

November 17, 2005

MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
November 17, 2005

I. OPENING OF MEETING AT 10:35 A.M. AT 425½ SOUTH FOURTH STREET,  
SPRINGFIELD, ILLINOIS

II. PRESENT

Chris Kolker, Chairman; George E. Richards, Raymond W. Ewell, Betty Bukraba, and Barbara Peterson Commissioners; Daniel Stralka, Executive Director, Andrew Barris and Beckie Daniken of the Commission staff; William Jarvis (Attorney General's Office), Kevin Connor (DHFS), Mary Beth Johnson, Larry Plummer, Mark Magill (CMS) and Jeanine Hamm (IDFPR).

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD OCTOBER 20, 2005

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER EWELL AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD OCTOBER 20, 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.....	151	8
Agriculture .....	508	17
Arts Council .....	22	1
Capitol Development Board .....	17	0
Central Management Services .....	1648	120
Children and Family Services .....	3315	41
Civil Service Commission .....	3	0
Commerce & Econ. Opportunity .....	446	61
Commerce Commission .....	42	0
Corrections.....	14,113	117
Criminal Justice Authority.....	77	6
Deaf and Hard of Hearing Comm. ....	5	1
Developmental Disabilities Council.....	13	1
Emergency Management Agency.....	113	1
Employment Security .....	1873	26
Environmental Protect. Agency .....	1079	16
Fin. & Prof. Regulation .....	796	42
Guardianship and Advocacy .....	109	5
Healthcare and Family Services.....	2179	28
Historic Preservation Agency.....	274	12
Human Rights Commission.....	11	2
Human Rights Department .....	129	8
Human Services .....	14,763	60
Investment Board.....	4	2
Labor.....	71	7
Labor Relations Board Educational .....	16	2
Labor Relations Board Local.....	1	0
Labor Relations Board State .....	18	2
Law Enforce. Trng. & Standard Bd. ....	23	1
Medical District Comm. ....	2	0
Military Affairs .....	142	3
Natural Resources.....	1481	29
Pollution Control Board .....	26	3
Prisoner Review Board .....	23	0
Property Tax Appeal Board .....	22	2
Public Health.....	1104	35
Revenue.....	2020	59
State Fire Marshal .....	140	9
State Police .....	1461	6
State Police Merit Board .....	5	1
State Retirement Systems .....	80	1
Transportation.....	2838	1
Veterans Affairs .....	1119	5
Workers Comp. Commission .....	167	9
TOTALS .....	52,449	750

**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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**C. Requests for 4d(3) Exemption**

- Regarding Item C, Executive Director Daniel Stralka reported that there were questions regarding the effect of federal funding as it related to the position's responsibilities. It was reported that the presence of federal funding would not affect the position's principal policy making responsibilities. For that reason, the staff recommended exemption.
- Regarding Item D, Executive Director Daniel Stralka reported that the position met the reporting requirements of Rule 11 and, therefore, recommended exemption.
- Regarding Item E, Executive Director Daniel Stralka reported that there were questions regarding the potential for overlap with the position's policy-making responsibilities and the responsibilities of other 4d(3) exempt positions within the agency. Therefore, the staff recommended continuation until the December meeting.
- Regarding Items F1, F3 and F4, Executive Director Daniel Stralka reported that the positions encompass the entire Legislative Affairs Division for the Illinois Department of Financial and Professional Regulation. Therefore, consistent with past practice, the staff recommended exemption.
- Regarding Item F2, Executive Director Daniel Stralka reported that the position of Administrative Assistant to the Director of Legislative Affairs performs more ministerial functions in the Division as opposed to the substantive responsibilities of the legislative liaisons. For this reason, staff did not recommend exemption.
- Regarding Items F5, F6 and F7, Executive Director Daniel Stralka reported that the staff had questions regarding the reporting structure of the legal department at the Illinois Department of Financial and Professional Regulation. These positions all function as general counsels to the four former independent agencies that were consolidated under the Illinois Department of Financial and Professional Regulation: Professional Regulation, Insurance, Financial Institutions, and Banks and Real Estate. Due to this history, staff recommended exemption. Commissioner Richards inquired about the positions' location in Cook County, and Executive Director Daniel Stralka noted that they all have a history of being centralized in Cook County.
- Regarding Items F8 and F9, Executive Director Daniel Stralka reported that the positions met the requirements of Rule 11 and, therefore, recommended exemption. Stralka noted that at a meeting with representatives of the Illinois Department of Financial and Professional Regulation the previous week, these were the last requests it anticipated making from the consolidation.
- Regarding Item G, Executive Director Daniel Stralka reported that there were questions regarding this position. Therefore, the staff recommended continuation until the December meeting.

