

August 16, 2007

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
August 16, 2007

I. OPENING OF MEETING AT 9:18 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO ILLINOIS

II. PRESENT

Chris Kolker, Chairman; Raymond W. Ewell, Betty A. Bukraba, and Ares G. Dalianis, Commissioners; Daniel Stralka, Executive Director; Andrew Barris of the Commission staff; and Jan Oncken, Central Management Services.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD JULY 19, 2007

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA AND THE MOTION ADOPTED 4-0 TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON JULY 19, 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 | 675..... | 17 |
| Arts Council..... | 22..... | 2 |
| Capitol Development Board | 31..... | 0 |
| Central Management Services | 1,630..... | 111 |
| Children and Family Services..... | 3,271..... | 41 |
| Civil Service Commission | 4..... | 0 |
| Commerce & Economic Opportunity | 419..... | 65 |
| Commerce Commission..... | 52..... | 0 |
| Corrections..... | 12,193..... | 102 |
| Criminal Justice Authority..... | 57..... | 6 |
| Deaf and Hard of Hearing Comm. | 6..... | 1 |
| Developmental Disabilities Council | 11..... | 1 |
| Emergency Management Agency | 106..... | 1 |
| Employment Security..... | 1,664..... | 25 |
| Environmental Protection Agency | 1,041..... | 19 |
| Financial & Professional Regulation | 784..... | 45 |
| Guardianship and Advocacy | 111..... | 7 |
| Healthcare and Family Services..... | 2,405..... | 29 |
| Historic Preservation Agency | 404..... | 12 |
| Human Rights Commission | 9..... | 2 |
| Human Rights Department | 165..... | 8 |
| Human Services | 14,655..... | 67 |
| Investment Board..... | 4..... | 2 |
| Juvenile Justice | 1,266..... | 18 |
| Labor..... | 76..... | 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 | 1,782..... | 27 |
| Pollution Control Board..... | 23..... | 3 |
| Prisoner Review Board | 22..... | 0 |
| Property Tax Appeal Board | 22..... | 2 |
| Public Health..... | 1,099..... | 35 |
| Revenue | 2,060..... | 62 |
| State Fire Marshal..... | 156..... | 11 |
| State Police | 1,466..... | 6 |
| State Police Merit Board..... | 5..... | 1 |
| State Retirement Systems | 80..... | 1 |
| Transportation..... | 2,754..... | 1 |
| Veterans' Affairs..... | 1,147..... | 5 |
| Workers' Compensation Commission | 169..... | 11 |
| TOTALS | 52,194..... | 771 |

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

Prior to providing the exemption report to the Commission, Executive Director Daniel Stralka noted that due to responsibilities in timely drafting and reviewing disciplinary recommended decisions, along with a scheduled vacation, Commission staff belatedly initiated the review process of agency principal policy exemption requests so that the analysis of some pending requests had not been completed. In response to a question from Chairman Kolker, Executive Director Daniel Stralka indicated that agency requests that may be denied this month may be resubmitted for consideration.

- With regard to Items C through F which are all related to the Shared Services Center initiative, Executive Director Daniel Stralka reported that the agency has provided Commission staff with requested information which is currently being reviewed. For this reason staff recommended that these requests be continued. Executive Director Daniel Stralka did note that the Deputy Director of Shared Services, Jack Munzer, had appeared at the Commission's meeting today prepared to respond to any additional questions the Commission may have with regard to these requests.
- With regard to Items G and H, Executive Director Daniel Stralka reported that the agency provided supplemental information to Commission staff which has yet to be reviewed. For this reason staff recommended the requests be continued.
- With regard to Items I through K, Executive Director Daniel Stralka reported that these requests represented a reorganization of the legal services office of the Department of Children and Family Services. Addressing Items J and K, Executive Director Daniel Stralka noted that these positions report to the General Counsel who reports to the Director of the agency. Both these positions possess significant authority to bind the agency in litigation matters affecting the agency as well as participate in the planning and programming of agency activities. For these reasons, staff recommended approval. As to Item I, Executive Director Daniel Stralka initially noted that the Freedom of Information Act (FOIA) is not an agency program so it would be insufficient, standing alone, to support a principal policy exemption. In addition, there presently exists one exempt deputy general counsel position, whose responsibility is centered on administrative hearings and overlaps with those set forth in the position description for Item I. For these reasons, staff recommended that this request be denied. Chairman Kolker inquired as to why the deputy general counsel position for downstate legal services would be located in Cook County. Commission staff was unable to obtain an agency response to this request prior to concluding discussion.
- With regard to Item L, Executive Director Daniel Stralka reported that the agency had not responded to his inquiries so staff recommended that this request be denied.

