

June 21, 2007

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
June 21, 2007

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

II. PRESENT

Chris Kolker, Chairman; Raymond W. Ewell, Barbara J. Peterson, Betty A. Bukraba, and Ares G. Dalianis, Commissioners; Daniel Stralka, Executive Director; Andrew Barris of the Commission staff; Jan Oncken, Central Management Services, Jodie Winnett, Illinois Department of Revenue, Rebecca Shuster and Jesse Montgomery, Illinois Department of Corrections, Andy Fox, Illinois Department of Financial and Professional Regulation, Tina Neely, Bill Edley, Dave Hunt and Jack Munzer, Shared Services Centers.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD MAY 17, 2007

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER PETERSON AND THE MOTION ADOPTED 5-0 TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON MAY 17, 2007.

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

A. Report on Exempt Positions

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging	150.....	9
Agriculture	465.....	17
Arts Council.....	21.....	2
Capitol Development Board	32.....	0
Central Management Services	1,586.....	111
Children and Family Services.....	3,298.....	41
Civil Service Commission	4.....	0
Commerce & Economic Opportunity	425.....	64
Commerce Commission.....	51.....	0
Corrections.....	12,274.....	102
Criminal Justice Authority	58.....	6
Deaf and Hard of Hearing Comm.	6.....	1
Developmental Disabilities Council	10.....	1
Emergency Management Agency	105.....	1
Employment Security.....	1,675.....	25
Environmental Protection Agency	1,057.....	18
Financial & Professional Regulation	786.....	45
Guardianship and Advocacy	112.....	7
Healthcare and Family Services.....	2,401.....	29
Historic Preservation Agency	308.....	11
Human Rights Commission	8.....	2
Human Rights Department	157.....	8
Human Services	14,584.....	66
Investment Board.....	4.....	2
Juvenile Justice	1,276.....	18
Labor.....	73.....	8
Labor Relations Board Educational	14.....	2
Labor Relations Board Local	1.....	0
Labor Relations Board State	19.....	2
Law Enforcement Training & Standards Bd.....	20.....	1
Medical District Commission	2.....	0
Military Affairs	140.....	3
Natural Resources	1,599.....	27
Pollution Control Board.....	26.....	3
Prisoner Review Board	22.....	0
Property Tax Appeal Board	24.....	2
Public Health.....	1,090.....	35
Revenue	2,062.....	63
State Fire Marshal.....	159.....	11
State Police	1,481.....	6
State Police Merit Board.....	5.....	1
State Retirement Systems	79.....	1
Transportation.....	2,688.....	1
Veterans' Affairs.....	1,163.....	5
Workers' Compensation Commission	174.....	11
TOTALS	51,694.....	768

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

- With regard to Item C, after resolving a number of issues related to this request, Executive Director Daniel Stralka noted for the agency some unforeseen ramifications this reorganization would have on the continued exemption of subordinate positions. The agency requested additional time to clarify several job descriptions so it was agreed to continue this for another month. Commissioner Bukraba questioned the number of current vacant 4d(3) exempt positions in the agency.
- With regard to Item D, Executive Director Daniel Stralka noted that this request had been continued from last month due to issues staff brought up over the programmatic responsibilities of the position. This position reports to the Director and is administratively responsible for the Informal Conference Board, a program defined by statute. This would bring the program within the technical standards of the Commission rules for exemption approval. While the same issue regarding the relative “importance” of the program exists, after meeting with Jodie Winnett, Associate Director of Department of Revenue, the agency was able to provide additional information in support of its request related to the type of input this position has into a variety of tax assessment program issues. That, coupled with the fact that the request falls within our Rules for granting exemption, led to staff’s recommendation of approval. Associate Director Winnett noted for the Commission that the Department of Revenue has nine current vacant 4d(3) exempt positions, most of which are in the legal department and the Lottery.
- With regard to Item E, Executive Director Daniel Stralka reported that this position reports to the Chief of Parole and is directly responsible for the Sex Offender Unit of Department of Corrections while also serving as the principal policy implementer for the Parole Division and serving as the Chief of Parole in his absence. To provide some perspective, the Parole Division has a population of 40,000 parolees while the inmate population is only 38,000. Approval of this request would result in only two principal policy exempt positions in the Parole Division, a program with increased programmatic activities as well as increasing parolees. The Sex Offender Unit is an example of the increased programmatic activity in this area – they are seen by parole agents 4-6 times a month as opposed to the 1-2 times a month for other parolees. This position is the principal policy implementer for other administration programs and initiatives addressing parole services. Based on the above and considering the nature of the program – including the Sex Offender Unit which is the subject of numerous legislative initiatives – staff recommended approval of this request. Commissioner Bukraba questioned the number of current vacant 4d(3) exempt positions in the agency.

