

September 20, 2007

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
September 20, 2007

I. OPENING OF MEETING AT 9:07 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO ILLINOIS

II. PRESENT

Chris Kolker, Chairman (via telephone); Raymond W. Ewell, Barbara J. Peterson, and Ares G. Dalianis, Commissioners; Daniel Stralka, Executive Director; Andrew Barris of the Commission staff; Jan Oncken, Central Management Services; Tina Neely, Shared Services Centers; Robin Staggers and Doug Mathis, Department of Children & Family Services; Rebecca Shuster, Department of Corrections; Marsha Felzer and Dan Flanagan, Department of Employment Security; Richard Foxman, Diana McCarter and Andy Fox, Department of Financial and Professional Regulation; and Marilyn Thomas and Frank Urso of Illinois Department of Public Health.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD AUGUST 16, 2007

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL AND THE MOTION ADOPTED 3-0 TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON AUGUST 16, 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	151.....	9
Agriculture	574.....	17
Arts Council.....	22.....	2
Capitol Development Board	32.....	0
Central Management Services	1,594.....	112
Children and Family Services.....	3,248.....	41
Civil Service Commission	4.....	0
Commerce & Economic Opportunity	411.....	65
Commerce Commission.....	52.....	0
Corrections.....	12,122.....	104
Criminal Justice Authority.....	58.....	6
Deaf and Hard of Hearing Comm.....	7.....	1
Developmental Disabilities Council	10.....	1
Emergency Management Agency	105.....	1
Employment Security.....	1,669.....	25
Environmental Protection Agency	1,032.....	19
Financial & Professional Regulation	781.....	50
Guardianship and Advocacy	111.....	7
Healthcare and Family Services.....	2,390.....	29
Historic Preservation Agency	369.....	12
Human Rights Commission	9.....	2
Human Rights Department	156.....	8
Human Services	14,677.....	67
Investment Board.....	3.....	2
Juvenile Justice	1,255.....	18
Labor.....	75.....	8
Labor Relations Board Educational	12.....	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	1,678.....	27
Pollution Control Board.....	23.....	3
Prisoner Review Board	22.....	0
Property Tax Appeal Board	23.....	2
Public Health.....	1,097.....	35
Revenue	2,060.....	63
State Fire Marshal.....	156.....	12
State Police	1,473.....	6
State Police Merit Board.....	5.....	1
State Retirement Systems	80.....	1
Transportation.....	2,727.....	1
Veterans' Affairs.....	1,135.....	5
Workers' Compensation Commission	169.....	11
TOTALS	51,759.....	781

B. Governing Rule - Jurisdiction B Exemptions

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
 - 1. The Governor, or
 - 2. A departmental director or assistant director appointed by the Governor, or
 - 3. A board or commission appointed by the Governor, or
 - 4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
 - 5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
 - 6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
 - 7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.

- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
 - 1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
 - 2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board or commission.
 - 3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

* * *

C. Requests for 4d(3) Exemption

- With regard to Items C1, C2, E and F, Executive Director Daniel Stralka reported that these are the Shared Service Center Functional & Strategic Assistant Human Resources Directors for both the Administrative & Regulatory and Public Safety Shared Service Centers. These positions first came before the Commission for consideration in June of this year. At that time, Jack Munzer, Statewide Project Manager for the Shared Service Centers, made a lengthy presentation on the initiative in general and fielded questions from the Commissioners on the Shared Service Centers and their impact on principal policy exemption requests they were making. The requested positions have been continued ever since as Staff met with representatives of Central Management Services and the Shared Service Centers to resolve a number of issues with regard to these requests. These position descriptions and reporting structures are essentially similar.

These positions will be reporting to the Director of Human Resources for each respective Shared Services Center, a position that reports to the Shared Services Center Director. To meet the reporting requirement, this is similar in an Agency to a Deputy Director who is the equivalent of a statutory Assistant Director. This also requires the Shared Services Center Directors to be treated as the equivalent of an agency director. These Human Resources Directors were previously granted 4d(3) exempt status and are the principal policy developers with regard to all aspects of Human Resources in their Shared Services Center. These positions will have principal administrative responsibility for the way in which the following Human Resource functions are carried out in and for the benefit of their subordinate agencies, with these being split between the Functional and Strategic positions:

Labor Relations
Classification
Hiring
Payroll
Timekeeping
Benefits
Personnel Administration.

