

October 19, 2006

MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
October 19, 2006

I. OPENING OF MEETING AT 9:03 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman; George Richards, Raymond W. Ewell, Barbara J. Peterson, and Betty A. Bukraba, Commissioners; Daniel Stralka, Executive Director; Andrew Barris (via conference call) of the Commission staff; and Jan Oncken, Department of Central Management Services

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD SEPTEMBER 21, 2006

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER PETERSON AND THE MOTION ADOPTED 5-0 TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 21, 2006.**

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

**A. Report on Exempt Positions**

<u>Agency</u>	<u>Total Employees</u>	<u>No. of Exempt Positions</u>
Aging .....	142.....	9
Agriculture .....	529.....	17
Arts Council.....	20.....	1
Capitol Development Board .....	32.....	0
Central Management Services .....	1,615.....	111
Children and Family Services.....	3,358.....	41
Civil Service Commission .....	4.....	0
Commerce & Econ. Opportunity .....	429.....	61
Commerce Commission.....	54.....	0
Corrections.....	12,358.....	100
Criminal Justice Authority .....	69.....	6
Deaf and Hard of Hearing Comm. ....	6.....	1
Developmental Disabilities Council .....	10.....	1
Emergency Management Agency .....	106.....	1
Employment Security.....	1,794.....	26
Environmental Protect. Agency .....	1,086.....	17
Financial & Prof. Regulation .....	803.....	44
Guardianship and Advocacy .....	114.....	6
Healthcare and Family Services.....	2,337.....	29
Historic Preservation Agency .....	328.....	11
Human Rights Commission .....	12.....	2
Human Rights Department .....	137.....	8
Human Services .....	14,883.....	62
Investment Board.....	5.....	2
Juvenile Justice .....	1321.....	18
Labor.....	79.....	7
Labor Relations Board Educational .....	17.....	2
Labor Relations Board Local .....	1.....	0
Labor Relations Board State .....	17.....	2
Law Enforce. Trng. & Standard Bd. ....	23.....	1
Medical District Comm.....	2.....	0
Military Affairs .....	144.....	3
Natural Resources .....	1,625.....	27
Pollution Control Board.....	26.....	3
Prisoner Review Board .....	22.....	0
Property Tax Appeal Board .....	23.....	2
Public Health.....	1,116.....	35
Revenue .....	2,037.....	59
State Fire Marshal .....	150.....	9
State Police .....	1,458.....	6
State Police Merit Board.....	5.....	1
State Retirement Systems .....	85.....	1
Transportation.....	2,847.....	1
Veterans Affairs.....	1,163.....	5
Workers Comp. Commission.....	177.....	10
<b>TOTALS .....</b>	<b>52,569.....</b>	<b>748</b>

**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 the agency had yet to submit any of the supplemental materials requested and necessary to resolve the overlap issue even though he had sent a reminder e-mail on October 16, 2006. It was only late in the evening on the day before the meeting that the pending request was even acknowledged and the agency requested another continuance or to have the matter withdrawn from the agenda.
- With regard to Item D, Executive Director Daniel Stralka reported that the State Fire Marshal has requested another continuance to complete a material reorganization of its policy-making and implementing positions. For that reason, Commission staff recommended that the request for continuance be allowed.
- With regard to Items E and F, Executive Director Daniel Stralka reported that after consulting with the requesting agencies, he sought the advice of the Illinois Department of Human Rights whether these positions - mandated by Rule of the Illinois Department of Human Rights - were appropriate candidates for principal policy exemption. As the Illinois Department of Human Rights has yet to respond to this inquiry, Executive Director Daniel Stralka recommended that these requests be continued.
- With regard to Item G, Executive Director Daniel Stralka reported that this position of Audit Bureau Manager for the Department of Revenue satisfies both the reporting and programmatic requirements of Commission rules. For those reasons, Commission staff recommended approval of this request.
- With regard to Item H, Executive Director Daniel Stralka reported that this request has significant similarities to a request that was withdrawn by the Department of Commerce and Economic Opportunity last month after Commission staff informed the agency that they would not be recommending approval of the request. On October 16, 2006 an e-mail was sent to the agency to acquire additional information about the position, specifically as to differences from last month's withdrawn request. No response was received. Based on the request as submitted, Commission staff recommended that the request be denied.
- With regard to Item I, Executive Director Daniel Stralka reported that the position of Chief Fiscal Officer for the Guardianship and Advocacy Commission satisfies both the reporting and programmatic requirements of Commission rules. For those reasons, Commission staff recommended approval of this request.

