

June 19, 2008

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
June 19, 2008

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

II. PRESENT

Chris Kolker, Chairman; Raymond W. Ewell, Barbara J. Peterson (via telephone), Betty A. Bukraba, and Ares G. Dalianis, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director; Jan Oncken, Central Management Services; Cynthia Moreno, Department of Children & Family Services; John McCaffrey, Department of Revenue; Jack Munzer, Shared Services Center; and Liz Nicholson and Dan Flanagan, Department of Employment Security.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD MAY 16, 2008

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 5-0 TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON MAY 16, 2008.

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	159.....	9
Agriculture	456.....	16
Arts Council.....	22.....	2
Capitol Development Board	36.....	0
Central Management Services	1,521.....	106
Children and Family Services.....	3,189.....	47
Civil Service Commission	4.....	0
Commerce & Economic Opportunity	421.....	67
Commerce Commission.....	70.....	0
Corrections.....	11,738.....	109
Criminal Justice Authority.....	55.....	6
Deaf and Hard of Hearing Comm.	6.....	1
Developmental Disabilities Council	9.....	1
Emergency Management Agency	96.....	2
Employment Security.....	1,643.....	24
Environmental Protection Agency	1,013.....	19
Financial & Professional Regulation	740.....	49
Guardianship and Advocacy	111.....	7
Healthcare and Family Services.....	2,430.....	29
Historic Preservation Agency	236.....	12
Human Rights Commission	12.....	2
Human Rights Department	149.....	9
Human Services	14,736.....	68
Investment Board.....	3.....	2
Juvenile Justice	1,191.....	18
Labor.....	81.....	7
Labor Relations Board Educational	12.....	2
Labor Relations Board State	20.....	2
Law Enforcement Training & Standards Bd.....	20.....	1
Medical District Commission	2.....	0
Military Affairs	124.....	3
Natural Resources	1,528.....	22
Pollution Control Board.....	19.....	2
Prisoner Review Board	21.....	0
Property Tax Appeal Board	26.....	1
Public Health.....	1,135.....	38
Revenue	2,148.....	65
State Fire Marshal	155.....	13
State Police	1,442.....	6
State Police Merit Board.....	6.....	1
State Retirement Systems	84.....	1
Transportation.....	2,535.....	0
Veterans' Affairs.....	1,127.....	6
Workers' Compensation Commission	168.....	10
TOTALS	50,699.....	785

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.

* * *

C. Requests for 4d(3) Exemption

Before addressing Items C and M1-M3, all of which are deputy general counsel positions in the Department of Revenue, Executive Director Daniel Stralka noted that historically, the Commission only started approving 4d(3) principal policy exemption for deputy general counsels approximately five years ago. Most attorneys that function as “legal or technical advisors” have been partially exempt pursuant to Section 4d(5) of the Personnel Code which essentially allows an agency to hire them at will but they then become Personnel Code covered at the conclusion of their probationary period. The Commission has granted 4d(3) exemption to attorneys in the past when the position description sets forth some independent source of principal policy exemption exclusive of the “legal or technical advisor” function inherent in the position.

- With regard to Item M1, Executive Director Stralka reported that the agency requested withdrawal of the request.
- With regard to Item C, Executive Director Stralka reported that this position is the Deputy General Counsel for Litigation, a position that reports to the General Counsel, who reports to the Director. To meet the reporting requirement, the General Counsel would have to be considered the equivalent of a statutory assistant director. This position is responsible for managing all external litigation of the agency. It has significant independent decision-making authority to bind the agency to a course of action in such litigation including the authority to make, reject, or accept settlement proposals. For these reasons, Staff recommended approval of this request.
- With regard to Item M2, Executive Director Stralka reported that this position is the Deputy General Counsel for Income Tax Litigation, a position that reports to the General Counsel, who reports to the Director. To meet the reporting requirement, the General Counsel would have to be considered the equivalent of a statutory assistant director. In discussing this position with the agency, the general counsel described how it was his overall goal to have two deputy general counsels report to him in what are probably the agency’s primary program areas – Income Tax, and Sales and Excise Tax. One position would focus on policy in these areas while the other would be responsible for internal litigation. This would be the internal litigation position for income tax. Staff reviewed current 4d(3) exempt positions in the agency and did not find any that address policy in these two programmatic areas. With the proviso that the approval of policy-based positions under the General Counsel may likely preclude any future 4d(3) policy positions in these program areas that report to the Director, Staff recommended approval of this request.
- With regard to Item M3, Executive Director Stralka reported that this request is for the Deputy General Counsel for Special Counsel Office, a position that reports to the General Counsel who reports to the Director. To meet the reporting requirement, the General Counsel would have to be considered the equivalent of a

