

October 21, 2004

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
OCTOBER 21, 2004

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

II. PRESENT

Chris Kolker, Chairman; George E. Richards, Betty Bukraba, Raymond W. Ewell and Barbara J. Peterson, Commissioners; Daniel Stralka and Andrew Barris of the Commission staff; and Ed Wynn, Marybeth Johnson and Dawn DeFraties, Central Management Services.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD SEPTEMBER 16, 2004

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER PETERSON, AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD SEPTEMBER 16, 2004.

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	5
Agriculture	556	19
Arts Council	20	1
Office of Banks & Real Estate	1	0
Capitol Development Board.....	16	0
Central Management Services.....	1253	106
Children and Family Services	3529	41
Civil Service Commission	5	0
Commerce & Econ. Opportunity	487	60
Commerce Commission	58	0
Corrections	14,430	115
Criminal Justice Authority	69	3
Deaf and Hard of Hearing Comm.	7	1
Developmental Disabilities Council	10	1
Elections Board	56	1
Emergency Management Agency	111	2
Employment Security.....	1992	25
Environmental Protect. Agency	1138	15
Fin. & Prof. Regulation.....	877	25
Financial Institutions.....	1	0
Guardianship and Advocacy	110	6
Historic Preservation Agency	243	6
Human Rights Commission	11	2
Human Rights Department.....	137	7
Human Services	15,650	61
Industrial Commission	163	7
Investment Board.....	3	1
Labor.....	79	7
Labor Relations Board Educational	16	2
Labor Relations Board Local	2	0
Labor Relations Board State	17	2
Law Enforce. Trng. & Standard Bd.	24	1
Medical District Comm.....	2	0
Military Affairs	146	3
Natural Resources	1800	28
Pollution Control Board	26	3
Prisoner Review Board	24	0
Property Tax Appeal Board	24	2
Public Aid	2347	22
Public Health.....	1163	28
Revenue	2167	55
State Fire Marshal	138	7
State Police.....	1531	5
State Police Merit Board	5	1
State Retirement System	81	1
Transportation	2956	1
Veterans Affairs	1176	2
TOTALS	54,811	680

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)

- Assistant Executive Director Andrew Barris discussed with Larry Plummer at CMS the policy-making responsibilities of Items L-O and addressed these issues at the meeting. Barris stated that the Commission was concerned that, after approval of the Media Administrators in the months of July and August, CMS has not informed the Commission of any changes in duties, responsibilities, organization, etc. of the Public Information Officer (PIO) positions in the agencies - many of which enjoyed 4d(3) status - that were necessarily affected by the creation of the Media Administrator positions as called for in CSC Rule 11(d). CMS was directed to provide for the Commission by the November meeting the status of the Agency PIOs that were displaced by the creation of the Media Administrators. Failure to do so may lead to the revocation of the 4d(3) status granted the Media Administrators in accordance with CSC Rule 11(c). Ed Wynn, CMS Chief Legal Counsel, and Marybeth Johnson, Deputy Director of the Illinois Office of Communication and Information (IOCI), appeared before the Commission to make a presentation to the Commissioners. Ed Wynn assured the Commission that prior to the next meeting CMS would provide an update as to the status of the Public Information Officer positions that were displaced due to the consolidation of the Media Administrators in the IOCI. Dawn DeFraties, Deputy Director of Personnel at CMS, stated that to date the consolidation at IOCI led to the abolishment of 4 titles.
- Wynn addressed the Commission regarding Item L, the Deputy Chief Administrative Officer. He stated that this position would act as his assistant, report to him, and he described several position duties to illustrate the principle policy formulating/implementing responsibilities of the position. Wynn made reference to an organizational structure at CMS in which he would be responsible for 1/2 the agency. Executive Director Stralka noted that this would impact the eligibility of numerous previously granted exemptions; Wynn clarified this statement to confirm that no such organizational change had occurred. The statement was intended to emphasize the scope of responsibility for this requested exemption. Therefore, the staff recommended exemption.
- Marybeth Johnson addressed Agenda Items M-O. Due to several different news mediums through which information is dispersed, she stated that these positions were necessary to coordinate and translate the information put forth by the many agencies in the variety of mediums through which the public receives its news and also to remain consistent with the Governor's stated policy objectives. She stated that these positions were primary policy making positions and that they would report to her. She also stated that each position had final decision-making authority regarding the form in which information is dispersed. Chairman Kolker specifically inquired about the responsibilities of the positions. As an example, Johnson described the publications put forth by the Department of Aging. Not only would Item N, the Statewide Publication Services position, be responsible for making policy regarding distribution and form of consistent and uniform publications put forth by the Department of Aging, it would also