It is anticipated that there will be some principal policy overlap between these positions and the functions that will be carried out by the remaining subordinate agency Human Resource Directors as the implementation progresses. In time, it will become clearer where the principal administrative responsibility for the way in which these functions are carried out truly sits. Labor Relations at the Department of Corrections was cited as an example of this. Approving these requests acknowledges that for at least during this implementation period, positions with overlapping principal policy responsibilities may coexist to support the smooth transition to the Shared Services model. However, the Commission as well as Central Management Services, the Shared Services Centers, and subordinate agencies must be conscious of their responsibilities to minimize this overlap both in time and subject matter and to

either abolish or clarify positions as warranted by future circumstances. It was noted that the Personnel Code provides that the Commission is to use its judgment when determining whether to grant principal policy exemptions to any agency request. The Director of Central Management Services has indicated that she recommends approval of these requests. This being a highly unique situation and even though these requests do not meet a strict interpretation of the Commission's rules for exemption, the Commission must make a judgment call with regard to these requests as it has done many times in the past. After due consideration of all provided information related to these requests, Staff recommends approval.

Tina Neely, the Transition Manager of the Shared Services Centers, responded to Commissioners' questions. In response to a question from Commissioner Dalianis, she confirmed that the Shared Services Center model is more of an entrepreneurial method of managing these common functions. In response to a question from Commissioner Peterson, she indicated that these particular Shared Services Centers have been functioning for approximately four months, but it is anticipated it would take four to five years before all the necessary systems were developed and functioning. Chairman Kolker noted his support for the initiative.

- With regard to Item C3, Executive Director Daniel Stralka noted that this is a Project Manager position of limited duration, not unlike project manager positions that were created and principal policy exemption granted to Central Management Services in 2004. This position is one that will have principal policy responsibilities for implementing the Shared Services initiative, but will end up being abolished upon implementation. Statewide Project Manager Munzer was requesting a four-year exemption for these positions which is the anticipated duration of the implementation. This position was also part of the Commission's discussion back in June at which the Commission indicated it would tentatively approve this request. Staff's concern was that it appeared that this position would be a better candidate for personal service contract than full-time employee. However, it was explained to Staff that the pool of candidates for this position would come from current State employees who possess the legacy knowledge of Human Resources systems in the subordinate agencies and these employees would not be amenable to accepting this position unless it came with all the benefits of full-time employment with the State. Given the highly unique nature of this position, Staff recommended approval but of a more limited duration of 18-24 months since the Shared Services Centers can always return and request an extension of the exemption if circumstances warrant in the future.
- With regard to Item D, Executive Director Daniel Stralka indicated that the Agency requested to withdraw this request. This is part of an agreement made with the Shared Services Center leadership team that it is premature to consider whether agencies will need principal policy exempt positions to act as liaisons to the Shared Services Centers in a somewhat similar manner that legislative liaisons function, especially given that many if not most of these agencies are retaining principal policy exempt Human Resources Managers as the implementation of this initiative continues. Having reviewed this request and spent a significant amount of time

pondering the interaction between the Shared Services Center and its subordinate agencies in developing and carrying out Human Resources functions, it was suggested that any liaison request would not qualify for principal policy exemption at this time.

- With regard to Items G and H, Executive Director Daniel Stralka reported that these requests are for the Chiefs of Disability Services and Asian-American Services, respectively. Staff recommends denial of these requests. Staff was unconvinced that these positions possess the principal programmatic responsibility necessary to support exemption. The agency did not provide any data regarding even the size of the client populations that these positions are to serve, nor did it provide any information to support some of the responsibilities set forth in the position description that would require distinct positions such as these to serve the client base. For example, the position description for the Asian-American position references “identifying variables necessary for a successful foster/adoptive plan in the Asian-American community,” but was unable to state why these would be different from other communities. Of course, denial of these requests does not preclude the agency from establishing these positions. Finally, the Agency already has principal policy exempt African-American and Hispanic liaisons, largely granted due to the size of the client population the agency serves. Expanding beyond those two groups absent any hard data on how they would be benefited may start the Commission down a slippery slope which Staff believes is not warranted by Section 4d(3) of the Personnel Code.

Robin Staggers, Deputy Director of the Department of Children and Family Services, addressed the Commission in favor of the exemption requests. Starting with the Asian-American Services position, she noted that there is a growing population in the Asian-American community that can be served by the Agency. While Asian-Americans are a small percentage of the population served by the Agency, they are third after African-Americans and Latinos. The Agency presently has no one with the lingual skills or the cultural background to effectively reach out to this community and assist in the placement of Asian-American wards, of which there presently are 383. This position would also be assigned to the "New Americans" initiative servicing new immigrants in Illinois. The position would help the Agency to develop policies which would benefit the targeted community, and establish a council within the Agency for this purpose also. In response to a question from Chairman Kolker, Staggers indicated that this position would have the same reporting status and provide the same services as the African-American and Latino Chiefs, but to a different targeted ethnicity. Commissioner Peterson suggested that this request be continued to allow the Agency to provide the Commission additional statistical information in support of this request and the request for the Disability Services position also.