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- With regard to Item M, Executive Director Daniel Stralka reported that persistent issues of overlapping responsibilities with another presently exempt position remain. The agency has indicated that this other position is in the process of being abolished and requested that this be continued.

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

The following 4d(3) exemption request was granted on August 16, 2007:

K. Illinois Department of Children & Family Services

| | |
|------------------|---|
| Position Number | 40070-16-03-200-00-01 |
| Position Title | Senior Public Service Administrator |
| Bureau/Division | Legal Services |
| Functional Title | Deputy General Counsel for Cook County Legal Services |
| Incumbent | None |
| Supervisor | General Counsel who reports to Director |
| Location | Cook County |

The following 4d(3) exemption requests were continued on August 16, 2007:

C1. 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 |

C2. 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 |

C3. 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 |

D. 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 |

E. 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 |

F. 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 |

G. Illinois Department of Children & Family Services

| | |
|------------------|--|
| Position Number | 37015-16-05-400-00-01 |
| Position Title | Public Service Administrator |
| Bureau/Division | Affirmative Action |
| Functional Title | Chief of Asian-American Services |
| Incumbent | None |
| Supervisor | Affirmative Action Chief who reports to Director |
| Location | Cook County |

H. Illinois Department of Children & Family Services

| | |
|------------------|--|
| Position Number | 37015-16-05-500-00-01 |
| Position Title | Public Service Administrator |
| Bureau/Division | Affirmative Action |
| Functional Title | Chief of Disability Services |
| Incumbent | None |
| Supervisor | Affirmative Action Chief who reports to Director |
| Location | Cook County |

J. Illinois Department of Children & Family Services

| | |
|------------------|---|
| Position Number | 40070-16-03-100-00-01 |
| Position Title | Senior Public Service Administrator |
| Bureau/Division | Legal Services |
| Functional Title | Deputy General Counsel for Downstate Legal Services |
| Incumbent | Dixie L. Peterson |
| Supervisor | General Counsel who reports to Director |
| Location | Cook County |

M. Illinois Dept. of Financial and Professional Regulation

| | |
|------------------|---|
| Position Number | 40070-13-40-940-00-01 |
| Position Title | Senior Public Service Administrator |
| Bureau/Division | Professional Regulation |
| Functional Title | Director of Real Estate Investigations |
| Incumbent | None |
| Supervisor | Statewide Enforcement who reports to the Director, who in turn reports to the Secretary |
| Location | Cook County |

The following 4d(3) exemption requests were denied on August 16, 2007:

I. Illinois Department of Children & Family Services

| | |
|------------------|--|
| Position Number | 40070-16-03-000-10-01 |
| Position Title | Senior Public Service Administrator |
| Bureau/Division | Legal Services |
| Functional Title | Deputy General Counsel for Administrative Hearings & Freedom of Information Act (FOIA) |
| Incumbent | None |
| Supervisor | General Counsel who reports to Director |
| Location | Cook County |

L. Illinois Department of Corrections

| | |
|------------------|--|
| Position Number | 40070-29-01-200-00-01 |
| Position Title | Senior Public Service Administrator |
| Bureau/Division | Chief of Staff |
| Functional Title | Director of Staff Development & Training |
| Incumbent | None |
| Supervisor | Chief of Staff who reports to the Director |
| Location | Sangamon County |