- With regard to Items F through J, Executive Director Daniel Stralka reported that there were continuing issues with these requests which were all related to the Shared Services Center initiative which was the subject of an Executive Order and first brought before the Commission last July. Jack Munzer, Statewide Project Manager for Shared Services appeared before the Commission with several other Shared Services senior managers to provide the Commission with an update and overview of the project. Accompanying him and assisting him in his presentation were Bill Edley, Director of the Public Safety Shared Services Center; Dave Hunt, Director of the Administrative and Regulatory Shared Services Center; and Tina Neely, Transition Manager. Munzer presented each Commissioner with a 16 page handout entitled, "Shared Services Program, Presentation to the Civil Service Commission." (This handout was also marked, "Draft for Discussion.") Munzer then launched into an oral presentation to the Commission in line with the three sections of the handout: Current Environment, Opportunity, and Implementation. Munzer reviewed for the Commission the motivation behind the establishment of the Shared Services Centers, the benefits to the State of Illinois from their establishment, and the challenges to their establishment. He noted that policy decisions regarding the centralization of many identified functions and processes are still being made as the project progresses. In response to questions from the Commissioners, Munzer indicated that their present business model did not forecast any employee layoffs. As to the impact of the Shared Services Centers on 4d(3) exempt positions, there can be a net reduction, but not for several years. He presented a scenario whereby the Shared Services Centers would require a series of 4d(3) exempt positions both within some of the client agencies as well as the Shared Services Centers themselves, some for only a set term while others on a more permanent basis. Munzer envisioned a situation whereby they could "sunset" an agency 4d(3) exempt position for every new 4d(3) exempt position requested. In response to Commissioner questions addressed to the Functional Processes and Strategic Planning Human Resources positions, Edley noted that these positions would be transaction focused. An additional issue arose concerning the legal status of not just these but all Shared Services Center positions. Munzer acknowledged that the Shared Services Centers arose from an Executive Order of the Governor, and that all the Shared Services Center positions are located in existing client agencies. For example, the Public Safety Shared Services Center positions are all located within the Department of Corrections, the largest of its client agencies. There are some legal issues that have yet to be resolved from this positioning. Included is a reporting issue that impacts compliance with Civil Service Commission Rule 11. As an example, while the Position Description form for the Director position indicates it reports to the Governor (and Munzer indicated that there also is a reporting relationship to the Chief Operating Officer of the State of Illinois), technically speaking, since the position falls under the Department of Corrections, the position reports to the Director of the Department of Corrections. This is representative of some of the obstacles that the Shared Services Centers have had to address as they progress to implementation. The Commissioners thanked Munzer and his senior managers for their presentation, expressed appreciation for

their efforts in shepherding such a noteworthy and beneficial initiative, and indicated that they looked forward to the additional information being presented so they may consider their requests. As there were issues yet to be resolved, staff recommended that these requests be continued.

- With regard to Items K, Executive Director Daniel Stralka reported this position serves as the principal policy advisor to the State Fire Marshal, reporting directly to him. The State Fire Marshal had a similar position that the Commission had previously approved for 4d(3) exemption which was recently abolished. As the principal policy advisor, this position is similar to other policy advisors that have been granted exemption in many other agencies. For these reasons, staff recommended approval.

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

The following 4d(3) exemption requests were granted on June 21, 2007:

D. Illinois Department of Revenue

Position Number	40070-25-25-200-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Informal Conference Board
Functional Title	Administrator, Informal Conference Board
Incumbent	Louise M. Calvert
Supervisor	Director
Location	Cook County

E. Illinois Department of Corrections

Position Number	40070-29-05-000-00-02
Position Title	Senior Public Service Administrator
Bureau/Division	Parole Division
Functional Title	Deputy Director of Parole Operations & Security
Incumbent	None
Supervisor	Director
Location	Williamson County

K. Illinois State Fire Marshal

Position Number	40070-50-50-700-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Policy Advisor
Incumbent	None
Supervisor	State Fire Marshal
Location	Sangamon County

The following 4d(3) exemption requests were continued on June 21, 2007:

C. Illinois Department of Children and Family Services

Position Number	40070-16-00-800-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Executive Deputy Director
Incumbent	None
Supervisor	Director
Location	Cook County

F. Illinois Department of Corrections

Position Number	40070-29-00-140-00-02
Position Title	Senior Public Service Administrator
Bureau/Division	Public Safety Shared Services Center
Functional Title	Agency Liaison for Human Resources
Incumbent	None
Supervisor	Director of the Agency
Location	Sangamon County

G1. Illinois Department of Corrections

Position Number	40070-29-40-210-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Public Safety Shared Services Center
Functional Title	Assistant Deputy Director of Human Resources, Functional Processes
Incumbent	None
Supervisor	Deputy Director of Human Resources, Public Safety Shared Services Center (who reports to Director of Public Safety Shared Services Center, who in turn reports to the Governor)
Location	Sangamon County

The following 4d(3) exemption requests were continued on June 21, 2007:

G2. Illinois Department of Corrections

Position Number	40070-29-40-220-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Public Safety Shared Services Center
Functional Title	Assistant Deputy Director of Human Resources, Strategic Processes
Incumbent	None
Supervisor	Deputy Director of Human Resources, Public Safety Shared Services Center (who reports to Director of Public Safety Shared Services Center, who in turn reports to the Governor)
Location	Sangamon County

