

June 16, 2005

MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
June 16, 2005

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

II. PRESENT

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

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD MAY 18, 2005

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD MAY 18, 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.....	158.....	6
Agriculture.....	501.....	17
Arts Council.....	22.....	1
Capitol Development Board.....	15.....	0
Central Management Services.....	1675.....	119
Children and Family Services.....	3398.....	41
Civil Service Commission.....	4.....	0
Commerce & Econ. Opportunity.....	459.....	60
Commerce Commission.....	44.....	0
Corrections.....	14,276.....	116
Criminal Justice Authority.....	79.....	5
Deaf and Hard of Hearing Comm.....	7.....	1
Developmental Disabilities Council.....	10.....	1
Emergency Management Agency.....	110.....	1
Employment Security.....	1885.....	26
Environmental Protect. Agency.....	1090.....	16
Fin. & Prof. Regulation.....	801.....	40
Guardianship and Advocacy.....	110.....	6
Historic Preservation Agency.....	333.....	8
Human Rights Commission.....	11.....	2
Human Rights Department.....	141.....	7
Human Services.....	14,954.....	59
Investment Board.....	2.....	1
Labor.....	73.....	7
Labor Relations Board Educational.....	15.....	2
Labor Relations Board Local.....	1.....	0
Labor Relations Board State.....	20.....	2
Law Enforce. Trng. & Standard Bd.....	24.....	1
Medical District Comm.....	2.....	0
Military Affairs.....	145.....	3
Natural Resources.....	1602.....	27
Pollution Control Board.....	26.....	3
Prisoner Review Board.....	23.....	0
Property Tax Appeal Board.....	24.....	2
Public Aid.....	2218.....	24
Public Health.....	1122.....	28
Revenue.....	2036.....	57
State Fire Marshal.....	136.....	8
State Police.....	1498.....	6
State Police Merit Board.....	4.....	1
State Retirement Systems.....	84.....	1
Transportation.....	2815.....	1
Veterans Affairs.....	1162.....	4
Workers Compensation Comm.....	173.....	9
<b>TOTALS.....</b>	<b>53,288.....</b>	<b>719</b>

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

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 be in 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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IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE(continued)

- ?? Regarding Item C, the staff had questions about the policy-making responsibilities of the position. The job is described as both the Equal Opportunity and Ethics Officer. The staff ultimately recommended exemption for the position. However, the recommendation is based upon the policy-making responsibilities of the position as the Equal Opportunity Officer, not the position's responsibilities as the Ethics Officer. Due to the size of Revenue, the consolidation of other agencies into Revenue and the EEO policy-making responsibilities described in the job descriptions regarding the investigation, compliance and enforcement of anti-discrimination policies within the department, the staff recommended exemption. In addition, this analysis applies only to the Equal Opportunity position at Revenue, it does not apply to all EEO positions at other agencies. Assistant Executive Director Barris stated that the Department was planning to remove the ethics officer duties from the position and would submit the position for clarification. For these reasons, the staff recommended exemption.
- ?? Regarding Item D and E, the staff recommended a continuance until the next meeting, it having appeared that the organizational chart did not accurately reflect the composition of the BCCS at CMS. Executive Director Stralka stated that the positions that were previously made exempt were not reflected on the organizational chart. Assistant Executive Director Barris stated that there appeared to be the potential for overlap between the proposed positions' policy-making responsibilities and pre-existing 4d(3) exempt positions within BCCS.
- ?? Regarding Item F1-F7, the staff contacted the Department of Public Aid and was informed that the positions report to a statutorily appointed Assistant Director. Assistant Executive Director Barris stated that the action list designated each position by county but that the Department's request designated the city where each regional office was located. Chairmen Kolker inquired about the duties of the regional managers. Assistant Executive Director Barris stated that the positions independently make and implement policy for each position's respective region. For these reasons, the staff recommended exemption.