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

**The following 4d(3) requests for exemption were granted at the November 17, 2005 meeting:**

Illinois Department of Healthcare and Family Services

Position Number: 40070-33-01-100-00-62  
Position Title: Senior Public Service Administrator  
Bureau/Division: Office of Legislative Affairs  
Functional Title: Legislative Liaison  
Incumbent: None  
Supervisor: Office of Legislative Affairs (Reports to Director)  
Location: Sangamon County

Illinois Department of Central Management Services

Position Number: 40070-37-80-000-11-02  
Position Title: Senior Public Service Administrator  
Bureau/Division: Illinois Office of Communication and Information  
Functional Title: Media Administrator  
Incumbent: None  
Supervisor: Deputy Director (Reports to Director)  
Location: Cook County

Illinois Department of Financial & Professional Regulation

Position Number: 40070-13-04-000-00-01  
Position Title: Senior Public Service Administrator  
Bureau/Division: Legislative Affairs  
Functional Title: Legislative Director  
Incumbent: None  
Supervisor: Secretary  
Location: Sangamon County

Position Number: 37015-13-04-200-00-01  
Position Title: Public Service Administrator  
Division: Legislative Affairs, Financial Institutions  
Functional Title: Legislative Liaison  
Incumbent: Craig Cellini  
Supervisor: Legislative Director (Reports to Secretary)  
Location: Sangamon County

November 17, 2005

Illinois Department of Financial & Professional Regulation

Position Number: 37015-13-04-300-00-01  
Position Title: Public Service Administrator  
Division: Legislative Affairs  
Functional Title: Division of Insurance Legislative Liaison  
Incumbent: Melinda Kolaz  
Supervisor: Legislative Director (Reports to Secretary)  
Location: Sangamon County

Position Number: 40070-13-01-000-00-01  
Position Title: Senior Public Service Administrator  
Division: Office of Legal Affairs  
Functional Title: General Counsel  
Incumbent: None  
Supervisor: Secretary  
Location: Cook County

Position Number: 40070-13-01-300-00-01  
Position Title: Senior Public Service Administrator  
Division: Office of Legal Affairs  
Functional Title: Deputy General Counsel  
Incumbent: Steven Ginsburg  
Supervisor: General Counsel (Reports to Secretary)  
Location: Cook County

Position Number: 40070-13-01-400-00-01  
Position Title: Senior Public Service Administrator  
Division: Office of Legal Affairs  
Functional Title: Deputy General Counsel  
Incumbent: Donald Seasock  
Supervisor: General Counsel (Reports to Secretary)  
Location: Cook County

Position Number: 40070-13-02-000-00-01  
Position Title: Senior Public Service Administrator  
Division: Fiscal Operations  
Functional Title: Chief Financial Officer  
Incumbent: None  
Supervisor: Secretary  
Location: Sangamon County

November 17, 2005

Illinois Department of Financial & Professional Regulation

Position Number: 40070-13-06-000-00-01  
Position Title: Senior Public Service Administrator  
Division: Information Technology  
Functional Title: Director of Information Technology  
Incumbent: None  
Supervisor: Secretary  
Location: Sangamon County

**The following 4d(3) request for exemption was denied at the November 17, 2005 meeting:**

Illinois Department of Financial & Professional Regulation

Position Number: 00502-13-04-000-01-01  
Position Title: Administrative Assistant II  
Division: Legislative Affairs  
Functional Title: Administrative Assistant  
Incumbent: None  
Supervisor: Legislative Director (Reports to Secretary)  
Location: Sangamon County

**The following 4d(3) requests for exemption were continued until the December 15, 2005 meeting:**

Illinois Department of Revenue

Position Number: 40070-25-91-000-00-01  
Position Title: Senior Public Service Administrator  
Division: Lottery Sales  
Functional Title: Deputy Director  
Incumbent: Kristine A. Hanlon  
Supervisor: Lottery Superintendent  
Location: Cook County

Illinois Department of Central Management Services

Position Number: 40070-37-80-000-25-01  
Position Title: Senior Public Service Administrator  
Division: Illinois Office of Communication and Information  
Functional Title: Media Administrator  
Incumbent: None  
Supervisor: Deputy Director of the Illinois Office of Communication and Information (Reports to Director)  
Location: Cook County

V. MOTION TO GO INTO EXECUTIVE SESSION

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER PETERSON AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS 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>		

VI. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 425 ½ South Fourth Street, Springfield, IL 62701 at 12:10 p.m.