V. CLASS SPECIFICATIONS

The Director of Central Management Services submitted the following class titles for creation, abolishment or revision:

A. Position Titles

Juvenile Justice Specialist Intern (new)
Juvenile Justice Specialist (new)
Juvenile Justice Supervisor (new)

Youth Supervisor Trainee (abolish)
Youth Supervisor 1 (abolish)
Youth Supervisor 2 (abolish)
Youth Supervisor 3 (abolish)
Youth Supervisor 4 (abolish)

Staff Analysis: Assistant Executive Director Andrew Barris addressed the Commission regarding the abolishment of the Youth Supervisor, Youth Supervisor 1, Youth Supervisor 2, Youth Supervisor 3, and Youth Supervisor 4 classes; and the creation of the Juvenile Justice Specialist Intern, Juvenile Justice Specialist, Juvenile Justice Supervisor. The Commission received the plan on July 18, 2007. On August 15, 2007 - the day before the meeting of the Commission, Stephen Yokich, representing members of the AFSCME, requested that the Commission continue consideration of the matter until the next month. Barris spoke to John Logsdon at CMS. Logsdon explained that AFSCME was given more than 21 days notice of the proposed rule change as required by the collective bargaining agreement. Illinois statute (20 ILCS 415/10) requires that the Commission "approve or disapprove within 60 days from the date of submission the position classification plan submitted by the Director as provided in the rules, and any revisions thereof within 30 days of submission." Therefore, the Commission was required by statute to consider the proposed classification at the August 16, 2007 meeting. The abolishment of the Youth Supervisor classes, and the creation of the Juvenile Justice Specialist classes, is a result of the creation by legislation of the Department of Juvenile Justice. In sum, five classes are condensed into three classes. The Juvenile Justice Specialist Intern

serves in a training capacity for a twelve month period, the Juvenile Justice Specialist is the "working level" of the class, and the Juvenile Justice Supervisor performs functional supervisory functions. Due to the new legislation, the Intern class requires that the candidate have a bachelor's degree and a minimum age of 21 years old. The previous Youth Supervisor classes required a high school diploma or equivalent, and no age or experience requirements. The incumbents in the Youth Supervisor classes will be reclassified in the new Juvenile Justice classes.

B. Position Titles

Child Welfare Associate Specialist (revise)
Child Welfare Specialist (revise)
Child Protection Associate Specialist (revise)
Child Protection Specialist (revise)

Staff analysis: Assistant Executive Director Andrew Barris informed the Commission that the Child Protection Associate Specialist, Child Protection Specialist, the Child Welfare Associate Specialist, and the Child Welfare Specialist classes were revised to "broaden" the pool of candidates by eliminating the requirement of specific types of human service degrees that are deemed acceptable i.e., the university degree must be in the field of "social work," or "psychology."

C. Position Title

Public Administration Intern (revise)

Staff Analysis: Assistant Executive Director Andrew Barris informed the Commission that the revision to the Public Administration Intern class reflected a directive from William Quinlan, General Counsel for the Office of the Governor, that candidates must have received a bachelor's degree or graduate degree within eighteen months prior to submitting an application, and the training period for the Public Administration Intern will be twelve months. Commissioner Bukraba inquired if the twelve month training period was definitely a required minimum and Barris informed her that conversations with John Logsdon indicated that the training must last at least twelve months so that no Public Administration Intern may be promoted to their targeted title for at least twelve months.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL AND THE MOTION ADOPTED 4-0 TO APPROVE THE ABOLISHMENT, CREATION AND REVISION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE SEPTEMBER 1, 2007:

- **Item A: Juvenile Justice Specialist Intern (new)**
Juvenile Justice Specialist (new)
Juvenile Justice Supervisor (new)

Youth Supervisor Trainee (abolish)
Youth Supervisor 1 (abolish)
Youth Supervisor 2 (abolish)
Youth Supervisor 3 (abolish)
Youth Supervisor 4 (abolish)

- **Item B: Child Welfare Associate Specialist (revise)**
Child Welfare Specialist (revise)
Child Protection Associate Specialist (revise)
Child Protection Specialist (revise)
- **Item C: Public Administration Intern (revise)**

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER EWELL AND THE MOTION ADOPTED 4-0 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 COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND BY ROLL CALL VOTE THE MOTION ADOPTED 4-0 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 | | 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 10:25 a.m.

