAT THE PREPONDERANCE OF THE EVIDENCE INDICATED THAT THE RESPONDENT SPENT AN EXCESSIVE AMOUNT OF TIME AT HIS HOME ON THE DATES ALLEGED WHEN HE WAS SCHEDULED TO BE AT WORK, AND THE PARTIALLY PROVEN CHARGES WARRANT THE DISCHARGE OF THE RESPONDENT.

KOLKER	YES	RICHARDS	YES
PETERSON	YES	EWELL	
BUKRABA	YES		

- **RULE VIOLATION APPEAL**

RV-23-03

Petitioner	AFSCME	Appeal Date	10/31/02
Agency	Various Agencies	Decision Date	01/22/07
Type	Rule Violation	ALJ	Daniel Stralka
Charge(s)	Employees laid off while agencies use personal service contracts to fill positions	Proposed Finding	No jurisdiction.

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER BUKRABA AND BY ROLL CALL VOTE OF 3-0 THE MOTION ADOPTED TO REMAND THE APPEAL TO THE ADMINISTRATIVE LAW JUDGE FOR THE PURPOSE OF TAKING ADDITIONAL EVIDENCE AND/OR CONDUCTING ADDITIONAL INVESTIGATION.

KOLKER		RICHARDS	YES
PETERSON	YES	EWELL	
BUKRABA	YES		

X. **APPEALS TERMINATED WITHOUT DECISION ON THE MERITS**

- **DISMISSED**

DA-18-07

Employee	Carla S. Williams	Appeal Date	12/15/06
Agency	DHS	Decision Date	02/06/07
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Unauthorized absences; tardiness	Recommended Decision	Dismissed subject to Commission approval; default (no show at hearing).

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER BUKRABA, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO APPROVE AND ADOPT THE DISMISSAL OF THE WILLIAMS APPEAL.

KOLKER	YES	RICHARDS	YES
PETERSON	YES	EWELL	
BUKRABA	YES		

- **WITHDRAWN**

D-26-07

Employee	Shirley E. Hill	Appeal Date	01/24/07
Agency	HFS	Decision Date	02/06/07
Type	Demotion	ALJ	Andrew Barris
Charge(s)	Unfairly demoted from Lead Caseworker to Human Services Caseworker	Recommended Decision	Dismissed subject to Commission approval; withdrawn.

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER PETERSON, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO APPROVE AND ADOPT THE DISMISSAL OF THE HILL APPEAL.

KOLKER	YES	RICHARDS	YES
PETERSON	YES	EWELL	
BUKRABA	YES		

XI. **STAFF REPORT**

Executive Director Daniel Stralka reported that:

- Executive Director Daniel Stralka and Sandy Guppy toured two potential sites for relocation of the Commission’s Springfield office. Central Management Services is presently discussing proposed space modifications with the landlord.
- Andrew Barris attended “What you Need to Know about Public Records and Open Meetings in Illinois” on February 7, 2007.
- Beckie Daniken attended a CMS training seminar entitled “Proofreading” on February 14, 2007.
- There has been no change in the status of the fiscal year 2007 supplemental budget request for Administrative Law Judge Dos Santos.

XII. **PRESENTATION ON OPEN MEETINGS ACT**

The presentation on the Open Meetings Act was deferred until the next regularly scheduled meeting of the Civil Service Commission, on March 15, 2007.

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XIII. ANNOUNCEMENT OF NEXT MEETING

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

XIV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER RICHARDS AND THE MOTION ADOPTED 4-0 TO ADJOURN THE MEETING AT 10:50 A.M.