- With regard to Item I, Executive Director Daniel Stralka stated that this position was continued from last month to determine why this position for downstate legal services was being based in Cook County. The Department of Children and Family Services responded that it was because the incumbent has always been located in Cook County, and that is where the majority of the legal staff is located. The Agency noted

that it has many downstate programs being overseen by Managers in Cook County. Based on that response, Staff recommended approval of this request.

- With regard to Item J, Executive Director Daniel Stralka noted that this is the Director of Real Estate Investigations for the Department of Financial and Professional Regulation. This position had previously been submitted to the Commission for approval, but ended up being withdrawn due to overlap with another 4d(3) real estate position. That position was subsequently abolished. This completes the reorganization of the Department of Professional Regulation in the investigations section. This position has similar responsibilities as investigative positions in pharmacy and medical for which the Commission approved exemption. For these reasons, Staff recommended approval of this request.
- With regard to Item K, Executive Director Daniel Stralka indicated that Staff had questions about this request which the agency was unable to respond to prior to the meeting. For that reason, Staff recommended continuing this request.
- With regard to Item L1, Executive Director Daniel Stralka noted that this position is responsible for training throughout the Departments of Corrections and Juvenile Justice. It reports to the Chief of Staff who is the equivalent of a statutory Assistant Director. Much of the training for which it is responsible is the result of statutory mandates, and it has principal programmatic responsibility for both identifying training needs and carrying out the training. The agency indicated that this position had previously been 4d(3) exempt until 1999 when the exemption was rescinded due to a reorganization which pushed it down the organizational chart from the Director. For these reasons, Staff recommended approval of this request.
- With regard to Item L2, Executive Director Daniel Stralka reported that this position has principal programmatic responsibility for all medical services provided by the Department of Corrections. It reports to the Deputy Director of Support Services who is the equivalent of a statutory Assistant Director. In light of the nature of the program and its extensive responsibilities in delivering medical services to Department of Corrections' inmate population, Staff recommends approval. Deputy Director Rebecca Shuster added that the effective delivery of medical services at the Department of Corrections is such a pressing issue that it is the subject of the most vocal complaints by its collective bargaining representative. While this position had previously been contracted out, it has now been determined that a permanent position would best serve the State's interests.
- With regard to Item M, Executive Director Daniel Stralka indicated that Staff had questions about this request which the agency was unable to respond to prior to the meeting and there were potential overlap concerns which Staff was unable to address. For these reasons, Staff recommended continuing this request.

- With regard to Item N, Executive Director Daniel Stralka noted that this position has principal programmatic responsibility for disaster assistance and preparedness, assisting in all the emergency management programs administered by the agency. It serves on many inter-agency committees related to its mission and manages several million dollars in federal funds disbursed to local government units for related programs. It reports to the agency director. For these reasons, Staff recommended approval of this request.
- With regard to Item O, Executive Director Daniel Stralka reported that this position has principal programmatic responsibility for Economic Information and Analysis, one of three basic programs of the Illinois Department of Employment Security authorized by both federal and State law. It reports to the agency director. It is responsible for the collection and analysis of labor statistics which are then disseminated throughout the agency, other agencies in the state, the federal government, employers, jobseekers and others. Additionally, Dan Flanagan, Assistant General Counsel of the Department of Employment Security and Marsha Felzer, Manager of Administrative, Economic Information and Analysis Division, of the Department of Employment Security, provided additional detailed information about the scope and size of the program, how this position is responsible for the accuracy of data provided through the program, and its essential relationship to the mission of the agency. For these reasons, Staff recommended approval of this request.
- With regard to Item P, Executive Director Daniel Stralka reported that this position has principal programmatic responsibility for serving as principal legal advisor to the Health Facilities Planning Board. It technically reports to the agency's Chief Counsel, but serves the Health Facilities Planning Board and has significant independent decision-making authority in this capacity when advising the Board. This includes managing litigation resulting from Board action or inaction. Marilyn Thomas, Chief Counsel for Illinois Department of Public Health elaborated on the relationship between Department of Public Health and the Health Facilities Planning Board, noting the role the Board plays in the highly controversial function of monitoring access to health facility planning throughout the State and how the Department of Public Health provides all the support staff for the Board. She also provided additional detail confirming the amount of independent authority this position possesses in its relationship with the Board. For these reasons, Staff recommended approval of this request.
- With regard to Item Q, Executive Director Daniel Stralka noted that this position has principal programmatic responsibility for the recently established Homeless & Disabled Veterans Program. The position reports to the Director. While this program was agency initiated and only exists at the Manteno Veterans' Home, it will soon be expanded statutorily to include the Chicago home. Due to the nature of the program, Staff recommended approval of this request. Commissioner Ewell inquired about the current enrollment in the program. However, as the Agency failed to send a representative to the meeting no response was provided. Executive Director Daniel Stralka noted that the Agency had been cautioned about the need to send a

