

February 16, 2006

MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
February 16, 2006

I. OPENING OF MEETING AT 9:10 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

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

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD JANUARY 19, 2006

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL AND THE MOTION ADOPTED 4-0 TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD JANUARY 19, 2006. COMMISSIONER RICHARDS ABSTAINED.**

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 .....	148	8
Agriculture .....	476	17
Arts Council .....	21	1
Capitol Development Board .....	23	0
Central Management Services .....	1631	120
Children and Family Services .....	3275	41
Civil Service Commission .....	4	0
Commerce & Econ. Opportunity .....	448	61
Commerce Commission .....	42	0
Corrections .....	13,987	117
Criminal Justice Authority .....	76	6
Deaf and Hard of Hearing Comm. ....	5	1
Developmental Disabilities Council .....	12	1
Emergency Management Agency .....	108	1
Employment Security .....	1821	26
Environmental Protect. Agency .....	1068	17
Fin. & Prof. Regulation .....	793	45
Guardianship and Advocacy .....	107	6
Healthcare and Family Services .....	2192	29
Historic Preservation Agency .....	247	12
Human Rights Commission .....	11	2
Human Rights Department .....	135	8
Human Services .....	14,749	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 .....	1415	27
Pollution Control Board .....	26	3
Prisoner Review Board .....	23	0
Property Tax Appeal Board .....	21	2
Public Health .....	1101	35
Revenue .....	2023	59
State Fire Marshal .....	143	9
State Police .....	1460	6
State Police Merit Board .....	5	1
State Retirement Systems .....	78	1
Transportation .....	3326	1
Veterans Affairs .....	1124	4
Workers Comp. Commission .....	163	9
<b>TOTALS .....</b>	<b>52,565</b>	<b>753</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.
  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**

- As to Item C, Executive Director Daniel Stralka reported that the Illinois Department of Public Health provided sufficient information regarding the vacant 4d(3) positions in the agency that staff was now prepared to recommend exemption for this position.
- As to Item D, Executive Director Daniel Stralka reported that it has substantial responsibilities in the area of foreign investment and therefore, staff was recommending exemption.
- As to Item E, Executive Director Daniel Stralka reported that the agency has not yet responded to an inquiry for additional information so staff was not prepared to make a recommendation.
- As to Item F, Executive Director Daniel Stralka reported that while the position has significant principal policy responsibilities in developing immigration policies for the State of Illinois, staff had concerns as it had only a tangential relationship with the Illinois Workers' Compensation Commission. After raising this issue, it was agreed that the position's responsibilities made it more suitable for the Department of Human Services. Appropriate changes were made to the submission and staff recommended exemption.

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER PETERSON AND THE MOTION UNANIMOUSLY ADOPTED 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 February 16, 2006 meeting:**

Illinois Department of Public Health

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

Illinois Department of Commerce and Economic Opportunity

Position Number: 40070-42-00-096-00-01  
Position Title: Senior Public Service Administrator  
Bureau/Division: Director's Office/Illinois Trade Office  
Functional Title: Manager, Foreign Direct Investment Program  
Incumbent: None  
Supervisor: Director, Illinois Trade Office (Reports to the Director)  
Location: Cook County

February 16, 2006

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

Illinois Department of Human Services

Position Number: 40070-10-10-000-00-01  
Position Title: Senior Public Service Administrator  
Division: Office of Business Services  
Functional Title: Director of the Office of Business Services  
Incumbent: None  
Supervisor: Chief Operations Officer (Reports to the Director)  
Location: Sangamon County

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

**The following 4d(3) request for exemption was granted at the February 16, 2006 meeting:**

Illinois Department of Human Services\*

Position Number: 40070-10-12-200-00-01  
Position Title: Senior Public Service Administrator  
Bureau/Division: Assistant Secretary's Office  
Functional Title: Director, Immigration Policy Office and Latino Worker Safety Panel  
Incumbent: None  
Supervisor: Assistant Secretary (Reports to the Secretary)  
Location: Cook County

\*Initially submitted from the Illinois Workers' Compensation Commission as position 40070-50-37-900-00-01.

V. MOTION TO GO INTO EXECUTIVE SESSION

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER RICHARDS, 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.**

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

February 16, 2006

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 9:50 a.m.

PRESENT

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

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 January 31, 2006.

<b>Agency</b>	<b>12/31/05</b>	<b>1/31/06</b>
Aging	1	0
Agriculture	3	1
Arts Council	1	1
Central Management Services	4	0
Children & Family Services	4	5
Comm. & Econ. Opportunity	1	1
Emergency Mgmt. Agency	1	1
Environmental Protection	1	1
Healthcare & Family Services	11	6
Human Services	3	5
Natural Resources	23	10
Transportation	37	27
Veterans Affairs	2	2
Total	92	60

VIII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

- DISCHARGE APPEAL

**DA-37-05**

Petitioner	Carl Laff	Appeal Date	1/22/04
Agency	DOT	Decision Date	2/03/06
Type of Appeal	Discharge	ALJ	Daniel Stralka
Charge(s)	Violation of Drug / Alcohol policy (tested positive for cocaine)	Recommended Decision	Charges partially proven; ALJ recommends 90-day suspension in lieu of discharge due to unique factual circumstances.