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IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE(continued)

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

C. Requests for 4d(3) Exemption Continued by the Commission

**The following 4d(3) requests for exemption were continued at the June 16, 2005 meeting until the July 21, 2005 meeting:**

Agency: Central Management Services  
Position Title: Senior Public Service Administrator - Option 3  
Position Number: 40070-37-10-100-00-01  
Bureau/Division: Bureau of Communication and Computer Services  
Agency Relations Program  
Incumbent: Vacant  
Supervisor: Deputy Director Bureau of Communication and  
Computer Services  
Location: Cook County

Agency: Central Management Services  
Position Title: Senior Public Service Administrator - Option 3  
Position Number: 40070-37-10-200-00-01  
Bureau/Division: Bureau of Communication and Computer Services  
Information Technology Division  
Incumbent: Vacant  
Supervisor: Deputy Director Bureau of Communication and  
Computer Services  
Location: Cook County

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IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE(continued)

D. Requests for 4d(3) Exemption Approved by the Commission

**The following 4d(3) requests for exemption were approved at the June 16, 2005 meeting:**

Agency: Department of Revenue  
Position Title: Senior Public Service Administrator  
Position Number: 40070-25-00-100-50-01  
Division: Equal Opportunity/Ethics Officer  
Incumbent: Vacant  
Supervisor: Director  
Location: Sangamon County

Agency: Department of Public Health  
Position Title: Senior Public Service Administrator  
Position Number: 40070-20-06-201-00-11  
Division: Office of the Director – Regional Health Services Mgr.  
Incumbent: Vacant  
Supervisor: Assistant Director of the Department of Public Health  
Location: Rockford

Agency: Department of Public Health  
Position Title: Senior Public Service Administrator  
Position Number: 40070-20-06-202-00-21  
Division: Office of the Director – Regional Health Services Mgr.  
Incumbent: Frederick L. Uhliz  
Supervisor: Assistant Director of the Department of Public Health  
Location: Peoria

Agency: Department of Public Health  
Position Title: Senior Public Service Administrator  
Position Number: 40070-20-06-204-00-41  
Division: Office of the Director – Regional Health Services Mgr.  
Incumbent: John G. Pitzer  
Supervisor: Assistant Director of the Department of Public Health  
Location: Edwardsville

Agency: Department of Public Health  
Position Title: Senior Public Service Administrator  
Position Number: 40070-20-06-205-00-51  
Division: Office of the Director – Regional Health Services Mgr.  
Incumbent: Vacant  
Supervisor: Assistant Director of the Department of Public Health  
Location: Marion

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IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE(continued)

Agency: Department of Public Health  
Position Title: Senior Public Service Administrator  
Position Number: 40070-20-06-206-00-61  
Division: Office of the Director – Regional Health Services Mgr.  
Incumbent: Vacant  
Supervisor: Assistant Director of the Department of Public Health  
Location: Champaign

Agency: Department of Public Health  
Position Title: Senior Public Service Administrator  
Position Number: 40070-20-06-207-00-71  
Division: Office of the Director – Regional Health Services Mgr.  
Incumbent: Vacant  
Supervisor: Assistant Director of the Department of Public Health  
Location: Cook

Agency: Department of Public Health  
Position Title: Senior Public Service Administrator  
Position Number: 40070-20-06-208-00-81  
Division: Office of the Director – Regional Health Services Mgr.  
Incumbent: Vacant  
Supervisor: Assistant Director of the Department of Public Health  
Location: Cook

V. MOTION TO GO INTO EXECUTIVE SESSION

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER RICHARDS AND THE MOTION UNANIMOUSLY ADOPTED TO HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS OF DISMISSAL FILED WITH THE COMMISSION PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4) AND 2(c)(11) OF THE OPEN MEETINGS ACT.**

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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, Suite S-902, Chicago, Illinois.

PRESENT

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

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 May 31, 2005.

	<u>4/30/05</u>	<u>5/31/05</u>
Agriculture	0	1
Central Management Services	5	6
Children & Family Services	10	10
Comm. & Econ. Opportunity	3	3
Employment Security	1	0
Historic Preservation	6	26
Human Services	4	1
Natural Resources	21	25
Property Tax Appeal Board	1	1
Public Aid	10	11
Public Health	2	2
Revenue	1	1
State Fire Marshal	2	3
State Retirement Systems	2	2
Transportation	<u>7</u>	<u>12</u>
Totals	75	104

VIII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

?? **DISCHARGE**

**DA-12-02**

Respondent	Elizabeth Biondi	Appeal Date	9/24/01
Agency	DOR	Decision Date	6/3/05
Type of Appeal	Discharge	ALJ	Daniel Stralka
Charge(s)	Violations of DOR Employee Handbook; Conduct Unbecoming.	Recommended Decision	Charges Partially Proven; ALJ Recommends Discharge.

