

March 16, 2006

MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
March 16, 2006

I. OPENING OF MEETING AT 9:08 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

George E. Richards, Raymond W. Ewell, Betty Bukraba (via telephone), and Barbara J. Peterson (via telephone), 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 FEBRUARY 16, 2006

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL AND THE MOTION ADOPTED 4-0 TO APPROVE THE MINUTES AS CORRECTED OF THE REGULAR MEETING HELD FEBRUARY 16, 2006.**

March 16, 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 .....	147.....	8
Agriculture.....	467.....	17
Arts Council.....	21.....	1
Capitol Development Board .....	23.....	0
Central Management Services .....	1623.....	120
Children and Family Services.....	3287.....	41
Civil Service Commission .....	4.....	0
Commerce & Econ. Opportunity .....	450.....	61
Commerce Commission.....	42.....	0
Corrections.....	13,946.....	117
Criminal Justice Authority.....	78.....	6
Deaf and Hard of Hearing Comm. ....	6.....	1
Developmental Disabilities Council .....	11.....	1
Emergency Management Agency .....	106.....	1
Employment Security.....	1801.....	26
Environmental Protect. Agency .....	1067.....	17
Fin. & Prof. Regulation.....	800.....	45
Guardianship and Advocacy .....	107.....	6
Healthcare and Family Services.....	2205.....	29
Historic Preservation Agency .....	249.....	12
Human Rights Commission .....	11.....	2
Human Rights Department .....	131.....	8
Human Services.....	14,770.....	60
Investment Board.....	4.....	2
Labor.....	74.....	7
Labor Relations Board Educational .....	16.....	2
Labor Relations Board Local.....	1.....	0
Labor Relations Board State .....	18.....	2
Law Enforce. Trng. & Standard Bd. ....	22.....	1
Medical District Comm.....	2.....	0
Military Affairs .....	143.....	3
Natural Resources .....	1410.....	27
Pollution Control Board.....	26.....	3
Prisoner Review Board .....	23.....	0
Property Tax Appeal Board .....	23.....	2
Public Health.....	1119.....	35
Revenue .....	2017.....	56
State Fire Marshal.....	144.....	9
State Police .....	1462.....	6
State Police Merit Board.....	5.....	1
State Retirement Systems .....	78.....	1
Transportation.....	4052.....	1
Veterans Affairs.....	1128.....	4
Workers Comp. Commission.....	165.....	9
TOTALS .....	53,284.....	750

**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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March 16, 2006

**C. Requests for 4d(3) Exemption**

- With regard to Item C, Executive Director Daniel Stralka reported that a significant overlap was discovered between this position and a facility management position at CMS. As the agencies involved were unable to rectify or adequately explain the overlap, it is recommended that this matter be continued until the April meeting.
- With regard to Item D, Executive Director Daniel Stralka reported that the CFO position meets all exemption criteria and the agency is making progress on the “Four Month Vacant” positions.

**IT WAS MOVED BY COMMISSIONER EWELL, 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) request for exemption was granted at the March 16, 2006 meeting:**

Illinois Department of Revenue

Position Number: 40070-25-08-100-00-01  
Position Title: Senior Public Service Administrator  
Bureau/Division: Budget & Planning Office  
Functional Title: Manager, Budget & Planning Office / CFO  
Incumbent: David K. Hunt  
Supervisor: Director  
Location: Sangamon County

**The following 4d(3) request for exemption was continued until the April 20, 2006 meeting:**

Illinois Department of Human Services

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

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

**IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER BUKRABA 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>EWELL</b>	<b>YES</b>	<b>BUKRABA</b>	<b>YES</b>
<b>RICHARDS</b>	<b>YES</b>		

**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 9:24 a.m.

**PRESENT**

George E. Richards, Raymond W. Ewell, Betty Bukraba (via telephone), and Barbara J. Peterson (via telephone), 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 February 28, 2006.

<b>Agency</b>	<b>1/31/06</b>	<b>2/28/06</b>
Agriculture	1	2
Arts Council	1	1
Children & Family Services	5	9
Comm. & Economic Opportunity	1	1
Emergency Management Agency	1	1
Environmental Protection	1	1
Financial & Professional Regulation	0	2
Healthcare & Family Services	6	5
Human Services	5	5
Natural Resources	10	3
Property Tax Appeal Board	0	1
Transportation	27	34
Veterans Affairs	2	2
<b>Total</b>	<b>60</b>	<b>67</b>

March 16, 2006

VIII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

• DISCHARGE APPEAL

DA-26-06

Petitioner	Michael Eppley	Appeal Date	12/13/05
Agency	IEPA	Decision Date	03/03/06
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Made threatening statements to employee	Recommended Decision	Charges not proven.

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER BUKRABA, AND BY ROLL CALL VOTE OF 4-0 THE MOTION WAS ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION THAT THE CHARGES HAVE NOT BEEN PROVEN BY A PREPONDERANCE OF THE EVIDENCE.

PETERSON	YES	KOLKER	
EWELL	YES	BUKRABA	YES
RICHARDS	YES		

IX. APPEALS TERMINATED WITHOUT DECISION

• WITHDRAWN

S-31-06

Respondent	Ronald Matrisciano	Appeal Date	1/26/06
Agency	DOC	Decision Date	3/06/06
Type	Suspension	ALJ	Andrew Barris
Charge(s)	Suspension pending judicial verdict	Recommended Decision	Withdrawn; dismissal subject to Commission approval.

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER PETERSON AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION DISMISSING THE APPEAL OF THE PETITIONER, RONALD MATRISCIANO.

PETERSON	YES	KOLKER	
EWELL	YES	BUKRABA	YES
RICHARDS	YES		

March 16, 2006

X. AMENDMENTS IN CLASS SPECIFICATIONS

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

Current Position Title

Elevator Inspector

**IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER BUKRABA AND THE MOTION ADOPTED 4-0 TO APPROVE THE REVISION OF THE FOLLOWING CLASS SPECIFICATION FOR THE FOLLOWING CLASS TITLE TO BE EFFECTIVE APRIL 1, 2006.**

Elevator Inspector

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

XI. REVIEW OF EXECUTIVE SESSION MINUTES PURSUANT TO OPEN MEETINGS ACT

**IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER BUKRABA AND THE MOTION UNANIMOUSLY ADOPTED THAT AFTER REVIEW OF EXECUTIVE SESSION MINUTES PURSUANT TO THE OPEN MEETINGS ACT, THE MINUTES SHALL REMAIN CLOSED INDEFINITELY REGARDING ALL PERSONNEL MATTERS.**

XII. STAFF REPORT

- Executive Director Daniel Stralka reported that he and Sandy Guppy, Chief Fiscal Officer, attended both the Senate and House legislative budget hearings in the past month.
- Executive Director Daniel Stralka reported that the Civil Service Commission has purchased new artwork for the Springfield reception area. The framed posters show various Abraham Lincoln related sites in the vicinity.
- Executive Director Daniel Stralka reminded the Commissioners that their Ethics Training materials for 2006 have been distributed and need to be returned to him upon completion.

March 16, 2006

- Assistant Executive Director Andrew Barris informed the Commissioners about the ICED Legislative Reception to be held on March 28, 2006.

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, April 20, 2006 at 9:00 a.m. in the Commission's Chicago Office.

XIV. MOTION TO ADJOURN

**IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER PETERSON AND THE MOTION UNANIMOUSLY ADOPTED TO ADJOURN THE MEETING AT 9:29 A.M.**