statutory assistant director. This position essentially functions as a legal or technical advisor to various agency officials – all of whom it appears are already 4d(3) exempt – in various non-programmatic areas such as procurement, labor relations, and equal employment opportunity. This position does not have any agency-centric program policy responsibilities. It has been represented to the Commission Staff that this position will be functioning as a Deputy General Counsel and all the other Deputy General Counsels are 4d(3) exempt. For purposes of uniformity the agency is seeking similar status for this position. While noting the legitimacy of this goal, the statutory scheme established by the general assembly mandates that this position remain an exception. Executive Director Stralka also noted that the General Counsel has another attorney reporting directly to him that is not 4d(3) exempt and exemption for that position has not been sought, though this attorney is classified as an Assistant General Counsel and not a Deputy General Counsel. In addition, Staff is hesitant to create a precedent for such non-programmatic attorney positions to receive 4d(3) exemption. For these reasons, Staff recommended denial of this request.

John McCaffrey, General Counsel for the Department of Revenue was present to add to or correct the Staff presentation and respond to any questions. He first addressed Item C, noting that this position has independent settlement authority up to \$250,000 and that there are 182 pending cases it is responsible for worth approximately \$310,000,000. In general, each Deputy General Counsel has this settlement authority while the general counsel has settlement authority up to \$2,000,000. Settlements above that amount must be approved by the Director.

As to Item M2, he noted that this position supervises the Litigation Staff that practice in the Department of Revenue's administrative hearing area. The pending caseload is 150 cases worth \$262,000,000. This process is in lieu of proceedings in the Circuit Court. This position also has independent settlement authority up to \$250,000.

As to Item M3, he noted how this position fits in the overall legal organizational structure of the Department of Revenue with similar independent settlement authority for Equal Employment Opportunity matters. This position provides legal advice for procurement issues and also "deals with" conflicts, disclosure, subpoenas, and Freedom of Information Act requests. Chairman Kolker addressed several questions to the level of independent authority the position has to bind the agency.

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 5-0 TO GRANT THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

The following 4d(3) exemption requests were granted on June 19, 2008:

C. Illinois Department of Revenue

Position Number	40070-25-07-210-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Legal Services
Functional Title	Deputy General Counsel-Litigation
Incumbent	None
Supervisor	General Counsel who reports to the Director
Location	Cook County

M2. Illinois Department of Revenue

Position Number	40070-25-07-210-20-01
Position Title	Senior Public Service Administrator
Bureau/Division	Legal Services
Functional Title	Deputy General Counsel, Income Tax Litigation
Incumbent	Brian E. Fliflet
Supervisor	General Counsel, who reports to the Director
Location	Cook County

CHAIRMAN KOLKER MOVED TO GRANT THE 4D(3) EXEMPTION REQUEST FOR ITEM M3. THIS MOTION FAILED FOR LACK OF A SECOND.

