

July 15, 2004

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
JULY 15, 2004

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

II. PRESENT

Chris Kolker, Chairman; George E. Richards, Betty Bukraba, Raymond W. Ewell and Barbara J. Peterson, Commissioners; Daniel Stralka, Andrew Barris and Leonard J. Sacks of the Commission staff; Ed Wynn and Marybeth Johnson, Central Management Services and Tony Hempen, Respondent and Brad Wilson, Attorney for Tony Hempen.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD JUNE 17, 2004

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL, AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD JUNE 17, 2004.

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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	110	5
Agriculture	630	18
Arts Council	21	1
Banks and Real Estate	254	8
Capitol Development Board	16	0
Central Management Services	1228	86
Children and Family Services	3485	39
Civil Service Commission	5	0
Commerce & Econ. Opportunity	530	59
Commerce Commission	58	0
Corrections	14,430	110
Criminal Justice Authority	73	3
Deaf and Hard of Hearing Comm.	6	1
Developmental Disabilities Council	13	1
Elections Board	52	1
Emergency Management Agency	110	2
Employment Security	1959	26
Environmental Protect. Agency	1147	12
Financial Institutions	79	5
Guardianship and Advocacy	111	6
Historic Preservation Agency	246	5
Human Rights Commission	12	2
Human Rights Department	132	7
Human Services	15,808	60
Industrial Commission	166	7
Insurance	319	8
Investment Board	4	1
Labor	79	7
Labor Relations Board Educational	16	2
Labor Relations Board Local	2	0
Labor Relations Board State	19	2
Law Enforce. Trng. & Standard Bd.	25	1
Medical District Comm.	2	0
Military Affairs	144	3
Natural Resources	1921	28
Pollution Control Board	26	3
Prisoner Review Board	25	0
Professional Regulation	257	17
Property Tax Appeal Board	24	2
Public Aid	2345	21
Public Health	1144	27
Revenue	2217	47
State Fire Marshal	128	7
State Police	1516	6
State Police Merit Board	5	1
State Retirement System	80	1
Transportation	2962	1
Veterans Affairs	1172	3
TOTALS	55,113	652

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

- Drew Barris noted for the Commission that he met with Larry Plummer from CMS for 1.5 hours to discuss Agenda Items I-V, during which many issues were clarified. However, due to the nature of the request and the remaining issues, Staff requested a CMS representative to appear at the Commission meeting. Ed Wynn, CMS Chief Legal Counsel, and Marybeth Johnson, Deputy Director of the Illinois Office of Communication and Information (IOCI), appeared before the Commission to make a presentation to the Commissioners. (Prior to the meeting, Item S was withdrawn and the agency requested that Item P be continued until the August meeting due to the uncertainty of the budget and its effect on DCEO). Ed Wynn provided the Commissioners a brief report noting that the consolidation of the Media Administrators (formerly Public Information Officers) into the Illinois Office of Communication and Information would result in a staff reduction from 60 to 28 and save the State of Illinois approximately \$1.5 million dollars annually. Marybeth Johnson conducted the assessment that led to this organization. Wynn stated that the Bureau would have an office in Chicago and Springfield. The main purpose set forth in Executive Order #2 was to save money and to foster expertise in creating a consistent message for the State of Illinois' media relations. He stated that the Media Administrators at DCFS, Military Affairs and the State Police would not be included in the consolidation. The rationale for not including them in the consolidation was based upon the level of activity of the departments, the subject matter of the departments' purpose and jurisdiction, and the expertise it would provide in creating a centralized corporate function as it relates to the day-to-day activities of each department. Commissioners Peterson and Bukraba both had questions regarding the effect of the consolidation on existing employees and the possibility of layoffs. Both Wynn and Johnson stated that every effort was being made to find alternative positions for all employees should layoffs become necessary. Commissioner Richards had questions regarding the policy-making functions of the position and to whom the positions would report. Wynn noted that all of the positions would report to Johnson - as stated by the organizational chart - but the positions would also work closely with each department head. Johnson noted that while they were consolidated under CMS, they have a dotted-line relationship to the directors of their assigned agencies, and that is whom they represent. Wynn added this organization is modeled from corporate communications departments. Agency directors have a single point of contact – a dedicated person – to represent their agency while ensuring the message is consistent with other agencies. Upon completion of the CMS presentation, Commission staff recommended exemption.
- The Commission staff had questions regarding Agenda Item H and its relation to the Media Administrators. Wynn stated that the difference between H (Information Strategy Director) and the Media Administrators is that the Information Strategy Director's policy making authority would not be limited to merely the media, rather the policy making authority would extend to the pro-active dissemination of all public information. Therefore, the staff recommended exemption.