PRESENT

Chris Kolker, Chairman; George E. Richards, Raymond W. Ewell, Betty Bukraba, and Barbara Peterson Commissioners; Daniel Stralka, Executive Director; Andrew Barris and Beckie Daniken 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 October 31, 2005.

November 17, 2005

Agency	September 30, 2005	October 31, 2005
Agriculture	4	3
Central Management Services	5	3
Children & Family Services	5	4
Comm. & Econ. Opportunity	1	1
Emergency Mgmt. Agency	0	1
Healthcare & Family Services	12	12
Historic Preservation	22	9
Human Rights	1	1
Natural Resources	18	22
State Retirement Systems	1	1
Transportation	42	29
Total	111	86

VIII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

- DISCHARGE APPEAL

DA-6-06

Petitioner	Surami Garcia	Appeal Date	07/29/05
Agency	IDES	Decision Date	11/07/05
Type of Appeal	Discharge	ALJ	Andrew Barris
Charge(s)	Misuse of benefit time; conduct unbecoming a state employee	Recommended Decision	No Violation.

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER RICHARDS AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM THE ADMINISTRATIVE LAW JUDGE'S PROPOSED FINDING THAT THERE IS NO VIOLATION OF PERSONNEL RULES.**

**PETERSON      YES  
EWELL            YES  
RICHARDS      YES**

**KOLKER        YES  
BUKRABA       ABSTAINED**

- **DISCHARGE APPEAL**

**DA-16-06**

Petitioner	Youra Benofamil	Appeal Date	09/10/05
Agency	EPA	Decision Date	11/04/05
Type of Appeal	Discharge	ALJ	Andrew Barris
Charge(s)	Unexcused absences	Recommended Decision	No jurisdiction; dismissed subject to Commission approval.

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER BUKRABA AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO AFFIRM THE ADMINISTRATIVE LAW JUDGE'S DECISION THAT THE COMMISSION HAS NO JURISDICTION IN THIS MATTER.**

<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>		

- **LAYOFF APPEAL**

**LA-78-05**

Petitioner	Edward White	Appeal Date	06/01/05
Agency	DHS	Decision Date	10/26/05
Type of Appeal	Layoff Appeal	ALJ	Andrew Barris
Charge(s)	Violation of Personnel Rules	Proposed Finding	ALJ finds violation of Section 302.520 of the Personnel Rules.

**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 PROPOSED FINDING THAT THERE IS A VIOLATION OF PERSONNEL RULES.**

<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>		

- **LAYOFF APPEAL (REMANDED)**

**LA-54-05**

Respondent	Charlene Powers	Appeal Date	1/20/05
Agency	Dept. of Agriculture	Decision Date	10/26/05
Type of Appeal	Layoff Appeal	ALJ	Andrew Barris
Charge(s)	Violation of Personnel Rules	Proposed Finding	ALJ finds violation of Section 302.520 of the Personnel Rules.

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER RICHARDS AND THE MOTION UNANIMOUSLY ADOPTED TO REJECT THE PROPOSED FINDING AND REMAND THIS MATTER TO THE ADMINISTRATIVE LAW JUDGE FOR THE PURPOSE OF TAKING ADDITIONAL EVIDENCE.**

<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>		

- **DISCHARGE APPEAL**

**DA-82-05**

Respondent	Richard A. King	Appeal Date	6/16/05
Agency	DOT	Decision Date	11/7/05
Type of Appeal	Discharge Appeal	ALJ	Andrew Barris
Charge(s)	Conduct unbecoming (sexual harassment); lack of courtesy; disruptive conduct	Recommended Decision	Charges partially proven; ALJ recommends 90-day suspension in lieu of discharge.

**IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER PETERSON AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO AFFIRM THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION THAT THE CHARGES WERE PARTIALLY PROVEN AND THAT SAID CHARGES WARRANT A 90-DAY SUSPENSION FOR DISCIPLINARY PURPOSES IN LIEU OF DISCHARGE.**

<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>		

IX. APPEALS TERMINATED WITHOUT DECISION

- **DISMISSAL**

**DA-17-06**

Respondent	Mark A. Cannon	Appeal Date	9/08/05
Agency	DOC	Decision Date	10/25/05
Type of Appeal	Discharge	ALJ	Daniel Stralka
Charge(s)	Unauthorized absences	Recommended Decision	Settlement; dismissal subject to Commission approval.

- **DISMISSAL**

**DA-22-06**

Petitioner	John Hallinan	Appeal Date	10/11/05
Agency	DCFS	Decision Date	11/04/05
Type of Appeal	Discharge	ALJ	Daniel Stralka
Charge(s)	Falsification of records; failure to perform duties	Recommended Decision	Settlement; dismissal subject to Commission approval.

- **DISMISSAL**

**DA-13-06**

Petitioner	Matthew Franklin	Appeal Date	9/08/05
Agency	DCFS	Decision Date	11/08/05
Type of Appeal	Discharge	ALJ	Andrew Barris
Charge(s)	Negligent performance of assigned duties	Recommended Decision	Settlement; dismissal subject to Commission approval.

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER BUKRABA AND THE MOTION ADOPTED 5-0 TO APPROVE THE ADMINISTRATIVE LAW JUDGES' DECISIONS DISMISSING THE APPEALS OF THE PETITIONERS, MARK A. CANNON, JOHN HALLINAN AND MATTHEW FRANKLIN.**

<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>		

X. AMENDMENTS IN CLASS SPECIFICATIONS

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

Position Title

**Aircraft Pilot II - Revised Class**  
**Aircraft Pilot II - Dual Rating - New Class**

Effective July 1, 2005, through collective bargaining negotiations, pilots employed under the title Aircraft Pilot II, Option C, who are dual rated, and regularly fly both fixed wing airplanes and helicopters have been afforded an additional salary grade. Previously, the three options-A, B, and C-for the Aircraft Pilot II class have been paid at the same rate. Option A references fixed wing aircraft exclusively, and Option B references rotary wing aircraft (helicopters) only, whereas Option C necessitates a dual rating for pilots to fly both airplanes and helicopters. The Aircraft Pilot II, Option C requires additional training and competencies that are more comprehensive than Option A or Option B. To account for this, the Option C provision on the class specification requirements has been removed from the Aircraft Pilot II classification. A separate classification has been developed at the higher pay rate for those pilots who, on a recurring basis, are assigned to fly both fixed wing and rotary wing aircraft. The new classification is entitled Aircraft Pilot II-Dual Rating and represents the work previously included in the Aircraft Pilot II class as Option C. Furthermore, the Aircraft Pilot II is proposed for revision to consist of only the A and B options. Minor refinements in format and language have also been made to the existing class.

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER RICHARDS AND THE MOTION ADOPTED 5-0 TO APPROVE THE ESTABLISHMENT OF THE FOLLOWING CLASS SPECIFICATION FOR THE FOLLOWING CLASS TITLE TO BE EFFECTIVE DECEMBER 1, 2005.**

**Aircraft Pilot II - Revised Class**  
**Aircraft Pilot II - Dual Rating - New Class**

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

November 17, 2005

XI. STAFF REPORT

- Executive Director Daniel Stralka reminded the Commissioners that the 100<sup>th</sup> anniversary commemoration was being held today.
- Executive Director Daniel Stralka reported that the Commission's FY07 budget request has been submitted to the Governor's Office of Management and Budget.
- Executive Director Daniel Stralka reported that CFO, Sandy Guppy, had recently attended a workshop on the deferred compensation program.
- Assistant Executive Director Andrew Barris reported that the Affirmative Action Plan has been submitted.

XII. ANNOUNCEMENT OF NEXT MEETING

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

XIII. MOTION TO ADJOURN

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER PETERSON AND THE MOTION UNANIMOUSLY ADOPTED TO ADJOURN THE MEETING AT 12:25 P.M.**