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 4-1 TO DENY THE REQUEST FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITION:

The following 4d(3) exemption request was denied on June 19, 2008:

M3. Illinois Department of Revenue

Position Number	40070-25-07-100-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Legal Services
Functional Title	Deputy General Counsel, Special Counsel Office
Incumbent	George E. Logan
Supervisor	General Counsel, who reports to the Director
Location	Sangamon County

June 19, 2008

- With regard to Items D-F, Executive Director Stralka reported that these requests are for the following positions within the Administrative & Regulatory Shared Services Center:
 1. Projects Director
 2. Project Communications Manager
 3. Risk Assessment Project Manager

The Projects Director reports to the Shared Services Center Director. This requires treatment of the Shared Services Center Director to be treated as the equivalent of an agency director.

With regard to the latter two positions, they will be reporting to the Projects Director. To meet the reporting requirement, this is similar in an agency to a Deputy Director who is the equivalent of a statutory Assistant Director. This also requires treatment of the Shared Services Center Director to be treated as the equivalent of an agency director.

Similar Projects Director and Risk Assessment Project Manager positions were previously granted exemption by the Commission for the Public Safety Shared Services Center. As to the Projects Director, it has principal policy responsibility over a number of projects surrounding the implementation of the shared service center. As to the Risk Assessment position, it has principal policy responsibilities, it has similar responsibilities related to overall project risk identification and mitigation, and its exemption in Public Safety was limited to 24 months. The Project Communications Manager is a new position that will function in a similar manner as an agency's Media Administrator position, a position that has previously been granted 4d(3) exemption by the Commission. For these reasons, Staff recommended approval of these requests, but with a 24 month limitation for both the Risk Assessment and Project Communications positions.

To restate what was previously acknowledged by all parties in the past, the continued exemption of many positions within the subordinate agencies as well as some of those in the Shared Services Centers will be re-examined as the project is completed.

Jack Munzer, Shared Services Projects Director/Associate Director, was present to correct or add to the Staff presentation, and to respond to any questions the Commission had. He confirmed that there are no more anticipated requests for 4d(3) exemptions from either the Administrative & Regulatory Shared Services Center or the Public Safety Shared Services Center.

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 5-0 TO GRANT THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS (ITEMS E AND F WERE GRANTED FOR A PERIOD OF 24 MONTHS):

The following 4d(3) exemption requests were granted on June 19, 2008:

D. Illinois Department of Revenue

Position Number	40070-25-12-400-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Administrative & Regulatory (A&R) Shared Services Center
Functional Title	Projects Director
Incumbent	None
Supervisor	Director of the A&R Shared Services Center
Location	Sangamon County

E. Illinois Department of Revenue (for 24 months)

Position Number	40070-25-12-410-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Administrative & Regulatory (A&R) Shared Services Center
Functional Title	Project Communications Manager
Incumbent	None
Supervisor	A&R Shared Services Center Project Director, who reports to the Director of the A&R Shared Services Center
Location	Sangamon County

F. Illinois Department of Revenue (for 24 months)

Position Number	40070-25-12-420-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Administrative & Regulatory (A&R) Shared Services Center
Functional Title	Risk Assessment Project Manager
Incumbent	None
Supervisor	A&R Shared Services Center Project Director, who reports to the Director of the A&R Shared Services Center
Location	Sangamon County

- With regard to Item I, Executive Director Stralka reported that this request is for the Manager of General Services, a position that reports to the Deputy Director of Administration, who reports to the Director. To meet the reporting requirement, the Deputy Director of Administration would be considered the equivalent of a statutory assistant director. This position has responsibilities which are non-programmatic to the agency and duplicative of its superior. In addition, there are federal funding issues which potentially preclude approval of this request. The agency has acknowledged these issues and conceded the position is not appropriate for 4d(3) exemption. For these reasons, Staff recommended denial of this request.