representative to the Commission's meeting to respond to such requests and suggested that the Commission could continue the request to obtain this information. However, Commissioner Ewell indicated that the materials provided were sufficient to allow the matter to proceed.

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

The following 4d(3) exemption requests were granted on September 20, 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

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

I. 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

J. 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

L1. 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

L2. Illinois Department of Corrections

Position Number	26405-29-02-700-00-01
Position Title	Medical Administrator IV
Bureau/Division	Support Services
Functional Title	Chief of Medical Services
Incumbent	None
Supervisor	Deputy Director of Support Services, who reports to the Director
Location	Cook County

N. Illinois Emergency Management Agency

Position Number	40070-50-17-300-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Disaster Assistance & Preparedness
Functional Title	Bureau Chief, Disaster Assistance & Preparedness
Incumbent	David L. Smith
Supervisor	Director
Location	Sangamon County

O. Illinois Department of Employment Security

Position Number	40070-44-09-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Economic Information & Analysis
Functional Title	Manager of Economic Information & Analysis
Incumbent	None
Supervisor	Director
Location	Cook County

P. Illinois Department of Public Health

Position Number	40070-20-02-300-00-81
Position Title	Senior Public Service Administrator
Bureau/Division	Division of Legal Services
Functional Title	Deputy Chief Counsel
Incumbent	None
Supervisor	Chief Counsel, who reports to Director
Location	Cook County

Q. Illinois Department of Veterans' Affairs

Position Number	40070-34-00-700-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Homeless & Disabled Veterans' Program
Functional Title	Program Director
Incumbent	None
Supervisor	Director
Location	Kankakee County

The following 4d(3) exemption requests were continued on September 20, 2007:

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

K. Illinois Department of Commerce and Economic Opportunity

Position Number	40070-42-00-800-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Chief Accountability Officer
Incumbent	None
Supervisor	Director
Location	Sangamon County

M. Illinois Department of Children & Family Services

Position Number	40070-16-08-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Division of Quality Assurance
Functional Title	Deputy Director, Division of Quality Assurance
Incumbent	None
Supervisor	Director
Location	Cook County

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 4-0 TO GRANT THE REQUEST FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITION FOR A PERIOD OF 24 MONTHS:

The following 4d(3) exemption request was granted on September 20, 2007 for a period of 24 months:

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

V. **CLASS SPECIFICATIONS**

The Director of Central Management Services submitted the following class title for revision:

A. **Position Title**

Mental Health Administrator Trainee

Staff Analysis: Assistant Executive Director Andrew Barris addressed the Commission about the proposed revision to the Mental Health Administrator Trainee class. Barris stated that the revision to the class was needed to shorten the training period from 6 to 12 months to 4 to 9 months. Barris informed the Commission that the classification analysis provided by Central Management Services indicated that the bureau of Developmental Disabilities (within the Department of Human Services) is the only bureau using the title and that the training program for the title was in the process of being revised.

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

- **Item A: Mental Health Administrator Trainee**

September 20, 2007

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 PETERSON, 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	YES	DALIANIS	YES
BUKRABA			

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 10:15 a.m.

PRESENT

Chris Kolker, Chairman (via telephone); Raymond W. Ewell, Barbara J. Peterson, 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	7/31/07	8/31/07	8/31/06
Agriculture	8	8	6
Arts Council	1	0	1
Central Management Services	7	9	4
Children and Family Services	9	7	5
Commerce and Economic Opportunity	0	0	1
Financial and Professional Regulation	0	0	2
Healthcare and Family Services	16	15	6
Historic Preservation	24	22	18
Human Services	4	4	2
Natural Resources	34	29	34
State Police	0	0	1
Transportation	69	67	78
Workers' Compensation Commission	0	1	0
Totals	172	162	158

IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

• RULE VIOLATION APPEAL

RV-42-06

Petitioner	ISEA, Local 2002	Appeal Date	5/01/06
Agency	CMS	Decision Date	8/29/07
Type	Rule Violation	ALJ	Daniel Stralka
Charge(s)	Qualifying merit compensation employees did not receive annual merit increases in accordance with past practice; failure to do so violated the Personnel Code, Personnel Rules and Pay Play	Proposed Finding	No violations of Personnel Code, Personnel Rules or Pay Plan have been proven.