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL AND BY ROLL CALL VOTE 3-2 THE MOTION ADOPTED TO AFFIRM THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION THAT THE RESPONDENT, ELIZABETH BIONDI, BE DISCHARGED FROM HER POSITION OF REVENUE TAX SPECIALIST II WITH THE DEPARTMENT OF REVENUE, STATE OF ILLINOIS.**

**PETERSON YES                      KOLKER NO  
 EWELL YES                          BUKRABA NO  
 RICHARDSON YES**

?? **DISCHARGE**

**DA-31-05**

Respondent	Chad I. Lavin	Appeal Date	12/6/04
Agency	DOC	Decision Date	6/6/05
Type of Appeal	Discharge	ALJ	Andrew Barris
Charge(s)	Sexual Discrimination; Harassment; Submitting False Incident Report.	Recommended Decision	Charges Partially Proven; ALJ Recommends Discharge.

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER EWELL AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO AFFIRM THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION THAT THE RESPONDENT, CHAD LAVIN, BE DISCHARGED FROM HIS POSITION OF CORRECTIONAL OFFICER WITH THE DEPARTMENT OF CORRECTIONS, STATE OF ILLINOIS.**

VIII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL(continued)

**PETERSON YES                      KOLKER YES**  
**EWELL YES                          BUKRABA YES**  
**RICHARDSON YES**

?? **SUSPENSION**  
**S-100-04**

Respondent	Janine M. Toman	Appeal Date	6/16/04
Agency	CMS	Decision Date	6/6/05
Type of Appeal	Suspension	ALJ	Andrew Barris
Charge(s)	Conduct Unbecoming; Incompetent/Inefficient Performance of Duty; Insubordination.	Recommended Decision	Charges Partially Proven; ALJ Recommends 21 Day Suspension.

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER BUKRABA AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO AFFIRM THE RECOMMENDED DECISION OF THE ADMINISTRATIVE LAW JUDGE TO REDUCE THE 30 DAY SUSPENSION TO A 21 DAY SUSPENSION OF THE RESPONDENT, JANINE M. TOMAN.**

**PETERSON YES                      KOLKER YES**  
**EWELL YES                          BUKRABA YES**  
**RICHARDSON YES**

?? **LAYOFF**  
**LA-54-05**

Petitioner	Charlene Powers	Appeal Date	1/20/05
Agency	Agriculture	Decision Date	5/23/05
Type of Appeal	Layoff	ALJ	Andrew Barris
Charge(s)	Violation of Personnel Rules.	Proposed Finding	ALJ Finds Violation of Sec. 302.520(b)(1) & (b)(3).

**IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER PETERSON AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO REJECT THE PROPOSED FINDING AND REMAND THIS MATTER TO THE ADMINISTRATIVE LAW JUDGE FOR THE PURPOSE OF FURTHER PROCEEDINGS.**

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VIII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL(continued)

**PETERSON YES KOLKER YES**  
**EWELL YES BUKRABA YES**  
**RICHARDSON YES**

?? **DISCHARGE**

**DA-30-05**

Respondent	Curtis W. Gathing	Appeal Date	12/3/04
Agency	DNR	Decision Date	6/7/05
Type of Appeal	Discharge	ALJ	Andrew Barris
Charge(s)	Theft of State Property.	Recommended Decision	Joint Stipulation to Dismiss; ALJ Recommends Dismissal.

**IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER BUKRABA AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE RECOMMENDED DECISION DISMISSING THE APPEAL OF THE RESPONDENT, CURTIS W. GATHING.**

**PETERSON YES KOLKER YES**  
**EWELL YES BUKRABA YES**  
**RICHARDSON YES**

?? **DISMISSAL**

**DA-75-05**

Respondent	Kenneth Hamlin	Appeal Date	5/6/05
Agency	DHS	Decision Date	6/7/05
Type of Appeal	Discharge	ALJ	Andrew Barris
Charge(s)	Sleeping on Duty; Failure to Provide Supervision.	Recommended Decision	Appeal Withdrawn; Dismissed Subject to Commission Approval.

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER PETERSON AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE DISMISSAL OF THE APPEAL OF THE RESPONDENT, KENNETH HAMLIN.**

**PETERSON YES KOLKER YES**  
**EWELL YES BUKRABA YES**  
**RICHARDSON YES**

IX. APPEALS TERMINATED WITHOUT DECISION

?? DISMISSAL

AA-17-05

Petitioner	Diana Jo Higgeson	Appeal Date	9/13/04
Agency	DOR	Decision Date	6/7/05
Type of Appeal	Allocation	ALJ	Andrew Barris
Charge(s)	Violation of Personnel Rules	Proposed Finding	Appeal Withdrawn; Dismissed Subject to Commission Approval.