Liz Nicholson, Deputy Director-Administration, and Dan Flanagan, Assistant General Counsel, were present to correct or add to the Staff presentation, and to respond to any questions the Commission had. Chairman Kolker inquired why the agency was making the request in light of the acknowledged deficiencies. The request was made due to the incumbent's term being up for renewal and the need to seek 4d(3) exemption before this position's term could be renewed.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED 5-0 TO DENY THE REQUEST FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITION:

The following 4d(3) exemption request was denied on June 19, 2008:

I. Illinois Department of Employment Security

Position Number	40070-44-12-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Administration
Functional Title	Manager of General Services
Incumbent	John T. Rogers
Supervisor	Deputy Director of Administration, who reports to the Director
Location	Cook County

- With regard to Item J, Executive Director Stralka reported that this request is for the Director of the Bureau of Pharmacy and Clinical Support Services. On the morning of the meeting, the Commission received an e-mail from the incumbent indicating he may possibly be objecting to the exemption request. For that reason, it was agreed to continue this request.
- With regard to Items K1-K6, Executive Director Stralka reported that these requests are for the Regional Executive Directors of six separate regions of the Department of Human Services, a position formerly referred to as a Network Manager. These positions report to the Director of the Mental Health Division which would be considered the equivalent of a statutory assistant director, who in turn reports to the Secretary. An equivalent position was first submitted to the

Commission for approval at its May meeting at which time the agency advised that these positions would be submitted in the near future. The exemption for the equivalent position was granted in May based upon the position's principal policy implementing responsibilities in its geographic region of all aspects of the agency's mental health program. Each region contains at least one mental health hospital as well as other community based programs. The decisions this Regional Executive Director makes are subject to reversal only by the Director of the Mental Health Division. Executive Director Stralka noted that this superior position is the equivalent of what was previously the Director of the Department of Mental Health, an independent state agency prior to its consolidation into what is now the Department of Human Services.

Executive Director Stralka restated the Commission's concern that the exemption of these positions would actually give the agency two 4d(3) exempt positions in each region. Where the Commission has granted 4d(3) exemption to regional positions, it has never granted more than one per region. The agency explained that the other 4d(3) exempt position is in the Division of Human Capitol Development, a program separate and distinct from mental health. In fact, the Human Capitol Development Program essentially performs the functions of the predecessor, Department of Public Aid, which was another of the agencies merged into Department of Human Services. The agency also indicated that it did not anticipate requesting any additional 4d(3) exempt regional positions.

Based on the above explanation, and recognizing that this is not setting any precedent for approving more than one principal policy exempt position for any agency region, Staff recommended approval of these requests.

- With regard to Item L, Executive Director Stralka reported that this request is for the Director of the Office of Resource Conservation, a position that reports to the agency Director. This position has principal policy responsibility for the agency's Wildlife, Natural Heritage, Forestry and Fisheries programs, and sub-programs under each of these through subordinate managers. For these reasons, Staff recommended approval of this request. Commissioner Bukraba noted the absence of an agency representative for this request.

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 5-0 TO CONTINUE AND GRANT THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

The following 4d(3) exemption request was continued on June 19, 2008:

J. Illinois Department of Human Services

Position Number	40070-10-89-200-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Mental Health & Developmental Disabilities
Functional Title	Director, Bureau of Pharmacy and Clinical Support
Incumbent	Randy D. Malan
Supervisor	Administrator of Mental Health & Developmental Disabilities, who reports to the Assistant Secretary, who reports to the Secretary
Location	Sangamon County

The following 4d(3) exemption requests were granted on June 19, 2008:

K1. Illinois Department of Human Services

Position Number	40070-10-77-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Mental Health
Functional Title	Regional Executive Director, Alton Mental Health Center
Incumbent	None
Supervisor	Director of Mental Health, who reports to the Assistant Secretary, who reports to the Secretary
Location	Madison County

K2. Illinois Department of Human Services

Position Number	40070-10-81-000-00-21
Position Title	Senior Public Service Administrator
Bureau/Division	Mental Health
Functional Title	Regional Executive Director, Elgin Mental Health Center
Incumbent	None
Supervisor	Director of Mental Health, who reports to the Assistant Secretary, who reports to the Secretary
Location	Kane County