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSED FINDING THAT CENTRAL MANAGEMENT SERVICES AND OTHER NAMED STATE AGENCIES DID NOT VIOLATE ANY PROVISIONS OF THE PERSONNEL CODE, PERSONNEL RULES OR PAY PLAN AS ALLEGED BY THE PETITIONER. ONCE THE PAY PLAN WAS AMENDED IN ACCORDANCE WITH EXECUTIVE ORDER #1 OF 2003 TO GRANT \$0 INCREASES IN THE ANNUAL MERIT INCREASE GUIDE CHART, ANY INCREASE AWARDED PURSUANT TO THIS SECTION WOULD HAVE BEEN IN VIOLATION OF THE PAY PLAN. SUCH AMENDMENT DID NOT PROHIBIT STATE AGENCIES FROM AWARDED INCREASES IN PAY IN ACCORDANCE WITH OTHER SECTIONS OF THE PAY PLAN. THERE HAS BEEN NO EVIDENCE PRESENTED THAT ANY OTHER MERIT INCREASE AWARDED WAS IN VIOLATION OF THE PERSONNEL CODE, PERSONNEL RULES OR PAY PLAN. IN ADDITION, NO SUBSTANTIAL OR MATERIAL ISSUE OF FACT OR LAW EXISTS TO SUPPORT THE PETITIONER'S REQUEST FOR HEARING.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA			

X. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

• WITHDRAWN

DA-10-07

Employee	Lanette Silas	Appeal Date	10/18/06
Agency	HFS	Decision Date	08/22/07
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Workplace violence; conduct unbecoming a state employee	Recommended Decision	Dismissed subject to Commission approval; withdrawn (settled).

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER PETERSON AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION TO DISMISS THE APPEAL AS A JOINT MOTION TO DISMISS WAS FILED ON AUGUST 16, 2007.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA			

XI. STAFF REPORT

Executive Director Daniel Stralka reported that:

- Staff commenced an audit of the principal policy exemption records and with the assistance of Central Management Services will have written records for all exempt positions.
- On August 23 the appropriations bill for FY08 was signed into law by Governor Blagojevich. The Commission's appropriation for FY08 is \$456,200.
- Preliminary information related to the upcoming compliance audit for FY06 and FY07 has been submitted to the Auditor General. Field work should commence later this fall.

Assistant Executive Director Andrew Barris reviewed recent amendments to the Open Meetings Act with the Commissioners. This included noting that two Commissioners may now discuss public business in private without violating the Act and the affirmative votes of three Commissioners are now necessary to adopt any motion or resolution.

Assistant Executive Director Andrew Barris informed the Commission that a semi-annual review of executive session minutes was required by the Open Meetings Act and that, upon review, the need for confidentiality exists as to all of those minutes.

XII. REVIEW OF EXECUTIVE SESSION MINUTES PURSUANT TO OPEN MEETINGS ACT

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL AND THE MOTION ADOPTED 4-0 THAT AFTER REVIEW OF EXECUTIVE SESSION MINUTES PURSUANT TO THE OPEN MEETINGS ACT, THE NEED FOR CONFIDENTIALITY STILL EXISTS AS TO ALL THOSE MINUTES.

XIII. MEETING SCHEDULE FOR 2008

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER PETERSON AND THE MOTION ADOPTED 4-0 TO APPROVE THE FOLLOWING MEETING SCHEDULE FOR 2008 AS PRESENTED.

January 17, 2008	Chicago	July 17, 2008	Chicago
February 21, 2008	Chicago	August 21, 2008	Chicago
March 20, 2008	Chicago	September 18, 2008	Chicago
April 17, 2008	Chicago	October 16, 2008	Chicago
May 15, 2008	Springfield	November 20, 2008	Springfield
June 19, 2008	Chicago	December 18, 2008	Chicago

XIV. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular meeting to be held on October 18, 2007 at 9:00 a.m. in the Commission's Chicago office.

In response to an inquiry from Commissioner Peterson, a general discussion ensued regarding when it is appropriate for a Commissioner to recuse oneself when they are engaged in non-Commission related business with a State agency.

XV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL AND THE MOTION ADOPTED 4-0 TO ADJOURN THE MEETING AT 10:35 AM.