

July 19, 2007

MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
July 19, 2007

I. OPENING OF MEETING AT 9:05 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; Maureen O'Donnell, Anne McElroy and Jan Oncken, Central Management Services, Rebecca Shuster, Illinois Department of Corrections, Andrew Fox, John Lagattuta, Richard Foxman and Bill Laskaris, Illinois Department of Financial and Professional Regulation.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD JUNE 21, 2007

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER PETERSON AND THE MOTION ADOPTED 5-0 TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON JUNE 21, 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 .....	152.....	9
Agriculture .....	544.....	17
Arts Council.....	22.....	2
Capitol Development Board .....	32.....	0
Central Management Services .....	1,619.....	111
Children and Family Services.....	3,288.....	41
Civil Service Commission .....	4.....	0
Commerce & Economic Opportunity .....	423.....	64
Commerce Commission.....	51.....	0
Corrections.....	12,252.....	102
Criminal Justice Authority.....	57.....	6
Deaf and Hard of Hearing Comm. ....	5.....	1
Developmental Disabilities Council .....	11.....	1
Emergency Management Agency .....	107.....	1
Employment Security.....	1,673.....	25
Environmental Protection Agency .....	1,051.....	19
Financial & Professional Regulation .....	788.....	45
Guardianship and Advocacy .....	112.....	7
Healthcare and Family Services.....	2,392.....	29
Historic Preservation Agency .....	401.....	12
Human Rights Commission .....	8.....	2
Human Rights Department .....	161.....	8
Human Services .....	14,595.....	67
Investment Board.....	4.....	2
Juvenile Justice .....	1,275.....	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 .....	1,718.....	27
Pollution Control Board.....	25.....	3
Prisoner Review Board .....	22.....	0
Property Tax Appeal Board .....	24.....	2
Public Health.....	1,098.....	35
Revenue .....	2,058.....	62
State Fire Marshal.....	156.....	11
State Police .....	1,474.....	6
State Police Merit Board.....	5.....	1
State Retirement Systems .....	81.....	1
Transportation.....	2,677.....	1
Veterans' Affairs.....	1,152.....	5
Workers' Compensation Commission .....	171.....	11
TOTALS.....	51,957.....	770

**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.

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

- With regard to Item C, Executive Director Daniel Stralka reported that this position reports to the agency director and will function as a co-chief of staff with principal policy responsibilities for several agency programs. The agency had previously requested that this request be continued as it needed to clarify several position descriptions for subordinate positions whose principal policy exempt status may have been negatively impacted by the approved exemption of this position. As that has been accomplished, staff recommends approval of this position.
- With regard to Items E through H which are all related to the Shared Services Center initiative, the agency representative indicated that issues raised at the June meeting have yet to be resolved so another continuance has been requested which staff recommends be granted.
- With regard to Item I, Executive Director Daniel Stralka reported that this position reports to the Chief of Operations who is the equivalent of a statutory assistant director and reports to the agency director. It has principal policy responsibility for developing and implementing programs to comply with statutory protections given prisoners in the areas of placement, segregation and the management of time served to ensure they are not unlawfully incarcerated beyond their entitled release date. Rebecca Shuster, Personnel Manager for the Department of Corrections, added that this position also serves as the transfer coordinator for the agency and provided additional background information on the prisoner reception process, its programmatic importance, and how this position impacts it from a principal policy perspective. For these reasons, staff recommends approval of this position.
- With regard to Items J1-5, Executive Director Daniel Stralka reported that these positions are responsible for all prosecutorial functions within the Enforcement Division of the Department of Professional Regulation. Each of these positions makes independent determinations on whether to proceed with prosecuting the cases within their respective subject matter areas and has the same responsibility before any case can be closed prior to formal hearing. Each position reports to the Director of Statewide Enforcement who is the equivalent of a statutory assistant director and reports to the agency director. John Lagattuta, Director of Statewide Enforcement, added that the agency receives over 6000 complaints per year, of which 3000 proceed to prosecution. Of those 3000, only 50 cases go to formal hearing which means that these positions have principal responsibility for approving the final determinations in 98.4% of the cases within the unit. In response to a question from Chairman Kolker, Director Lagattuta noted that this unit does not have responsibility for prosecuting insurance cases; those are handled elsewhere within the Department of Financial and Professional Regulation. For these reasons, staff recommends approval of these positions.

- With regard to Item K, Executive Director Daniel Stralka noted that this position reports to the agency director and has principal responsibility for statewide labor negotiations and collective bargaining issues for all agencies under the jurisdiction of the Governor. For these reasons, staff recommends approval of this position.

The Commission and Executive Director Daniel Stralka noted for the record the attendance of Maureen O'Donnell, acting Director of the Department of Central Management Services, and thanked her for allotting time to attend the Commission's meeting.