K3. Illinois Department of Human Services

Position Number	40070-10-82-000-00-21
Position Title	Senior Public Service Administrator
Bureau/Division	Mental Health
Functional Title	Regional Executive Director, Madden Mental Health Center
Incumbent	Gustavo P. Espinosa
Supervisor	Director of Mental Health, who reports to the Assistant Secretary, who reports to the Secretary
Location	Cook County

K4. Illinois Department of Human Services

Position Number	40070-10-83-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Mental Health
Functional Title	Regional Executive Director, McFarland Mental Health Center
Incumbent	Jordan J. Litvak
Supervisor	Director of Mental Health, who reports to the Assistant Secretary, who reports to the Secretary
Location	Sangamon County

K5. Illinois Department of Human Services

Position Number	40070-10-84-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Mental Health
Functional Title	Regional Executive Director, Singer Mental Health Center
Incumbent	Michael S. Pelletier
Supervisor	Director of Mental Health, who reports to the Assistant Secretary, who reports to the Secretary
Location	Winnebago County

K6. Illinois Department of Human Services

Position Number	40070-10-85-000-00-21
Position Title	Senior Public Service Administrator
Bureau/Division	Mental Health
Functional Title	Regional Executive Director, Tinley Park Mental Health Center
Incumbent	Brenda P. Hampton
Supervisor	Director of Mental Health, who reports to the Assistant Secretary, who reports to the Secretary
Location	Cook County

L. Illinois Department of Natural Resources

Position Number	40070-12-40-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Resource Conservation
Functional Title	Resource Conservation Administrator
Incumbent	None
Supervisor	Director
Location	Sangamon County

- With regard to Item G, Executive Director Stralka Executive Director Stralka reported that this request is for the Associate Deputy Director of Health Policy, a position that reports to the Deputy Director of Health Policy, who reports to the Chief of Staff, who reports to the Director. Even treating the Chief of Staff as the equivalent of a statutory assistant director, this position is three levels removed from the Director which means it fails to meet the reporting requirement. In addition, the functions set forth in the position description significantly duplicate those of its superior which is already 4d(3) exempt. When asked to identify functions that qualify this position for a principal policy exemption, the agency referred to “a small area which specializes in health policy” and highlighted its efforts in “coordinating” and “chairing” workgroups on various topics. Nowhere was it indicated the extent that this position has any independent authority to implement the product of these workgroups. Since the agency was unable to point to any principal programmatic responsibilities of the position, Staff recommended denial of this request.

Cynthia Moreno, Deputy Director of Health Policy, was present to correct or add to the Staff presentation and to respond to any questions the Commission had. She is the immediate supervisor of the requested position. A discussion ensued with all the Commissioners regarding the merits of this request during which she acknowledged that the position would not have any independent decision making authority and would only make recommendations for policy matters to Ms. Moreno. Chairman Kolker explained to Ms. Moreno the significance of requested positions being principal policy developers or effectuators.

- With regard to Item H, Executive Director Stralka reported that this request is for the Manager of the Office of Federal Financial Participation, a position that reports to the Deputy Director of Budget and Finance, who reports to the Director. To meet the reporting requirement, the Deputy Director of Budget and Finance would be considered the equivalent of a statutory Assistant Director. This position manages the Office of Reimbursement and Benefits, a program of the agency that is responsible for determining Medicaid and Emergency Assistance eligibility for wards of the State without any other intervening authority. As such, it is responsible for close to \$300,000,000 in federal reimbursements annually from the Federal government. Approving this request would result in two principal policy exempt positions under the Deputy Director of Budget and Finance, in the Department of Children & Family Services, and no other agency

has as many. While the agency was “reluctant” to indicate it does not anticipate any future requests in this program area, it is the Commission Staff’s position that any additional requests under this position would potentially dilute the basis of the exemption for the presently exempt Associate position. With that limitation and for these reasons, Staff recommended approval of this request.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED 5-0 TO DENY AND GRANT THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

The following 4d(3) exemption request was denied on June 19, 2008:

G. Illinois Department of Children & Family Services

Position Number	40070-16-25-200-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Service Intervention
Functional Title	Associate Deputy Director of Health Policy
Incumbent	Debra Kinsey
Supervisor	Deputy Director of Service Intervention, who reports to the Director
Location	Sangamon County

The following 4d(3) exemption request was granted on June 19, 2008:

H. Illinois Department of Children & Family Services

Position Number	40070-16-20-300-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Budget & Finance
Functional Title	Manager of the Office of Federal Financial Participation
Incumbent	Nancy T. Haber
Supervisor	Deputy Director of Budget and Finance, who reports to the Director
Location	Sangamon County

V. CLASS SPECIFICATIONS

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

A. Position Title: Architect

Analysis: Assistant Executive Director Barris reported that an out-of-state job applicant recently appealed a failing grade remitted by Central Management Services' Division of Examining regarding an Architect position posting. The applicant possesses an architect's license in several states, including Illinois, and has been a practicing architect for thirty years. He received the failing grade notice in regard to employment eligibility because he does not have the bachelor's degree in architecture as required by the current Architect class specification. The Architect class specification desirable requirements are excerpted here:

- Requires a bachelor's degree in architecture.
- Requires two years progressively responsible professional experience in architecture.
- Requires possession of a valid Illinois certificate as a registered architect.
- May require education and experience specific to the field of historic architecture or preservation, such as one year of full-time professional experience applying the theories, methods, and practices of architecture to the identification, evaluation, registration, documentation, and treatment of historic properties in the United States and its territories; and completion of products or activities that demonstrate the successful application of acquired proficiencies in the discipline to the practice of historic preservation.

The proposed revisions are:

- Remove the bachelor's degree in architecture requirement, and
- Remove the two years progressively responsible experience in architecture requirement.

According to the Illinois Department of Financial and Professional Regulation (DFPR), current potential licensees are obliged to meet these initial requirements to become a licensed architect in Illinois. Thus, any educational or experiential requirements are satisfied when the applicant obtains the license and are not intended to serve as separate conditions of employment eligibility. In this regard, specifying the education and experience requirements as well as the licensure requirement is unnecessary. Additionally, the education and experience requirements by which licensure have been issued to architects have not always been the same (per Section 1150 Appendix B of Title 68, Chapter 8, and Subchapter b: PROFESSIONS AND OCCUPATIONS). The standards by which a person becomes a registered architect in Illinois have been different in previous years and may change in the future. The proposed revisions recognize and provide for the variances that may occur over time in regard to the statutes governing the regulation of professions such as architecture.

The removal of the aforementioned requirements will resolve the following issues:

- A person already in possession of a certificate as a registered architect in Illinois will not be disqualified from employment eligibility if he/she does not have a bachelor's degree in architecture and two years of experience.
- Licensure in Illinois as a registered architect will be established as the standard for employment eligibility as an architect in the state of Illinois regardless of changes to the conditions for licensure.

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 5-0 TO APPROVE THE REVISION OF THE FOLLOWING CLASS TITLE TO BE EFFECTIVE JULY 1, 2008:

Architect (revised).

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 5-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.

VI. MOTION TO GO INTO EXECUTIVE SESSION

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER DALIANIS, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0 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	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

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 10:47 a.m.

PRESENT

Chris Kolker, Chairman; Raymond W. Ewell, Barbara J. Peterson (via telephone), Betty A. Bukraba, and Ares G. Dalianis, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris, Assistant Executive Director.

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	4/30/08	5/31/08	5/31/07
Agriculture	2	2	1
Arts Council	1	1	0
Central Management Services	5	6	6
Children and Family Services	5	12	4
Commerce and Economic Opportunity	0	0	1
Employment Security	1	2	1
Financial and Professional Regulation	1	1	0
Healthcare and Family Services	16	15	19
Historic Preservation	0	0	11
Human Services	6	7	4
Natural Resources	0	21	19
Property Tax Appeal Board	1	1	2
Public Health	0	0	0
State Police	1	1	0
State Retirement Systems	0	0	1
Transportation	5	10	30
Veteran's Affairs	1	1	2
Workers' Compensation Commission	0	0	1
Totals	45	80	102

IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

• DISCHARGE

DA-44-07

Employee	Evelyn Williams	Appeal Date	6/11/07
Agency	DHS	Decision Date	6/06/08
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Verbal and physical abuse to patient; conduct unbecoming	Recommended Decision	Charges partially proven and warrant 30-day suspension.