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

- The Commission staff recommended against exemption for Agenda Items C1 and C2. Several questions posed by the Staff regarding the reporting structure and the policy-making authority of both positions were never answered by Department of Revenue representatives.
- The Commission staff learned that OBRE asked to continue Agenda Items E-G6 pending organizational planning.
- The Commission staff recommended continuing Agenda Items Y, CC, DD until further information is obtained as to the future of the Opportunity Returns program at DCEO and the FY05 budget.
- The Commission staff had questions regarding the number of 4d(3) requests that were going to come out of the IHPA Abraham Lincoln Presidential Library. After speaking to an IHPA representative regarding Agenda Item Z, it was learned that less than 8 percent of the positions at the library would be 4d(3) exempt. Therefore, the Commission staff recommended exemption.
- The Commission staff had questions regarding the potential overlap surrounding Items BB1-BB5 and the already existing 4d(3) exempt marketing position at the Lottery Division of the Department of Revenue. The staff recommended continuing the promotions position, events/sponsorship position, on-line product position, and instant game product position until further information is obtained from Lottery representatives regarding the positions' policy making responsibilities. However, the Commission staff recommended exemptions for BB3 (Hispanic Market Office) and BB5 (Corporate Accounts Office) positions because there appeared to be no issue of overlap.

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

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER PETERSON AND THE MOTION UNANIMOUSLY ADOPTED TO DENY, CONTINUE OR APPROVE THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS IN ACCORDANCE WITH STAFF RECOMMENDATION:

C. Request for 4d(3) Exemption Withdrawn by Agency

The following 4d(3) request for exemption was withdrawn prior to the June 17, 2004 meeting.

Agency:	Central Management Services
Position Title:	Senior Public Service Administrator
Position Number:	40070-37-80-000-25-01
Bureau/Division:	Illinois Office of Communication and Information
Incumbent:	Vacant
Supervisor:	Deputy Director of the Illinois Office of Communication and Information
Location:	Sangamon County

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

The following 4d(3) requests for exemption were denied at the June 17, 2004 meeting.

Agency:	Department of Revenue
Position Title:	Senior Public Service Administrator
Position Number:	40070-25-07-100-00-01
Bureau/Division:	Legal Services – Special Counsel Office
Incumbent:	John T. Robinson
Supervisor:	General Counsel
Location:	Sangamon County

Agency:	Department of Revenue
Position Title:	Senior Public Service Administrator
Position Number:	40070-25-07-210-00-01
Bureau/Division:	Legal Services - Litigation Office
Incumbent:	Paul G. Badanski
Supervisor:	General Counsel
Location:	Sangamon County

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

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

The following 4d(3) requests for exemption were continued at the July 15, 2004 meeting until the August 19, 2004 meeting:

Agency: Office of Banks and Real Estate
Position Title: Senior Public Service Administrator
Position Number: 40070-50-92-301-00-01
Division: Legal Division
Incumbent: Michael D. Morehead
Supervisor: SPSA (40070-50-92-300-00-01)
Location: Sangamon County

Agency: Office of Banks and Real Estate
Position Title: Senior Public Service Administrator
Position Number: 40070-50-92-401-10-01
Division: Legal Division – General Counsel
Incumbent: Alan I. Anderson
Supervisor: SPSA (40070-50-92-40-00-01)
Location: Cook County

Agency: Office of Banks and Real Estate
Position Title: Senior Public Service Administrator
Position Number: 40070-50-92-230-00-01
Division: Fiscal Division
Incumbent: Linda C. Harrod
Supervisor: SPSA (40070-50-92-200-00-01)
Location: Sangamon County

Agency: Office of Banks and Real Estate
Position Title: Senior Public Service Administrator
Position Number: 40070-50-92-002-00-01
Division: Commissioner's Office
Incumbent: Steven D. Ginsburg
Supervisor: Commissioner
Location: Cook County

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

Agency: Office of Banks and Real Estate
Position Title: Senior Public Service Administrator
Position Number: 40070-50-92-303-00-01
Division: Specialized Activities Supervisor
Incumbent: Vacant (40070-50-92-300-00-01)
Supervisor: SPSA (40070-50-92-300-00-01)
Location: Sangamon County

Agency: Office of Banks and Real Estate
Position Title: Senior Public Service Administrator
Position Number: 40070-50-92-304-00-01
Division: Springfield Commercial Bank Supervisor
Incumbent: Marc A. Edwards
Supervisor: SPSA (40070-50-92-300-00-01)
Location: Sangamon County

