

August 18, 2005

MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
August 18, 2005

I. OPENING OF MEETING AT 9:05 A.M. AT 160 NORTH LA SALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman; George E. Richards, Raymond W. Ewell and Betty Bukraba, Commissioners; Daniel Stralka of the Commission staff; Commissioner Barbara J. Peterson and Andrew Barris participated through conference call in the Springfield office of the Civil Service Commission.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD JULY 21, 2005

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER PETERSON AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD JULY 21, 2005.**

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 .....	154.....	6
Agriculture .....	599.....	17
Arts Council.....	22.....	1
Capitol Development Board .....	15.....	0
Central Management Services .....	1688.....	119
Children and Family Services.....	3391.....	41
Civil Service Commission .....	4.....	0
Commerce & Econ. Opportunity .....	459.....	61
Commerce Commission.....	43.....	0
Corrections.....	14,214.....	116
Criminal Justice Authority .....	80.....	5
Deaf and Hard of Hearing Comm. ....	7.....	1
Developmental Disabilities Council .....	10.....	1
Emergency Management Agency .....	116.....	1
Employment Security.....	1889.....	26
Environmental Protect. Agency .....	1095.....	16
Fin. & Prof. Regulation.....	795.....	41
Guardianship and Advocacy .....	109.....	5
Historic Preservation Agency .....	361.....	8
Human Rights Commission .....	11.....	2
Human Rights Department .....	149.....	7
Human Services .....	14,807.....	59
Workers Comp. Commission.....	170.....	9
Investment Board.....	4.....	1
Labor.....	78.....	7
Labor Relations Board Educational .....	15.....	2
Labor Relations Board Local.....	1.....	0
Labor Relations Board State .....	20.....	2
Law Enforce. Trng. & Standard Bd. ....	24.....	1
Medical District Comm.....	2.....	0
Military Affairs .....	146.....	3
Natural Resources .....	1754.....	27
Pollution Control Board.....	26.....	3
Prisoner Review Board .....	24.....	0
Property Tax Appeal Board .....	24.....	2
Public Aid .....	2201.....	24
Public Health.....	1111.....	32
Revenue .....	2024.....	58
State Fire Marshal.....	137.....	8
State Police .....	1473.....	6
State Police Merit Board.....	5.....	1
State Retirement Systems .....	83.....	1
Transportation.....	2841.....	1
Veterans Affairs.....	1153.....	4
<b>TOTALS .....</b>	<b>53,321.....</b>	<b>725</b>

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)

- Regarding C and D, the Chief Legal Counsel at the IHPA and the Chief Fiscal Officer at the ISBI respectively, Executive Director Daniel Stralka, reported that the positions met both the policy making and reporting requirements of Rule 11. For those reasons, the staff recommended exemption.
- Regarding Items E1 and E2, Assistant Executive Director Andrew Barris reported that the staff had questions regarding the organizational structure of the Department of Aging. After receiving a revised organizational chart that accurately reflected that the proposed positions reported to the Deputy Director, the staff concluded that both positions met both the principal policy making and reporting requirements of Rule 11 and, therefore, recommended exemption.
- Regarding Items F and G, the Hispanic Liaison at OSFM and the Program Administrator at the Department of Revenue respectively, Executive Director Dan Stralka reported that the positions met both the reporting and the policy-making requirements of Rule 11. Therefore, the staff recommended exemption.
- Regarding Item H, Assistant Executive Director Andrew Barris reported that the position of Chief Legal Counsel at the IWCC met both the reporting and principal policy making requirements of Rule 11.
- Regarding Items I1, I2, and I3, the staff recommended that the positions' 4d3 exempt status be revoked on September 30, 2005.

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

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY CHAIRMAN KOLKER AND THE MOTION UNANIMOUSLY ADOPTED TO GRANT THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:**

C. Requests for 4d(3) Exemption Granted by the Commission

**The following 4d(3) requests for exemption were granted at the August 18, 2005 meeting:**

Position Title: Senior Public Service Administrator  
Position Number: 40070-48-30-000-00-01  
Bureau/Division: Preservation Services  
Incumbent: William L. Wheeler  
Supervisor: Director  
Location: Sangamon County

Position Title: Senior Public Service Administrator  
Position Number: 40070-50-95-000-00-03  
Bureau/Division: Fiscal Office  
Incumbent: Vacant  
Supervisor: Executive Director  
Location: Cook County

Position Title: Senior Public Service Administrator  
Position Number: 40070-47-20-000-00-01  
Bureau/Division: Planning, Research and Development  
Incumbent: Michele Piel  
Supervisor: Deputy Director  
Location: Sangamon County

Position Title: Senior Public Service Administrator  
Position Number: 40070-47-30-000-00-01  
Bureau/Division: Home and Community Services  
Incumbent: Vacant  
Supervisor: Deputy Director  
Location: Sangamon County

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Position Title: Public Service Administrator  
Position Number: 37015-50-50-001-04-84  
Division: Executive  
Incumbent: Vacant  
Supervisor: Illinois State Fire Marshal  
Location: Sangamon County

Position Title: Senior Public Service Administrator  
Position Number: 40070-25-18-000-00-01  
Division: Chicago Administrative/Financial Services Program  
Incumbent: Vacant  
Supervisor: Agency Director  
Location: Cook County

Position Title: Senior Public Service Administrator  
Position Number: 40070-50-37-000-00-01  
Division: Legal Counsel Division  
Incumbent: Kathryn A. Kelley  
Supervisor: Chairman  
Location: Cook County

**IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER BUKRABA AND THE MOTION UNANIMOUSLY ADOPTED TO REVOKE 4D3 EXEMPT STATUS EFFECTIVE SEPTEMBER 30, 2005 FOR THE FOLLOWING POSITIONS:**

Position Title: 40070-37-11-000-01-08  
Position Title: 40070-37-12-000-01-01  
Position Title: 40070-37-14-000-01-01

V. MOTION TO GO INTO EXECUTIVE SESSION

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY CHAIRMAN KOLKER AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS OF DISMISSAL FILED WITH THE COMMISSION PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4) AND 2(c)(11) OF THE OPEN MEETINGS ACT.**

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

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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, Suite S-902, Chicago, Illinois at 9:50 a.m.