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DALIANIS, 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 July 19, 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

**I. Illinois Department of Corrections**

Position Number	40070-29-04-020-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Operations
Functional Title	Deputy Director of Offender Classification and Population Management
Incumbent	None
Supervisor	Chief of Operations, who reports to Director
Location	Sangamon County

**J1. Illinois Dept. of Financial and Professional Regulation**

Position Number	40070-13-40-931-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Professional Regulation
Functional Title	Chief of Medical Prosecutions
Incumbent	Sadzi Oliva
Supervisor	Director of Statewide Enforcement (who reports to the Director, who in turn reports to the Secretary)
Location	Cook County

**J2. Illinois Dept. of Financial and Professional Regulation**

Position Number	40070-13-40-932-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Professional Regulation
Functional Title	Chief of Business Prosecutions
Incumbent	None
Supervisor	Director of Statewide Enforcement (who reports to the Director, who in turn reports to the Secretary)
Location	Cook County

**J3. Illinois Dept. of Financial and Professional Regulation**

Position Number	40070-13-40-933-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Professional Regulation
Functional Title	Chief of Health Related Prosecutions
Incumbent	None
Supervisor	Director of Statewide Enforcement (who reports to the Director, who in turn reports to the Secretary)
Location	Cook County

**J4. Illinois Dept. of Financial and Professional Regulation**

Position Number	40070-13-40-934-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Professional Regulation
Functional Title	Chief of General Prosecutions
Incumbent	Bill Laskaris
Supervisor	Director of Statewide Enforcement (who reports to the Director, who in turn reports to the Secretary)
Location	Cook County

**J5. Illinois Dept. of Financial and Professional Regulation**

Position Number	40070-13-40-935-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Professional Regulation
Functional Title	Chief of Real Estate Prosecutions
Incumbent	Mary Benden
Supervisor	Director of Statewide Enforcement (who reports to the Director, who in turn reports to the Secretary)
Location	Cook County

**K. Illinois Department of Central Management Services**

Position Number	40070-37-00-100-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Deputy Director of Labor Relations
Incumbent	None
Supervisor	Director
Location	Cook County

**The following 4d(3) exemption requests were continued on July 19, 2007:**

**E1. 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

**E2. 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

**E3. 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

**F. 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

**G. 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

**H. 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 COMMISSIONER PETERSON, 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.**

July 19, 2007

VI. MOTION TO GO INTO EXECUTIVE SESSION

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY CHAIRMAN KOLKER, 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.**

<b>KOLKER</b>	<b>YES</b>	<b>EWELL</b>	<b>YES</b>
<b>PETERSON</b>	<b>YES</b>	<b>DALIANIS</b>	<b>YES</b>
<b>BUKRABA</b>	<b>YES</b>		

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 10:05 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	5/31/07	<b>6/30/07</b>	6/30/06
Agriculture	1	<b>8</b>	12
Arts Council	0	<b>1</b>	0
Central Management Services	6	<b>9</b>	3
Children and Family Services	4	<b>6</b>	8
Commerce and Economic Opportunity	1	<b>1</b>	2
Employment Security	1	<b>1</b>	0
Financial and Professional Regulation	0	<b>0</b>	6
Healthcare and Family Services	19	<b>18</b>	10
Historic Preservation	11	<b>25</b>	15
Human Rights Department	0	<b>0</b>	1
Human Services	4	<b>5</b>	3
Natural Resources	19	<b>29</b>	30
Property Tax Appeal Board	2	<b>2</b>	1
State Retirement Systems	1	<b>1</b>	0
Transportation	30	<b>28</b>	25
Veterans' Affairs	2	<b>2</b>	1
Workers' Compensation Commission	1	<b>1</b>	0
<b>Totals</b>	102	<b>137</b>	117

IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

- DISCHARGE APPEAL

DA-16-07

Employee	Felicia J. Kirk	Appeal Date	12/12/06
Agency	DHS	Decision Date	7/06/07
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Conduct unbecoming (loud, inappropriate & disruptive); neglect of duties; failure to follow procedures	Recommended Decision	Charges are proven and warrant discharge.

**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 THAT THE CHARGES ARE PROVEN AND DO WARRANT DISCHARGE.**

<b>KOLKER</b>	<b>YES</b>	<b>EWELL</b>	<b>YES</b>
<b>PETERSON</b>	<b>YES</b>	<b>DALIANIS</b>	<b>YES</b>
<b>BUKRABA</b>	<b>YES</b>		

- DISCHARGE APPEAL

DA-30-07

Employee	Candy J. Porter	Appeal Date	2/15/07
Agency	DHS	Decision Date	7/06/07
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Abuse of service recipient; squeezing hands, hitting back of the head & yelling.	Recommended Decision	Charges are proven and warrant discharge.