Agency: Office of Banks and Real Estate
Position Title: Senior Public Service Administrator
Position Number: 40070-50-92-305-00-01
Division: Chicago Commercial Bank Supervisor
Incumbent: Richard C. Brunskill
Supervisor: SPSA (40070-50-92-300-00-01)
Location: Cook County

Agency: Office of Banks and Real Estate
Position Title: Senior Public Service Administrator
Position Number: 40070-50-92-306-00-01
Division: International Bank Supervision Division
Incumbent: Craig S. Volk
Supervisor: SPSA (40070-50-92-300-00-01)
Location: Cook County

Agency: Office of Banks and Real Estate
Position Title: Senior Public Service Administrator
Position Number: 40070-50-92-403-00-01
Division: Thrifts Division
Incumbent: James R. Copley
Supervisor: SPSA (40070-50-92-400-00-01)
Location: Cook County

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

Agency: Office of Banks and Real Estate
Position Title: Senior Public Service Administrator
Position Number: 40070-50-92-404-00-01
Division: Mortgage Banking Division
Incumbent: Arleatha H. Kelly
Supervisor: SPSA (40070-50-92-400-00-01)
Location: Cook County

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-80-000-19-01
Bureau/Division: Illinois Office of Communication and Information
Incumbent: Vacant
Supervisor: Deputy Director of the Illinois Office of
Communication and Information
Location: Cook County

Agency: Environmental Protection Agency
Position Title: Senior Public Service Administrator
Position Number: 40070-46-00-000-00-07
Division: Director's Office
Incumbent: Vacant
Supervisor: Director
Location: Cook County

Agency: Department of Public Aid
Position Title: Senior Public Service Administrator
Position Number: 40070-33-00-060-00-21
Division: Office of the Director
Incumbent: Vacant
Supervisor: Director
Location: Cook County

Agency: Department of Public Aid
Position Title: Senior Public Service Administrator
Position Number: 40070-33-00-060-00-22
Division: Office of the Director
Incumbent: Vacant
Supervisor: Director
Location: Cook County

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

Agency: Department of Revenue
Position Title: Senior Public Service Administrator
Position Number: 40070-25-94-200-00-01
Division: Lottery-Promotions Office
Incumbent: Vacant
Supervisor: Lottery Superintendent
Location: Cook County

Agency: Department of Revenue
Position Title: Senior Public Service Administrator
Position Number: 40070-25-90-200-10-01
Division: Lottery-Events/Sponsorship Office
Incumbent: Vacant
Supervisor: Lottery Superintendent
Location: Cook County

Agency: Department of Revenue
Position Title: Senior Public Service Administrator
Position Number: 40070-25-90-200-30-01
Division: Lottery-Instant Game Product Office
Incumbent: Vacant
Supervisor: Lottery Superintendent
Location: Cook County

Agency: Department of Revenue
Position Title: Senior Public Service Administrator
Position Number: 40070-25-90-200-40-01
Division: Lottery-On-Line Product Office
Incumbent: Vacant
Supervisor: Lottery Superintendent
Location: Cook County

Agency: Department of Natural Resources
Position Title: Senior Public Service Administrator
Position Number: 40070-12-00-300-00-01
Division: Director's Office
Incumbent: Vacant
Supervisor: Director
Location: Cook County

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

Agency: Department of Agriculture
Position Title: Senior Public Service Administrator
Position Number: 40070-11-01-000-00-02
Division: Director's Office
Incumbent: Vacant
Supervisor: Director
Location: Sangamon County

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

The following 4d(3) requests for exemption were approved at the July 15, 2004 meeting:

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-70-900-01-01
Bureau/Division: Director's Office
Incumbent: Vacant
Supervisor: Chief Administrative Officer and General Counsel
Location: Cook County

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-80-000-06-01
Bureau/Division: Illinois Office of Communication and Information
Incumbent: Vacant
Supervisor: Deputy Director of the Illinois Office of Communication and Information
Location: Cook County

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-80-000-07-01
Bureau/Division: Illinois Office of Communication and Information
Incumbent: Vacant
Supervisor: Deputy Director of the Illinois Office of Communication and Information
Location: Cook County

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

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-80-000-08-01
Bureau/Division: Illinois Office of Communication and Information
Incumbent: Vacant
Supervisor: Deputy Director of the Illinois Office of
Communication and Information
Location: Sangamon County

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-80-000-13-01
Bureau/Division: Illinois Office of Communication and Information
Incumbent: Vacant
Supervisor: Deputy Director of the Illinois Office of
Communication and Information
Location: Sangamon County

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-80-000-16-01
Bureau/Division: Illinois Office of Communication and Information
Incumbent: Vacant
Supervisor: Deputy Director of the Illinois Office of
Communication and Information
Location: Sangamon County