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER BUKRABA AND THE MOTION ADOPTED 5-0 TO GRANT, CONTINUE AND DENY THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:**

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**The following 4d(3) exemption requests were granted on October 19, 2006:**

Item G: Illinois Department of Revenue

Position Number: 40070-25-41-000-00-01  
Position Title: Senior Public Service Administrator  
Bureau Division: Audit  
Functional Title: Manager of the Audit Bureau  
Incumbent: Daniel E. Hall  
Supervisor: Reports to Director  
Location: Sangamon County

Item I: Guardianship and Advocacy Commission

Position Number: 40070-50-70-050-00-01  
Position Title: Senior Public Service Administrator  
Bureau Division: Administration  
Functional Title: Director of Financial and Fiscal Operations  
Incumbent: Jerry Turnbull  
Supervisor: Reports to Director  
Location: Sangamon County

**The following 4d(3) exemption requests were continued to November 16, 2006:**

Item D: Illinois State Fire Marshal

Position Number: 40070-50-50-200-00-01  
Position Title: Senior Public Service Administrator  
Bureau/Division: Boiler and Pressure Vessel Safety  
Functional Title: Director, Statewide Boiler and Pressure Vessel Safety Div.  
Supervisor: Illinois State Fire Marshal  
Location: Sangamon County

Item E: Illinois Department of Corrections

Position Number: 40070-29-00-000-20-01  
Position Title: Senior Public Service Administrator  
Bureau/Division: Director's Office  
Functional Title: EEO/Affirmative Action Officer  
Incumbent: Janet Richmond  
Supervisor: Reports to Director  
Location: Cook County

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Item F: Illinois Department of Juvenile Justice

Position Number: 37015-27-00-000-10-01  
Position Title: Public Service Administrator  
Bureau/Division: Director's Office  
Functional Title: EEO/Affirmative Action Officer  
Incumbent: None  
Supervisor: Reports to Director  
Location: Sangamon County

**The following 4d(3) exemption requests were denied on October 19, 2006:**

Item C: Illinois Department of Revenue

Position Number: 37015-25-90-210-10-01  
Position Title: Public Service Administrator  
Bureau/Division: Lottery-Superintendent's Office  
Functional Title: Communications Manager  
Incumbent: None  
Supervisor: Lottery Superintendent (reports to Director)  
Location: Cook County

Item H: Illinois Department of Commerce and Economic Opportunity

Position Number: 40070-42-00-700-05-01  
Position Title: Senior Public Service Administrator  
Bureau/Division: Entrepreneurial/Small Business Programs  
Functional Title: Assistant Deputy Director  
Incumbent: None  
Supervisor: Deputy Director, Entrepreneurial/Small Business Programs  
(reports to agency Director)  
Location: Sangamon County

V. AMENDMENTS TO CLASS SPECIFICATIONS

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

A. Position Title:

Social Service Career Trainee (revise)

Staff Analysis: Assistant Executive Director Andrew Barris explained to the Commission that he discussed the proposed revision to the Social Service Career Trainee class with John Logsdon and Bill Lipsmire at Central Management Services. Barris stated that the Commission staff had concerns that the training period was

being extended to 48 months, thus preventing the trainee candidate from achieving certified status during this time. Barris was informed by Logsdon that the positions within the class fell under the collective bargaining agreement. Logsdon explained that the trainee positions required that candidates obtain a Master's degree for the targeted Rehabilitation Counselor title or two years of case work for the targeted Public Aid Family Support Specialist title. Logsdon provided a Memorandum of Understanding between AFSCME and Central Management authorizing the training to extend to 48 months. Logsdon explained that the purpose of the revision of the class specification was to "catch-up" to the requirements trainees must comply with to complete their training and move into their targeted titles. Due to the collective bargaining agreement and no express provisions within the Personnel Code and/or Rules that prohibit extending training periods to 48 months, Commission staff recommended the approval of the revision.