G3. Illinois Department of Corrections

Position Number	40070-29-40-420-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Public Safety Shared Services Center
Functional Title	Risk Assessment Project Manager
Incumbent	None
Supervisor	Deputy Director of Projects, Public Safety Shared Services Center (who reports to Director of Public Safety Shared Services Center, who in turn reports to the Governor)
Location	Sangamon County

H. Illinois Dept. of Financial and Professional Regulation

Position Number	40070-13-00-200-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Secretary's Office
Functional Title	Chief Liaison for Human Resources
Incumbent	None
Supervisor	Secretary
Location	Cook County

The following 4d(3) exemption requests were continued on June 21, 2007:

I. Illinois Department of Revenue

Position Number	40070-25-12-210-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Administrative & Regulatory Shared Services Center
Functional Title	Assistant Human Resources Director, Strategic Processes
Incumbent	None
Supervisor	Human Resources Director of the Administrative & Regulatory Shared Services Center (who reports to the Director of the Administrative & Regulatory Shared Services Center, who in turn reports to the Governor)
Location	Sangamon County

J. Illinois Department of Revenue

Position Number	40070-25-12-220-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Administrative & Regulatory Shared Services Center
Functional Title	Assistant Human Resources Director, Functional Processes
Incumbent	None
Supervisor	Human Resources Director of the Administrative & Regulatory Shared Services Center (who reports to the Director of the Administrative & Regulatory Shared Services Center, who in turn reports to the Governor)
Location	Sangamon County

V. CLASS SPECIFICATIONS

- **None submitted.**

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

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VI. MOTION TO GO INTO EXECUTIVE SESSION

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER 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 10:52 a.m.

PRESENT

Chris Kolker, Chairman; Raymond W. Ewell, Barbara J. Peterson, Betty A. Bukraba, and Ares G. Dalianis, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris of the Commission staff.

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	4/30/07	5/31/07	5/31/06
Agriculture	1	1	8
Central Management Services	6	6	3
Children and Family Services	7	4	10
Commerce and Economic Opportunity	1	1	2
Employment Security	2	1	0
Financial and Professional Regulation	1	0	6
Healthcare and Family Services	3	19	10
Historic Preservation	4	11	10
Human Rights Department	0	0	1
Human Services	3	4	3
Natural Resources	4	19	30
Property Tax Appeal Board	2	2	1
State Retirement Systems	2	1	0
Transportation	25	30	23
Veterans' Affairs	2	2	1
Workers' Compensation Commission	0	1	0
Totals	63	102	108

IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

• DISCHARGE APPEAL

DA-12-07

Employee	Mary Thomas	Appeal Date	11/15/06
Agency	DHS	Decision Date	06/08/07
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Conducting an unauthorized investigation; failure to report allegation of abuse/neglect; failure to follow rules	Recommended Decision	Charges are proven and warrant 30-day suspension in lieu of discharge.

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DALIANIS AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO MODIFY THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION AND INCREASE THE 30-DAY SUSPENSION TO A 60-DAY SUSPENSION IN LIEU OF DISCHARGE BECAUSE OF HER REPEATED INCLINATION TO TAKE EMPLOYMENT MATTERS INTO HER OWN HANDS INSTEAD OF FOLLOWING THE RELEVANT REPORTING RULES.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

• DISCHARGE APPEAL

DA-37-07

Employee	Raquel A. Craig	Appeal Date	04/06/07
Agency	DOC	Decision Date	06/05/07
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Unauthorized absences	Recommended Decision	Charges are proven and warrant discharge.

IT WAS MOVED BY COMMISSIONER DALIANIS, 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 WRITTEN CHARGES HAVE BEEN PROVEN AND DO WARRANT THE DISCHARGE OF THE EMPLOYEE.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

X. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

• WITHDRAWN

DA-33-07

Employee	Dolores Allgood	Appeal Date	03/20/07
Agency	DHS	Decision Date	05/14/07
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Conduct unbecoming a state employee	Recommended Decision	Dismissed subject to Commission approval; withdrawn (settlement).

• WITHDRAWN

DA-42-07

Employee	David LaRocque	Appeal Date	5/16/07
Agency	DHS	Decision Date	6/01/07
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Conduct unbecoming	Recommended Decision	Dismissed subject to Commission approval; withdrawn.

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER PETERSON, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO APPROVE AND ADOPT THE DISMISSALS OF THE ALLGOOD APPEAL AND THE LAROCQUE APPEAL.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

XI. STAFF REPORT

Executive Director Daniel Stralka reported that:

- There has been no progress in obtaining the supplemental funds requested for the Fiscal Year 2007 budget though the bill has been sent to the Governor.
- A contract renewal for Fiscal Year 2008 has been prepared for Administrative Law Judge Dos Santos in the Casey/DeFraties matter, due to remand.
- Tentative moving day for the Commission’s Springfield office is Monday, July 2.

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- Assistant Executive Director Andrew Barris gave a presentation on the history of civil service in Illinois to students from Beijing, China pursuing their masters' degree at Roosevelt University.

XII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular meeting to be held on July 19, 2007 at 9:00 a.m. in the Commission's Chicago office.

XIII. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 11:00 AM.