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-80-000-17-01
Bureau/Division: Illinois Office of Communication and Information
Incumbent: Vacant
Supervisor: Deputy Director of the Illinois Office of
Communication and Information
Location: Cook County

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

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-80-000-18-01
Bureau/Division: Illinois Office of Communication and Information
Incumbent: Vacant
Supervisor: Deputy Director of the Illinois Office of
Communication and Information
Location: Cook County

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-80-000-23-01
Bureau/Division: Illinois Office of Communication and Information
Incumbent: Vacant
Supervisor: Deputy Director of the Illinois Office of
Communication and Information
Location: Sangamon County

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-80-000-24-01
Bureau/Division: Illinois Office of Communication and Information
Incumbent: Vacant
Supervisor: Deputy Director of the Illinois Office of
Communication and Information
Location: Sangamon County

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-80-000-28-01
Bureau/Division: Illinois Office of Communication and Information
Incumbent: Vacant
Supervisor: Deputy Director of the Illinois Office of
Communication and Information
Location: Cook County

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

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-80-000-30-01
Bureau/Division: Illinois Office of Communication and Information
Incumbent: Vacant
Supervisor: Deputy Director of the Illinois Office of
Communication and Information
Location: Sangamon County

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-80-000-31-01
Bureau/Division: Illinois Office of Communication and Information
Incumbent: Vacant
Supervisor: Deputy Director of the Illinois Office of
Communication and Information
Location: Sangamon County

Agency: Department of Corrections
Position Title: Senior Public Service Administrator
Position Number: 40070-29-05-100-00-01
Division: Parole Division
Incumbent: Vacant
Supervisor: 40070-29-05-000-00-01
Location: Cook County

Agency: Department of Corrections
Position Title: Senior Public Service Administrator
Position Number: 40070-29-05-300-00-01
Division: Parole Division
Incumbent: Vacant
Supervisor: 40070-29-05-000-00-01
Location: Sangamon County

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

Agency: Historic Preservation Agency
Position Title: Senior Public Service Administrator
Position Number: 40070-48-55-000-00-01
Division: Abraham Lincoln Presidential Library
Museum Programs
Incumbent: Vacant
Supervisor: Abraham Lincoln Presidential Library Director
Location: Sangamon County

Agency: Department of Revenue
Position Title: Senior Public Service Administrator
Position Number: 40070-25-90-200-20-01
Division: Lottery-Hispanic Market Office
Incumbent: Vacant
Supervisor: Lottery Superintendent
Location: Cook County

Agency: Department of Revenue
Position Title: Senior Public Service Administrator
Position Number: 40070-25-90-200-50-01
Division: Lottery-Corporate Accounts Office
Incumbent: Vacant
Supervisor: Lottery Superintendent
Location: Cook County

V. MOTION TO GO INTO EXECUTIVE SESSION

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER PETERSON AND THE MOTION UNANIMOUSLY ADOPTED TO HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS OF DISMISSAL FILED WITH THE COMMISSION.

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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 Street, Chicago, Illinois at 11:00 a.m.

Present: Chris Kolker, Chairman; George E. Richards, Betty Bukraba, Raymond W. Ewell and Barbara J. Peterson, Commissioners; and Daniel Stralka, Andrew Barris and Leonard F. Sacks of the Commission staff and Tony Hemen, Respondent, and Brad Wilson, Attorney for Tony Hemen.

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 June 30, 2004.

	<u>5/31/04</u>	<u>6/30/04</u>
Agriculture	10	9
Central Management Services	14	13
Children & Family Services	1	8
Comm. & Econ. Opportunity	2	2
Emergency Management Agency	0	1
Environmental Protection	2	2
Historic Preservation	21	27
Human Rights.	1	1
Natural Resources	38	56
Public Aid	4	4
Revenue	2	2
State Retirement Systems	0	1
Transportation	1	1
Totals	96	127

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VIII. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL

• **DISCHARGE**

DA-61-04

Respondent	Deborah L. Schuster	Appeal Date	9/24/03
Agency	DVA	Decision Date	7/1/04
Type of Appeal	Discharge	ALJ	Daniel Stralka
Charge	Incompetence in the Performance of Duty; Insubordination; Disorderly Conduct During Work Hours.	Recommended Decision	Partially Proven Charges Warrant Discharge of Respondent.

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER BUKRABA AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO RATIFY THE EXECUTIVE DIRECTOR'S DENIAL OF THE RESPONDENT'S MOTION FOR ORAL ARGUMENT.