PRESENT

Chris Kolker, Chairman; Raymond W. Ewell, 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 | 6/30/07 | 7/31/07 | 7/31/06 |
|---------------------------------------|---------|----------------|---------|
| Agriculture | 8 | 8 | 11 |
| Arts Council | 1 | 1 | 1 |
| Central Management Services | 9 | 7 | 2 |
| Children and Family Services | 6 | 9 | 8 |
| Commerce and Economic Opportunity | 1 | 0 | 2 |
| Employment Security | 1 | 0 | 0 |
| Financial and Professional Regulation | 0 | 0 | 5 |
| Healthcare and Family Services | 18 | 16 | 9 |
| Historic Preservation | 25 | 24 | 15 |
| Human Rights Department | 0 | 0 | 1 |
| Human Services | 5 | 4 | 3 |
| Natural Resources | 29 | 34 | 34 |
| Property Tax Appeal Board | 2 | 0 | 1 |
| State Retirement Systems | 1 | 0 | 0 |
| Transportation | 28 | 69 | 53 |
| Veterans' Affairs | 2 | 0 | 0 |
| Workers' Compensation Commission | 1 | 0 | 0 |
| Totals | 137 | 172 | 145 |

IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

• DISCHARGE APPEAL ON REMAND

DA-5-07

| | | | |
|-----------|---|----------------------|-------------------------|
| Employee | Michael K. Hogan | Appeal Date | 8/29/06 |
| Agency | DOC | Decision Date | 8/03/07 on remand |
| Type | Discharge | ALJ | Andrew Barris |
| Charge(s) | Tested positive for THC (marijuana) in random drug test | Recommended Decision | Charges are not proven. |

IT WAS MOVED BY COMMISSIONER DALIANIS SECONDED BY COMMISSIONER BUKRABA AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO MODIFY AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION. THE COMMISSION DETERMINED THAT THE WRITTEN CHARGES HAVE BEEN PROVEN. ALTHOUGH EVERY PROVISION OF THE MEMORANDUM OF AGREEMENT ON DRUG TESTING MAY NOT HAVE BEEN FOLLOWED, THE PREPONDERANCE OF THE EVIDENCE INDICATES THAT THE SPECIMEN PROVIDED BY THE RESPONDENT FOR DRUG TESTING YIELDED TWO "POSITIVE" RESULTS FOR THE PRESENCE OF MARIJUANA IN VIOLATION OF DEPARTMENT POLICIES AND THERE WAS NO EVIDENCE THAT THE DRUG TEST RESULTS WERE FALSE OR INCORRECT. THERE WAS NO EVIDENCE THAT THE RESPONDENT MADE A REQUEST TO SELECT THE LABORATORY FOR TESTING THE SPLIT SAMPLE. FOR THESE REASONS, THE CHARGES ARE PROVEN AND DISCHARGE IS THE APPROPRIATE REMEDY.

| | | | |
|-----------------|------------|-----------------|------------|
| KOLKER | YES | EWELL | YES |
| PETERSON | | DALIANIS | YES |
| BUKRABA | YES | | |

• DISCHARGE APPEAL

DA-8-07

| | | | |
|-----------|---|----------------------|--|
| Employee | Diane Timmer | Appeal Date | 9/26/06 |
| Agency | DCEO | Decision Date | 8/03/07 |
| Type | Discharge | ALJ | Daniel Stralka |
| Charge(s) | Inefficiency, incompetence and negligence in duty performance; insubordination (failure to follow directive); making false statements; conduct unbecoming | Recommended Decision | Charges are partially proven and do warrant discharge. |