B. Position Titles

Revenue Tax Specialist Trainee (revise)  
Revenue Tax Specialist I (revise)  
Revenue Tax Specialist II (revise)

Property Tax Examiner Trainee (abolish)  
Property Tax Examiner (abolish)  
Property Tax Analyst I (abolish)  
Property Tax Analyst II (abolish)  
Property Tax Analyst III (abolish)

Staff Analysis: Assistant Executive Director Andrew Barris explained that he discussed the proposed class specification revisions with John Logsdon at Central Management Services and was informed that in order to increase productivity the Revenue Tax Specialist Trainee, Revenue Tax Specialist I, Revenue Tax Specialist II and Public Service Administrator classes were being revised to include positions within the Property Tax Examiner Trainee, Property Tax Examiner, and the Property Tax Analyst I, II, and III classes. The latter classes are being abolished.

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER BUKRABA AND THE MOTION ADOPTED 5-0 TO APPROVE THE REVISION AND ABOLISHMENT OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE NOVEMBER 1, 2006.**

**Social Service Career Trainee (revise)**

**Revenue Tax Specialist Trainee (revise)  
Revenue Tax Specialist I (revise)  
Revenue Tax Specialist II (revise)**

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**Property Tax Examiner Trainee (abolish)**  
**Property Tax Examiner (abolish)**  
**Property Tax Analyst I (abolish)**  
**Property Tax Analyst II (abolish)**  
**Property Tax Analyst III (abolish)**

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER BUKRABA AND THE MOTION ADOPTED 5-0 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 PETERSON, SECONDED BY COMMISSIONER EWELL 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>RICHARDS</b>	<b>YES</b>
<b>PETERSON</b>	<b>YES</b>	<b>EWELL</b>	<b>YES</b>
<b>BUKRABA</b>	<b>YES</b>		

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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 9:35 a.m.

PRESENT

Chris Kolker, Chairman; George Richards, Raymond W. Ewell, Barbara J. Peterson, and Betty A. Bukraba, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris (via conference call) 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	8/31/06	9/30/06	9/30/05
Agriculture	6	5	4
Arts Council	1	1	0
Central Management Services	4	3	5
Children and Family Services	5	3	5
Commerce and Economic Opportunity	1	0	1
Financial and Professional Regulation	2	1	0
Healthcare and Family Services	6	5	12
Historic Preservation	18	14	22
Human Rights Department	0	0	1
Human Services	2	3	0
Natural Resources	34	29	18
State Police	1	0	0
State Retirement Systems	0	1	1
Transportation	78	90	42
Veterans' Affairs	0	1	0
<b>Totals</b>	<b>158</b>	<b>156</b>	<b>111</b>

IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

• DISCHARGE APPEAL

DA-1-07

Petitioner	Mandy Taylor	Appeal Date	07/11/06
Agency	DHS	Decision Date	10/06/06
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Unauthorized absences	Recommended Decision	Charges proven; discharge upheld.

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER EWELL AND BY ROLL CALL VOTE OF 4-1 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION THAT THE CHARGES HAVE BEEN PROVEN AND DO WARRANT THE DISCHARGE OF MANDY TAYLOR.

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

• GEOGRAPHICAL TRANSFER APPEAL

GT-4-07

Petitioner	Susan Armstrong	Appeal Date	08/03/06
Agency	Employment Security	Decision Date	10/06/06
Type	Geographical Transfer	ALJ	Daniel Stralka
Charge(s)	Transferred from Peoria County to Tazewell County as retaliation	Recommended Decision	No violation.