PRESENT

Chris Kolker, Chairman, George E. Richards, Raymond W. Ewell, and Betty Bukraba, Commissioners and Daniel Stralka of the Commission staff. Commissioner Peterson and staff member Barris participated via conference call from the Springfield office of the Commission.

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 July 31, 2005.

	<u>6/30/05</u>	<u>7/31/05</u>
Agriculture	1	1
Central Management Services	8	7
Children & Family Services	10	9
Comm. & Econ. Opportunity	3	0
Healthcare & Family Services	10	6
Comm. & Econ. Opportunity	3	0
Financial & Professional Reg.	1	1
Historic Preservation	31	32
Human Services	1	0
Labor	1	1
Natural Resources	32	26
Property Tax Appeal Board	1	0
Public Health	2	1
State Fire Marshall	3	4
State Retirement Systems	1	0
Transportation	<u>6</u>	<u>10</u>
Totals	111	99

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VIII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

• LAYOFF APPEAL

LA-77-05

Petitioner	Zelleria Dennis	Appeal Date	5/17/05
Agency	DHS	Decision Date	7/27/05
Type of Appeal	Layoff Appeal	ALJ	Andrew Barris
Charge(s)	Violation of Personnel Rules	Proposed Finding	ALJ Finds No Violation of the Personnel Rules as Alleged by the Petitioner

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER EWELL AND BY ROLL CALL VOTE THE MOTION ADOPTED 4 TO 1 TO AFFIRM THE ADMINISTRATIVE LAW JUDGE'S PROPOSED FINDING THAT THERE WAS NOT A VIOLATION OF THE PERSONNEL RULES OR CODE AS ALLEGED BY THE PETITIONER, ZELLERIA DENNIS.

PETERSON	YES	KOLKER	YES
EWELL	YES	BUKRABA	NO
RICHARDS	YES		

• DISCHARGE

DA-59-05

Respondent	Michael O'Donnell	Appeal Date	3/2/05
Agency	DOC	Decision Date	7/8/05
Type of Appeal	Discharge	ALJ	Daniel Stralka
Charge(s)	Misconduct; Drug & Alcohol Use on the Job; Misuse of State Vehicle	Recommended Decision	Charges Partially Proven; ALJ Recommends Discharge

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**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY CHAIRMAN KOLKER AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO AFFIRM THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION THAT THE RESPONDENT, MICHAEL O'DONNELL, BE DISCHARGED FROM HIS POSITION OF PUBLIC SERVICE ADMINISTRATOR WITH THE OFFICE OF THE STATE FIRE MARSHAL.**

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

• **DISMISSAL**

**DA-04-06**

Respondent	Annette Hawk	Appeal Date	7/11/05
Agency	DOC	Decision Date	7/26/05
Type of Appeal	Discharge	ALJ	Daniel Stralka
Charge(s)	Conduct Unbecoming; Violation of Departmental Rules	Recommended Decision	Appeal Withdrawn, Dismissal Subject to Commission Approval

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER EWELL AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION DISMISSING THE APPEAL OF THE PETITIONER, ANNETTE HAWK.**

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

X. **AMENDMENTS IN CLASS SPECIFICATIONS**

A. **The following class title was submitted for establishment by the Director of Central Management Services:**

Proposed Position Title

Laborer Foreman

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**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY CHAIRMAN KOLKER AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE ESTABLISHMENT OF THE FOLLOWING CLASS SPECIFICATIONS FOR THE FOLLOWING CLASS TITLE TO BE EFFECTIVE JULY 1, 2005.**

**Laborer Foreman**

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

**XI. REVIEW OF EXECUTIVE SESSION MINUTES PURSUANT TO OPEN MEETINGS ACT**

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY CHAIRMAN KOLKER AND THE MOTION UNANIMOUSLY ADOPTED THAT AFTER REVIEW OF EXECUTIVE SESSION MINUTES PURSUANT TO THE OPEN MEETINGS ACT, THE MINUTES SHALL REMAIN CLOSED INDEFINITELY REGARDING ALL PERSONNEL MATTERS.**

**XII. STAFF REPORT**

- Executive Director Daniel Stralka advised the Commissioners that the internal audit of the Commission had commenced.
- Executive Director Daniel Stralka advised the Commissioners that the construction work on the Springfield office was near completion.
- Executive Director Daniel Stralka advised the Commissioners of the search for an Executive Secretary III and noted that a candidate would likely be selected by the next meeting of the Commission.

**XIII. ANNOUNCEMENT OF NEXT MEETING**

Announcement of the next regular meeting to be held on Thursday, September 15, 2005 at 9:00 a.m. in the Commission's Chicago Office.

**XIV. MOTION TO ADJOURN**

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**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY  
CHAIRMAN KOLKER AND THE MOTION UNANIMOUSLY ADOPTED TO  
ADJOURN THE MEETING AT 10:05 A.M.**