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER PETERSON, AND BY ROLL CALL VOTE OF 3-2 THE MOTION ADOPTED TO MODIFY, AFFIRM, AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION. CHARGE 1 RELATES TO THE ALLEGED VERBAL ABUSE AND HAS BEEN PROVEN. THERE WAS CORROBORATING EVIDENCE TO SUPPORT THAT PROFANITY WAS USED. CHARGE 2 RELATES TO THE ALLEGED PHYSICAL ABUSE AND HAS NOT BEEN PROVEN. EVEN THOUGH SPENCER TESTIFIED THAT SHE SAW WILLIAMS STRIKE THE ATTACKING PATIENT, THERE WAS NO CORROBORATING TESTIMONY FROM OTHER WITNESSES WHO WOULD HAVE BEEN IN A POSITION TO DO SO. WILLIAMS DENIED STRIKING THE PATIENT OR PULLING HER HAIR. THERE WAS NO EVIDENCE THAT THE PATIENT WAS INJURED BY THE ALLEGED STRIKING OR HAIR PULLING. THIS IS NOT THE FIRST INCIDENT OF DISCIPLINE WILLIAMS HAS RECEIVED FOR ABUSE OF A PATIENT – THERE WERE THREE SPREAD OVER A PERIOD OF TEN YEARS, WITH THE MOST RECENT BEING A 60-DAY SUSPENSION. GIVEN HER VERBAL REACTION TO THE INCIDENT IN CHARGE 1, HER PAST PERFORMANCE RECORD, AND CONSIDERING HER 18 YEARS OF SERVICE, A 90-DAY SUSPENSION, NOT A 30-DAY SUSPENSION IS THE APPROPRIATE PENALTY.

KOLKER	NO	EWELL	YES
PETERSON	YES	DALIANIS	NO
BUKRABA	YES		

- **DISCHARGE**

DA-4-08

Employee	Eunice D. Smith	Appeal Date	8/07/07
Agency	DCFS	Decision Date	6/06/08
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Falsification of information; conduct unbecoming; poor work performance	Recommended Decision	Charges partially proven and warrant 10-day suspension.