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA AND BY ROLL CALL VOTE OF 4-1 THE MOTION ADOPTED TO MODIFY AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION THAT THE WRITTEN CHARGES HAVE BEEN PROVEN AND DO WARRANT THE DISCHARGE OF THE EMPLOYEE. THE WRITTEN CHARGES ARE PROVEN BUT THE UNIQUE FACTUAL CIRCUMSTANCES SURROUNDING THE DISCHARGE DO NOT RISE TO THE LEVEL WHICH SOUND PUBLIC OPINION RECOGNIZES AS GOOD CAUSE FOR THE EMPLOYEE TO NO LONGER HOLD THE POSITION. THIS IS SUPPORTED BY THE RESPONDENT'S 18 YEARS OF SERVICE TO THE STATE AND THE LACK OF A DISCIPLINE ON HER**

**RECORD. THE COMMISSION EXPRESSLY FINDS THAT THE RESPONDENT COMMITTED THE ACTIONS SHE IS CHARGED WITH, BUT IN NO WAY IS THIS TO BE INTERPRETED TO MEAN THAT UNWARRANTED PHYSICAL CONTACT WITH CLIENTS IS AN UNDISCIPLINEABLE OFFENSE. THE SAID PROVEN CHARGES WARRANT A 90-DAY SUSPENSION IN LIEU OF DISCHARGE. IT IS FURTHER RECOMMENDED THAT THE RESPONDENT UNDERGO ANY AVAILABLE TRAINING REGARDING THE CARE OF RESIDENTS UNDER HER CHARGE.**

<b>KOLKER</b>	<b>NO</b>	<b>EWELL</b>	<b>YES</b>
<b>PETERSON</b>	<b>YES</b>	<b>DALIANIS</b>	<b>YES</b>
<b>BUKRABA</b>	<b>YES</b>		

- **RULE VIOLATION APPEAL**

**RV-20-07**

Employee	Gerald Swinkle	Appeal Date	12/28/06
Agency	Liquor Control Commission	Decision Date	6/26/07
Type	Rule Violation	ALJ	Daniel Stralka
Charge(s)	Hiring practice violated Section 8b.7 of the Personnel Code (veteran preference)	Proposed Finding	Facts do not establish any violation of Section 8b.7 of the Personnel Code.

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER BUKRABA AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSED FINDING THAT THE FACTS DO NOT ESTABLISH ANY VIOLATION OF SECTION 8B.7 OF THE PERSONNEL CODE.**

<b>KOLKER</b>	<b>YES</b>	<b>EWELL</b>	<b>YES</b>
<b>PETERSON</b>	<b>YES</b>	<b>DALIANIS</b>	<b>YES</b>
<b>BUKRABA</b>	<b>YES</b>		

X. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

- WITHDRAWN

DA-24-07

Employee	Rosalind Leonard-Coleman	Appeal Date	1/10/07
Agency	HFS	Decision Date	6/25/07
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Tardiness; personal use of state equipment (computer and telephone)	Recommended Decision	Dismissed subject to Commission approval; withdrawn (settled).

- DISMISSAL

S-40-07

Employee	Diane Erickson-Rodney <sup>1</sup>	Appeal Date	4/25/07
Agency	DCFS	Decision Date	6/29/07
Type	Suspension	ALJ	Daniel Stralka
Charge(s)	Failure to follow a directive (attend meeting) and misuse of time (absent without authorization)	Recommended Decision	Dismissed subject to Commission approval; default (no show at hearing) and no jurisdiction (suspension did not exceed 30 days and appeal not timely filed).

- DISMISSAL

DA-43-07

Employee	Terry W. Spurlin	Appeal Date	6/04/07
Agency	Workers' Comp. Commission	Decision Date	6/29/07
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Not available	Recommended Decision	Dismissed subject to Commission approval; no jurisdiction (employee appointed to exempt position).

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<sup>1</sup> Diane Erickson-Rodney's appeal was filed by her daughter, Simone Travis. Ms. Erickson-Rodney passed away April 7, 2007.

July 19, 2007

**IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY CHAIRMAN KOLKER, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO APPROVE AND ADOPT THE DISMISSALS OF THE LEONARD-COLEMAN APPEAL, THE ERICKSON-RODNEY APPEAL AND THE SPURLIN APPEAL.**

<b>KOLKER</b>	<b>YES</b>	<b>EWELL</b>	<b>YES</b>
<b>PETERSON</b>	<b>YES</b>	<b>DALIANIS</b>	<b>YES</b>
<b>BUKRABA</b>	<b>YES</b>		

XI. STAFF REPORT

Executive Director Daniel Stralka reported that the move of the Commission's Springfield office has been completed.

XII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular meeting to be held on August 16, 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 10:15 AM.**