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

create policy to insure that the information contained within the pamphlets was also consistent with the information put out by other agencies through other means, i.e. internet, television and radio. In addition, she also stated that these positions were necessary in providing greater citizen access to information that the public might need regarding the many agencies the IOCI represents. Upon completion of the CMS presentation, Commission staff recommended exemption.

- The Commission staff had questions regarding the policy-making responsibilities of Items C, G and H. These exemption requests were subsequently withdrawn by the agencies.
- The Commission staff had questions regarding the policy-making responsibilities of Item I, the Director of Security at the IHPA. Susie Fishel in human resources at IHPA explained that vast numbers of the general public will be visiting the Abraham Lincoln Presidential Library and Museum and that a large number of receptions and events would also be hosted at the Library. Several valuable artifacts and documents - the Gettysburg Address and the Emancipation Proclamation – will be displayed at the Library. The security of these documents requires a policy-making position in the form of the Director of Security for the Library. In addition, other agencies have had similar exempt security positions. Therefore, the staff recommended exemption.
- The Commission staff had questions regarding potential overlap in the policy-making responsibilities of Item K. Andrew Barris spoke with Deb Tumulty and Betty Ames at the Department of Revenue. They stated that the Communications Officer was the primary policy making position regarding the creation of economically viable property tax initiatives and their effect on state revenues and local governments. They explained that Property Tax is Revenue's own unique tax and is totally unrelated to the Agency's approximately 70 other taxes. They explained that there was very little substantive overlap with other exempt positions in the Department – specifically the Legal Counsel position dealing with property tax issues or the legislative liaisons. The primary policy making responsibility of the exempt legal counsel position dealing with property tax issues involves the legal writing of tax policy and analysis of existing law. The legislative liaisons at Revenue primarily deal with legislative protocol and the passage of any piece of legislation regarding the Department of Revenue. However, the Communications Officer position deals with the practical application and effect of property tax initiatives on state revenue and the practical effect of such property tax proposals from the economic perspective of local governments and the state as a whole. Tumulty and Ames also stated that there would be no more requests for exemptions regarding any position dealing with property taxes. Therefore, after determining there is no substantial overlap in the policy-making responsibilities of the positions at Revenue regarding property taxes, the staff recommended exemption.

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

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER PETERSON AND THE MOTION UNANIMOUSLY ADOPTED TO CONTINUE OR APPROVE THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS IN ACCORDANCE WITH STAFF RECOMMENDATION:

C. Requests for 4d(3) Exemption Withdrawn

The following 4d(3) requests for exemption were withdrawn prior to the October 21, 2004 meeting.

Agency: Department of Public Aid
Position Title: Senior Public Service Administrator
Position Number: 40070-33-00-800-00-21
Division: Office of the Director
Incumbent: Jean Summerfield
Supervisor: Director
Location: Cook

Agency: Department of Natural Resources
Position Title: Senior Public Service Administrator
Position Number: 40070-12-09-000-00-01
Division: Office of Business Management
Incumbent: Vacant
Supervisor: Director
Location: Sangamon

Agency: Department of Natural Resources
Position Title: Administrative Assistant II
Position Number: 00502-12-00-200-10-02
Division: Director's Office
Incumbent: Vacant
Supervisor: SPSA-40070-12-00-200-00-01
Location: Sangamon

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

D. Request for 4d(3) Exemption Continued by the Commission

The following 4d(3) request for exemption was continued at the October 21, 2004 meeting until the November 18, 2004 meeting:

Agency: Department of Children and Family Services
Position Title: Senior Public Service Administrator
Position Number: 40070-16-00-000-50-01
Division: Director's Office
Incumbent: Vacant
Supervisor: Director – DCFS
Location: Cook County

E. Requests for 4d(3) Exemption Approved by the Commission

The following 4d(3) requests for exemption were approved at the October 21, 2004 meeting:

Agency: Criminal Justice Information Authority
Position Title: Senior Public Service Administrator
Position Number: 40070-50-05-400-00-01
Division: Research & Analysis
Incumbent: Gerard Ramker
Supervisor: Executive Director
Location: Cook County

Agency: Criminal Justice Information Authority
Position Title: Public Service Administrator
Position Number: 37015-50-05-000-21-01
Division: Human Resources
Incumbent: Jan Oncken
Supervisor: Executive Director
Location: Cook County

Agency: Department of Human Services
Position Title: Senior Public Service Administrator
Position Number: 40070-10-18-000-00-02
Division: Office of Community Relations
Incumbent: Vacant
Supervisor: Secretary of DHS
Location: Cook County

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

Agency: Illinois Historic Preservation Agency
Position Title: Senior Public Service Administrator
Position Number: 40070-48-50-100-00-01
Division: A. Lincoln Presidential Library & Museum Security
Incumbent: Vacant
Supervisor: ALPLM Director
Location: Sangamon County

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-70-000-01-02
Bureau/Division: Chief Administrative Officer/General Counsel's Office
Incumbent: Vacant
Supervisor: Chief Administrative Officer and General Counsel
Location: Cook County

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-80-200-00-01
Bureau / Division: Illinois Office of Communication and Information/
Statewide Electronic Media Services
Incumbent: Vacant
Supervisor: Deputy Director/Office of Communication and Information
Location: Sangamon County

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-80-300-00-01
Bureau/Division: Office of Communication and Information/Statewide
Publications, Editorial and Design Services
Incumbent: Vacant
Supervisor: Deputy Director/Office of Communication and Information
Location: Sangamon County

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

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-80-100-00-01
Bureau/Division: Illinois Office of Communication and Information/
Statewide Visual Media Services
Incumbent: Vacant
Supervisor: Deputy Director-Office of Communication and Information
Location: Cook County

Agency: Department of Revenue
Position Title: Senior Public Service Administrator
Position Number: 40070-25-03-110-00-02
Division: Local Government Services
Incumbent: Vacant
Supervisor: Communications Officer – Department of Revenue
Location: Sangamon County

V. MOTION TO GO INTO EXECUTIVE SESSION

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER RICHARDS AND THE MOTION UNANIMOUSLY ADOPTED TO HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS OF DISMISSAL FILED WITH THE COMMISSION.

VI. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Chicago, Illinois at 10:05 a.m.

Present:

Chris Kolker, Chairman; George E. Richards, Betty Bukraba, Raymond W. Ewell and Barbara J. Peterson, Commissioners; and Daniel Stralka and Andrew Barris of the Commission staff.

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 September 30, 2004.

	<u>8/31/04</u>	<u>9/30/04</u>
Agriculture	9	8
Central Management Services	9	9
Children & Family Services	3	3
Comm. & Econ. Opportunity	1	2
Emergency Management Agency	1	1
Environmental Protection	1	1
Historic Preservation	33	20
Natural Resources	40	26
Prisoner Review Board	0	1
Public Aid	3	3
State Retirement Systems	0	1
Transportation	3	3
Totals	102	78

VIII. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL

- **DISCHARGE**

DA-70-04

Respondent	James H. Adams	Appeal Date	11/17/03
Agency	IDOT	Decision Date	10/15/04
Type of Appeal	Discharge	ALJ	Leonard Sacks
Charge	Disruptive Conduct; Conduct Unbecoming; Violence In The Workplace.	Recommended Decision	Charges Partially Proven; Discharge Upheld.

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO REJECT THE RECOMMENDED DECISION AND REMAND IT TO THE ADMINISTRATIVE LAW JUDGE FOR FURTHER PROCEEDINGS. IT IS THE DECISION OF THE COMMISSION THAT ALL PARTIES ARE GRANTED ADDITIONAL LEAVE TO FILE A WRITTEN RESPONSE TO THE ADMINISTRATIVE LAW JUDGE'S DECISION BY THE END OF BUSINESS ON NOVEMBER 3, 2004.