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DALIANIS, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION. CHARGE I RELATES TO FALSIFICATION OF INFORMATION ON A TIME REPORT. THIS CHARGE WAS PROVEN; HOWEVER, THERE WERE MITIGATING CIRCUMSTANCES INCLUDING THE FAILURE OF PERTEET TO ENTER THE VACATION TIME INTO THE COMPUTER, THE HURRIED MANNER IN WHICH SMITH WAS REQUESTED TO VERIFY HER TIME, CORRECTIONS IN TIME REPORTS WERE A COMMON OCCURRENCE, AND THE LACK OF EVIDENCE THAT SMITH CONSPIRED WITH BLAKE TO DEFRAUD THE AGENCY. CHARGE II.A RELATES TO THE ALLEGED OBSTRUCTION OF AN OFFICE OF INSPECTOR GENERAL (OIG) INVESTIGATION BY SUBMITTING A REQUEST TO ALTER HER TIME REPORT. THIS CHARGE IS PROVEN; HOWEVER, THE FAILURE OF THE OIG INVESTIGATORS TO INSTRUCT SMITH VERBALLY TO NOTIFY THEM ABOUT ANYTHING RELATED TO THE TIME REPORT AT ISSUE (WHICH THEY NEGLECTED TO SHOW TO HER AT HER INTERVIEW FOR REASONS WHICH NEITHER INVESTIGATOR COULD RECALL AT THE HEARING) IS A MITIGATING FACTOR. CHARGE II.B RELATES TO HER ALLEGED FAILURE TO COOPERATE WITH OIG INVESTIGATORS BY REFUSING TO PROVIDE THE NAME OF A MASSEUSE WHO PROVIDED MASSES FOR SOME EMPLOYEES. THIS CHARGE IS NOT PROVEN. THE TESTIMONY FROM SMITH INDICATED SHE DID NOT RECALL THE NAME OF THE MASSEUSE. SHE DID NOT REFUSE TO ANSWER THIS QUESTION AND THERE WAS NO TESTIMONY THAT EITHER OF THE INVESTIGATORS ASKED IF SMITH COULD FIND OUT THE NAME AND LET THEM KNOW. CHARGE III INVOLVES THE ALLEGED POOR WORK PERFORMANCE WHEN SMITH APPROVED TIME OFF FOR FOUR OF THE FIVE CHILD PROTECTION INVESTIGATORS TO ATTEND A WEEKEND TRIP WITHOUT ENSURING THE TEAM WAS STAFFED FOR THE FRIDAY BEFORE MEMORIAL DAY WEEKEND. THIS CHARGE WAS NOT PROVEN. THE EVIDENCE ESTABLISHED THERE WAS ADEQUATE COVERAGE FOR THE FRIDAY BEFORE MEMORIAL DAY AND THAT SMITH HAD TAKEN ADEQUATE STEPS UTILIZING ANOTHER TEAM TO PROVIDE COVERAGE. GIVEN SMITH'S POSITIVE PERFORMANCE RECORD, HER

22+ YEARS OF CONTINUOUS SERVICE, UNBLEMISHED DISCIPLINE HISTORY, AND OTHER MITIGATING CIRCUMSTANCES SET FORTH IN THE RECOMMENDED DECISION, A 10-DAY SUSPENSION IS THE APPROPRIATE PENALTY.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

X. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

• DISMISSED

DA-15-08

Employee	A. Maria Nanos	Appeal Date	10/29/07
Agency	DCFS	Decision Date	05/09/08
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Conduct unbecoming; provided false information; sent inappropriate e-mail regarding traffic ticket; provided false information to OIG	Recommended Decision	Dismissed; withdrawn (settled).

• DISMISSED

DA-31-08

Employee	Dan Cain	Appeal Date	1/09/08
Agency	DHS	Decision Date	5/21/08
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Falsified application, reports, ACT database records; travel vouchers; failed to cooperate with OEIG investigation	Recommended Decision	Dismissed; withdrawn (settled).

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY CHAIRMAN KOLKER, AND BY ROLL CALL VOTE OF 5-0, THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGES' RECOMMENDED DECISIONS TO DISMISS THE NANOS AND CAIN APPEALS.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

XI. STAFF REPORT

Assistant Executive Director Andrew Barris reported that if the Commissioners' salary increases approved by the Merit Compensation Commission are not disapproved by identical language from both the House and the Senate, the increases would be effective (retroactively, if necessary) on July 1, 2008, contingent on appropriation.

Executive Director Daniel Stralka reported that the Commission's FY09 appropriation had passed both the House and Senate but had not yet been sent to the Governor.

Executive Director Daniel Stralka solicited input from the Commissioners on the revised format for Recommended Decisions, who in general were supportive of the change.

Executive Director Daniel Stralka solicited input from the Commissioners with regard to the level of representation in Administrative Review actions in which the Commission is named a party. For the most part, it has been the practice of the Commission to file the record on appeal in such actions and then rely on the prevailing party to defend the Commission's decision. After discussion, it was the consensus of the Commissioners that the Commission as a rule should request aggressive representation of its position when Administrative Review actions contesting the Commission's decisions are filed.

XII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular meeting to be held on Thursday, July 17, 2008 at 9:00 a.m. in the Commission's Chicago office.

XIII. MOTION TO ADJOURN

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 11:00 A.M.