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER PETERSON AND BY ROLL CALL VOTE OF 3-2 THE MOTION WAS ADOPTED TO MODIFY THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION AND AFFIRM DISCHARGE BECAUSE THE RESPONDENT ADMITTED HE KNOWINGLY INGESTED COCAINE IN VIOLATION OF THE AGENCY'S ALCOHOL/DRUG TESTING POLICY AND PROCEDURES, RESULTING IN A POSITIVE DRUG TEST, WHICH, AS EXPLICITLY SET FORTH IN THE AGENCY'S ALCOHOL/DRUG TESTING POLICY AND PROCEDURES, SUBJECTED HIM TO DISCHARGE.**

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

• **DISCHARGE APPEAL**

**DA-14-06**

Petitioner	Howard Randolph	Appeal Date	9/06/05
Agency	DOC	Decision Date	2/01/06
Type of Appeal	Discharge	ALJ	Daniel Stralka
Charge(s)	Failure to requalify for firearms training	Recommended Decision	Charges proven; ALJ recommends discharge.

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER EWELL AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION THAT THE CHARGES ARE PROVEN AND DO WARRANT DISCHARGE**

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

- **ALLOCATION APPEAL**

**DA-17-05**

Petitioner	Diana Jo Higgerson	Appeal Date	09/13/04
Agency	CMS	Decision Date	01/13/06
Type of Appeal	Allocation Appeal	ALJ	Andrew Barris
Charge(s)	Improper allocation of the ISA I classification	Proposal for Decision	ALJ proposes the appeal be denied.

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER RICHARDS AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE APPEAL BE DENIED.**

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

**IX. APPEALS TERMINATED WITHOUT DECISION**

- **DISMISSAL**

**DA-25-06**

Respondent	Michael Sanders	Appeal Date	12/09/05
Agency	CMS	Decision Date	01/23/06
Type of Appeal	Discharge	ALJ	Andrew Barris
Charge(s)	Insubordination (disobeyed an order); conduct unbecoming	Recommended Decision	Settlement; dismissal subject to Commission approval.

- **WITHDRAWN**

**DA-27-06**

Respondent	Harold R. Harris	Appeal Date	12/23/05
Agency	DHS	Decision Date	01/23/06
Type of Appeal	Discharge	ALJ	Daniel Stralka
Charge(s)	Conduct unbecoming (soliciting a bribe)	Recommended Decision	Withdrawn; dismissal subject to Commission approval.

February 16, 2006

**IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER PETERSON AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGES' DECISIONS DISMISSING THE APPEALS OF THE PETITIONERS, MICHAEL SANDERS AND HAROLD R. HARRIS.**

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

**X. AMENDMENTS IN CLASS SPECIFICATIONS**

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

Current Position Titles

Weatherization Specialist I  
Weatherization Specialist II  
Weatherization Specialist III  
Weatherization Specialist Trainee

Veterans Service Officer

Corrections Parole Agent  
Corrections Senior Parole Agent

Plumbing Inspector

**Class Specifications**

- Assistant Executive Director Andrew Barris summarized the Classification Analysis Reports submitted by Central Management Services.

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER BUKRABA AND THE MOTION ADOPTED 5-0 TO APPROVE THE REVISION OF THE FOLLOWING CLASS SPECIFICATIONS FOR THE FOLLOWING CLASS TITLES TO BE EFFECTIVE MARCH 1, 2006.**

**Weatherization Specialist I**  
**Weatherization Specialist II**  
**Weatherization Specialist III**  
**Weatherization Specialist Trainee**

**Veterans Service Officer**

**Corrections Parole Agent**  
**Corrections Senior Parole Agent**

**Plumbing Inspector**

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY CHAIRMAN KOLKER 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 on the agency's conversion of its e-mail and calendaring program to Microsoft Outlook and noted that all employees now had new e-mail addresses.
- Executive Director Daniel Stralka reported that that the 2005 Ethics Report had been submitted to the Office of the Executive Inspector General.
- Executive Director Daniel Stralka reported that the formal Compliance (Audit) Report for the two-year period ended June 30, 2005 had been delivered to the Commission and, as had been previously disclosed, contained no material findings. Copies were distributed to the Commissioners.
- Executive Director Daniel Stralka reported that the Commission's appropriation hearings are scheduled in the House for February 22 and the Senate for March 15.
- Assistant Executive Director Andrew Barris reported on the reorganization of the Class Specification filing system and provided the Commissioners with a brief description.

**XII. ANNOUNCEMENT OF NEXT MEETING**

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

**XIII. MOTION TO ADJOURN**

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