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER EWELL AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION TO THE EXTENT CONSISTENT WITH THIS FINDING THAT THERE IS NO VIOLATION OF THE PERSONNEL CODE OR PERSONNEL RULES AS ALLEGED BY THE PETITIONER IN HER APPEAL OF HER GEOGRAPHICAL TRANSFER EFFECTIVE AUGUST 1, 2006. THIS INCLUDES HER TRANSFER EFFECTIVE JANUARY 23, 2006.

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

X. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

• WITHDRAWN

LA-51-05

Petitioner	Olga Aranzubia	Appeal Date	1/28/05
Agency	DNR	Decision Date	9/25/06
Type	Layoff	ALJ	Andrew Barris
Charge(s)	Violation of Personnel Rules	Proposed Finding	Dismissed subject to Commission approval; withdrawn due to settlement.

• WITHDRAWN

DA-56-06

Petitioner	Mary K. Cook	Appeal Date	06/30/06
Agency	DVA	Decision Date	10/03/06
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Failure to follow procedures; HIPAA and confidentiality violations	Recommended Decision	Dismissed subject to Commission approval; withdrawn due to settlement.

• WITHDRAWN

DA-6-07

Petitioner	Catherine Biggs	Appeal Date	9/18/06
Agency	DHS	Decision Date	9/29/06
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Conduct unbecoming; (pled guilty to Class 4 Felony for possession of a controlled substance)	Recommended Decision	Dismissed subject to Commission approval; withdrawn.

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER EWELL, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO APPROVE THE ADMINISTRATIVE LAW JUDGE'S PROPOSED FINDING AND RECOMMENDED DECISIONS DISMISSING THE APPEALS OF ARANZUBIA, COOK AND BIGGS.**

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

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XI. CONSIDERATION OF FISCAL YEAR 2006 ANNUAL REPORT

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY CHAIRMAN KOLKER AND THE MOTION ADOPTED 5-0 TO APPROVE THE FISCAL YEAR 2006 ANNUAL REPORT.**

XII. STAFF REPORT

Executive Director Daniel Stralka reported that:

- New computers were successfully installed in Springfield on September 28 and 29, and in Chicago on October 2 and 3.
- The Department of Human Rights has approved the Commission's Affirmative Action Report for fiscal year 2006.
- The fiscal year 2006 Public Accountability Report has been submitted to the Comptroller.
- Sandra Guppy attended the annual deferred compensation workshop on October 11.
- Administrative Law Judge Anthony Dos Santos is resuming proceedings in the DeFraties and Casey appeals.
- After consulting with staff at the Joint Committee on Administrative Rules (JCAR), Commission staff is deferring submission of the previously approved revisions to Civil Service Commission Rule 11 on Section 4d(3) exemptions. JCAR staff recommended that the Commission complete and approve all contemplated revisions to its Rules before commencing the administrative approval process. Commission staff will proceed to do so with a targeted completion date sometime in the first part of 2007.
- The fiscal year 2007 Business Enterprise Program Compliance Plan has been submitted. We will be switching to using recycled toner cartridges from a disabled vendor to increase our dollars attained.
- Andrew Barris and Beckie Daniken met with Sandra Lucas, Record Analyst with the State Archives, on October 12 regarding an update to our record retention schedule.
- Thanks to the efforts of Beckie Daniken, the Commission's SECA campaign has raised a record amount for charity. Thank you to all who have contributed.

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- New travel voucher rules go into effect on December 31, 2006. It is important that all travel vouchers be returned to Sandy Guppy as soon as possible to ensure timely processing. Delayed travel vouchers may result in travel reimbursements being treated as earned income subject to withholding.

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular meeting to be held on Thursday, November 16, 2006 at 10:30 a.m. in the Commission's **Springfield** office.

XIV. MOTION TO ADJOURN

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY CHAIRMAN KOLKER AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 10:00 A.M.**