IT WAS FURTHER MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER PETERSON AND BY ROLL CALL VOTE THE MOTION ADOPTED 3-2 TO AFFIRM THE RECOMMENDED DECISION THAT THE APPEAL OF THE RESPONDENT BE DISMISSED AND THAT THE RESPONDENT, DEBORAH L. SCHUSTER, BE DISCHARGED.

• **DISCHARGE**

DA-71-04

Respondent	Rick S. Lind	Appeal Date	11/17/03
Agency	Corrections	Decision Date	7/2/04
Type of Appeal	Discharge	ALJ	Leonard Sacks
Charge	Absenteeism.	Recommended Decision	Appeal Dismissed. ALJ Recommends Reinstatement of Respondent.

VIII. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL (Continued)

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER PETERSON AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO REJECT THE RECOMMENDED DECISION AND REMAND IT TO THE ADMINISTRATIVE LAW JUDGE FOR THE PURPOSE OF FURTHER PROCEEDINGS INCLUDING THE TAKING OF ADDITIONAL EVIDENCE.

- **DISCHARGE**

DA-87-04

Respondent	Shirley Pangle	Appeal Date	3/15/04
Agency	DVA	Decision Date	7/1/04
Type of Appeal	Discharge (Expiration of Term Appt.)	ALJ	Daniel Stralka
Charge	Non-renewal of Term Appointment.	Recommended Decision	Petitioner's Motion To Dismiss Appeal Granted. Non-renewal of Term Appt. is Not Appealable.

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER EWELL AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO AFFIRM THE RECOMMENDED DECISION THAT THE APPEAL OF THE RESPONDENT BE DISMISSED.

- **DISCHARGE**

DA-87-04

Respondent	Tony Hempen	Appeal Date	3/16/04
Agency	DCFS	Decision Date	7/1/04
Type of Appeal	Discharge	ALJ	Andrew Barris
Charge	Conduct Unbecoming a DCFS Employee/Violation of DCFS Policy.	Recommended Decision	ALJ Recommends Respondent Be Reinstated in his Position.

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VIII. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL (Continued)

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER BUKRABA AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO AFFIRM THE RECOMMENDED DECISION THAT THE APPEAL OF THE RESPONDENT BE UPHeld AND SUBSTITUTE A 30-DAY SUSPENSION IN LIEU OF THE DISCHARGE OF THE RESPONDENT, TONY HEMPEN.

IX. APPEALS TERMINATED WITHOUT DECISION

• SUSPENSION

S-102-04

Petitioner	John C. Meszaros	Appeal Date	6/21/04
Agency	Public Aid	Decision Date	6/29/04
Action	30 Day Suspension	ALJ	Andrew Barris
Allegation	N/A	Recommended Decision	Lack of CSC Jurisdiction.

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL AND BY ROLL CALL VOTE, THE MOTION UNANIMOUSLY ADOPTED TO AFFIRM THE RECOMMENDED DECISION THAT THE COMMISSION IS WITHOUT JURISDICTION TO CONSIDER THE APPEAL OF THE RESPONDENT, JOHN C. MESZAROS.

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X. STAFF REPORT

- Executive Director Daniel Stralka advised the Commission on the ongoing budget machinations. Sandy Guppy attended a CFO meeting on the interim FY05 budget and was informed that the budget may end up being reduced up to 5%. The Commissioners expressed concerns over FY05 operations given the anticipated reduction.
- Executive Director Daniel Stralka reported that the website is up and running. Commissioner Richards complimented its looks.
- Executive Director Daniel Stralka recently met with Department of Financial and Professional Regulation staff to respond to inquiries they had over how their recent consolidation affected the 4d(3) exemption status of their present positions. They also advised Daniel Stralka that they are in the midst of organizational planning for the 4 agency consolidation which will undoubtedly result in changes to the job descriptions of many presently 4d(3) exempt positions throughout the 4 consolidated agencies. It was suggested to them that they proceed with necessary actions when their organizational planning is complete.
- Executive Director Daniel Stralka notified the Commissioners of the new Appeal Activity Log and increased utilization of the shared network drive for FY05 appeals.
- Drew Barris advised the Commissioners that, in a bid to simplify the 4d(3) exemption process, save paper, and reduce work; he has drafted a sample 4d(3) application form for all agencies to use. The form will be for the benefit of CMS and the Commission as well as the agencies. We will be proposing it to CMS and expect further study and revision.

XI . ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, August 19, 2004 at 9:00 a.m. in the Commission's Chicago Office.

XII. MOTION TO ADJOURN.

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER RICHARDS AND THE MOTION UNANIMOUSLY ADOPTED TO ADJOURN THE MEETING AT 11:15 A.M.