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY CHAIRMAN KOLKER AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO REJECT THE PROPOSED FINDING AND REMAND THIS MATTER TO THE ADMINISTRATIVE LAW JUDGE FOR THE PURPOSE OF FURTHER PROCEEDINGS.

PETERSON YES                      KOLKER YES  
 EWELL YES                          BUKRABA YES  
 RICHARDSON YES

?? DISMISSAL

RV-80-05

Petitioner	Marcos Deleon	Appeal Date	1/15/05
Agency	DHS	Decision Date	6/7/05
Type of Appeal	Rule Violation	ALJ	Andrew Barris
Charge(s)	Violation of Personnel Rules	Proposed Finding	Default-Failure to Provide Information; Dismissed Subject to Commission Approval.

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER EWELL AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO REJECT THE PROPOSED FINDING AND REMAND THIS MATTER TO THE ADMINISTRATIVE LAW JUDGE FOR THE PURPOSE OF FURTHER PROCEEDINGS.

PETERSON YES                      KOLKER YES  
 EWELL YES                          BUKRABA YES  
 RICHARDSON YES

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X. AMENDMENTS IN CLASS SPECIFICATIONS

**A-D. The following class titles were submitted for establishment by the Director of Central Management Services:**

Proposed Position Titles

Capital Development Board Account Technician  
Capital Development Board Construction Support Analyst  
Capital Development Board Media Technician  
Capital Development Board Project Technician

**Recommendation For Commission Action**

Assistant Executive Director Andrew Barris addressed the Commission regarding the following proposed amendments to class specifications: Capital Development Board Account Technician, Capital Development Board Construction Support Analyst, Capital Development Board Media Technician and the Capital Development Board Project Technician. Barris stated that he spoke to John Logsdon at CMS regarding the applicability of 20 ILCS 415/4b. Logsdon stated that the nature and responsibilities of the proposed class specifications indicate that these classes should be subject to the Personnel Code. Logsdon stated that there were no objections from union representatives to subjecting the proposed specifications to the Personnel Code.

**IT WAS MOVED BY CHAIRMAN KOLKER SECONDED BY COMMISSIONER RICHARDS AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE ESTABLISHMENT OF THE FOLLOWING CLASS SPECIFICATIONS FOR THE FOLLOWING CLASS TITLES (A-D) TO BE EFFECTIVE JULY 1, 2005.**

**Capital Development Board Account Technician**  
**Capital Development Board Construction Support Analyst**  
**Capital Development Board Media Technician**  
**Capital Development Board Project Technician**

**E. The following class titles were submitted for abolishment by the Director of Central Management Services:**

Proposed Position Titles

Elections Specialist 1  
Elections Specialist 2  
Elections Specialist 3

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X. AMENDMENTS IN CLASS SPECIFICATIONS (continued)

**Recommendation For Commission Action**

Assistant Executive Director Barris addressed the Commission regarding the proposed position titles Elections Specialist 1, 2, and 3. Barris stated that Public Act 93 -1091 removed the State Board of Elections from the jurisdiction of the Personnel Code. For this reason, the three class specifications of Elections Specialist 1, 2, and 3 were no longer required and abolition of the classes was appropriate.

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY CHAIRMAN KOLKER AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE ABOLISHMENT OF THE CLASS SPECIFICATIONS FOR THE FOLLOWING CLASSES TO BE EFFECTIVE JULY 1, 2005.**

**Elections Specialist 1**

**Elections Specialist 2**

**Elections Specialist 3**

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

XI. STAFF REPORT

Executive Director Daniel Stralka reported that the FAQ section of the website is now functional.

Executive Director Daniel Stralka reported that he met with the new labor attorney at CMS and discussed several items of mutual interest. She indicated that there will be an upcoming statewide labor conference at which she offered to include the C SC as a presenter.

Executive Director Daniel Stralka reported that the state has implemented a new equivalent earned time policy to benefit employees who work more than 40 hours in a workweek effective July 1, 2005.

Executive Director Daniel Stralka reported on the progress in rebuilding the facade at the Commission's Springfield office.

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XII. ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, July 21, 2005 at 9:00 a.m. in the Commission's Chicago Office.

XIII. MOTION TO ADJOURN

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER EWELL AND THE MOTION UNANIMOUSLY ADOPTED TO ADJOURN THE MEETING AT 10:50 P.M.**