IX. APPEALS TERMINATED WITHOUT DECISION

- **DISMISSAL**

DA-14-05

Respondent	John Meszaros	Appeal Date	8/03/04
Agency	Public Aid	Decision Date	9/28/04
Type of Appeal	Discharge	ALJ	Andrew Barris
Charge	Inappropriate Behavior; Failure To Follow Supervisory Instructions; Unsatisfactory Work Performance; Misuse/Theft Of State Property; Conduct Unbecoming.	Recommended Decision	Joint Stipulation To Dismiss; Settlement Agreement Reached.

IX. APPEALS TERMINATED WITHOUT DECISION (continued)

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER RICHARDS AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO AFFIRM THE RECOMMENDED DECISION THAT THE APPEAL OF THE RESPONDENT, JOHN MESZAROS, BE DISMISSED.

• **DISMISSAL**

DA-92-04

Respondent	Rebecca A. Gottstein	Appeal Date	4/22/04
Agency	Department of Revenue	Decision Date	10/6/04
Type of Appeal	Discharge	ALJ	Daniel Stralka
Charge	Conduct Unbecoming; Making False Statements.	Recommended Decision	Settlement Agreement; Motion To Withdraw Appeal Granted By ALJ.

IT WAS MOVED BY COMMISSIONER BUKRABA, SECONDED BY COMMISSIONER EWELL AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO AFFIRM THE RECOMMENDED DECISION THAT THE APPEAL OF THE RESPONDENT, REBECCA A. GOTTSTEIN, BE WITHDRAWN FROM THE DOCKET OF THE CIVIL SERVICE COMMISSION.

• **DISMISSAL**

RV-83-04

Petitioner	Harry Hitchcock	Appeal Date	2/16/04
Agency	DOC	Decision Date	9/22/04
Type of Appeal	Rule Violation	ALJ	Andrew Barris
Charge	Denial Of Promotion	Recommended Decision	No Violation Of Rules Found By ALJ.

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER PETERSON AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO AFFIRM THE RECOMMENDED DECISION THAT THE APPEAL OF THE RESPONDENT, HARRY HITCHCOCK, BE DISMISSED.

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X. MEETING SCHEDULE FOR 2005

IT WAS MOVED BY COMMISSION RICHARDS, SECONDED BY COMMISSIONER EWELL AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE FOLLOWING AS ITS MEETING SCHEDULE FOR 2005.

January 20, 2005	Chicago		July 21, 2005	Chicago
February 17, 2005	Chicago		August 18, 2005	Chicago
March 17, 2005	Chicago		September 15, 2005	Chicago
April 21, 2005	Chicago		October 20, 2005	Chicago
May 18, 2005	Springfield		November 17, 2005	Springfield
June 16, 2005	Chicago		December 15, 2005	Chicago

XI. STAFF REPORT

- Executive Director Daniel Stralka noted that all Commissioners and Commission staff successfully passed the required Ethics training and test.
- Executive Director Daniel Stralka informed the Commission on the purchase and installation of the new copier and its welcome by the staff.
- With the upcoming resignation of ALJ Leonard Sacks, Executive Director Daniel Stralka has reassigned all his pending appeals to himself or Drew Barris. Status hearings will be held to ascertain the progress of these cases and move them towards resolution.
- Drew Barris notified the Commission that the PAP/GAAP reports have been submitted and that the Affirmative Action Plan was also completed.
- Executive Director Daniel Stralka noted that after conferring with CMS, the Commission will now be provided with all proposed amendments to the Personnel Rules.
- A records meeting is scheduled for later this month with a representative of the Secretary of State to review our current retention/destruction procedures.

XII. ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, November 18, 2004 at 10:30 a.m. in the Commission's Springfield Office.

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XIII. MOTION TO ADJOURN

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY
COMMISSIONER PETERSON AND THE MOTION UNANIMOUSLY
ADOPTED TO ADJOURN THE MEETING AT 10:20 A.M.**