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION THAT THE WRITTEN CHARGES HAVE BEEN PARTIALLY PROVEN AND DO WARRANT THE DISCHARGE OF THE EMPLOYEE

| | | | |
|-----------------|------------|-----------------|------------|
| KOLKER | YES | EWELL | YES |
| PETERSON | | DALIANIS | YES |
| BUKRABA | YES | | |

- **DISCHARGE APPEAL**

DA-39-07

| | | | |
|-----------|---|----------------------|--|
| Employee | Toni P. Leachman | Appeal Date | 4/24/07 |
| Agency | DCFS | Decision Date | 8/03/07 |
| Type | Discharge | ALJ | Daniel Stralka |
| Charge(s) | Insubordination (failure to report to independent medical examinations) | Recommended Decision | Charges are proven and do warrant discharge. |

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA AND BY ROLL CALL VOTE OF 4-0 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 EMPLOYEES.

| | | | |
|-----------------|------------|-----------------|------------|
| KOLKER | YES | EWELL | YES |
| PETERSON | | DALIANIS | YES |
| BUKRABA | YES | | |

- **SUSPENSION APPEAL**

S-29-07

| | | | |
|-----------|---------------------------------|----------------------|---|
| Employee | Kirstin Henderson | Appeal Date | 2/07/07 |
| Agency | CMS | Decision Date | 8/03/07 |
| Type | Suspension | ALJ | Andrew Barris |
| Charge(s) | Unauthorized/unreported absence | Recommended Decision | Charges are partially proven and a 5-day suspension in lieu of a 26-day suspension is the appropriate discipline. |

IT WAS MOVED BY COMMISSIONER EWELL SECONDED BY COMMISSIONER BUKRABA AND BY ROLL CALL VOTE OF 3-1 THE MOTION ADOPTED TO MODIFY AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION. THE COMMISSION DETERMINED THAT THE WRITTEN CHARGES HAVE BEEN PROVEN. THE EVIDENCE INDICATED THAT HER DEPARTURE FROM THE WORK AREA ON DECEMBER 29, 2006 WITHOUT REQUESTING OR OBTAINING SUPERVISORY APPROVAL CONSTITUTES AN UNAUTHORIZED ABSENCE. HER POST-INCIDENT ATTEMPT TO COVER HER ABSENCE BY REQUESTING A SICK DAY THE FOLLOWING DAY WAS INSUFFICIENT TO EXCUSE HER ACTIONS THE PREVIOUS DAY. FOR THESE REASONS, THE PETITIONER HAS PROVEN THE CHARGES AND A 26-DAY SUSPENSION IS THE APPROPRIATE DISCIPLINE.

| | | | |
|-----------------|------------|-----------------|------------|
| KOLKER | NO | EWELL | YES |
| PETERSON | | DALIANIS | YES |
| BUKRABA | YES | | |

X. STAFF REPORT

Executive Director Daniel Stralka reported that:

- The Commission received permission to dispose of several years of purchasing and payroll documents. The new Springfield office has on hand the appeals from 1991 forward. The appeals from 1990 and older appeal files are presently stored in boxes on premises to be sorted for transfer to Archives, recommended decisions and signature sheets only.
- The Commission's supplemental appropriation for fiscal year 2007 was signed into law. These funds will be used primarily to pay the contract expenses of Administrative Law Judge Anthony Dos Santos. In addition, this supplemental appropriation included salary increases for the Chairman and Commissioners.
- The fiscal year 2007 GAAP and PAP forms have been completed. CFO Sandy Guppy has drafted new performance measurements for the Commission designed to more accurately reflect staff work activity.
- Assistant Executive Director Andrew Barris completed and filed the fiscal year 2007 EEO Annual Report.

XI. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular meeting to be held on September 20, 2007 at 9:00 a.m. in the Commission's Chicago office.

August 16, 2007

XII. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA AND THE MOTION ADOPTED 4-0 TO ADJOURN THE MEETING AT 10:30 AM.