

May 16, 2014

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
May 16, 2014

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 1:30 P.M. AT 607 EAST ADAMS STREET, SUITE 801, SPRINGFIELD, ILLINOIS 62701

II. PRESENT

Garrett P. FitzGerald, Chairman; James B. Anderson, Anita M. Cummings, Susan Moylan Krey, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director; Will Walker, Elizabeth Whitehorn (by telephone), Roneta Taylor (by telephone), Mark Magill (by telephone) John Logsdon (by telephone), and Chris Nickols (by telephone), Illinois Department of Central Management Services; Karey Wanless, Illinois Department of Corrections; Lisa Prose (by telephone), Illinois Department of Financial and Professional Regulation; Richard Foxman, Kelly Cunningham, and Michael Koetting (by telephone), Illinois Department of Healthcare and Family Services; Dawn DeFraties, Illinois Historic Preservation Agency; Marc Miller and Michele Cusumano, Illinois Department of Natural Resources; Siobhan Johnson, Illinois Department of Public Health; Matthew Bilinsky (by telephone) and Beth Duesterhaus (by telephone), Illinois Department of Revenue; and Ronny Wickenhauser (by telephone), Office of the Illinois State Fire Marshal.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD ON APRIL 18, 2014

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER ANDERSON, AND THE MOTION ADOPTED 4-0 TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD ON APRIL 18, 2014. COMMISSIONER CUMMINGS ABSTAINED.

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

At this time, in accordance with the Open Meetings Act and the Rules of the Civil Service Commission, Executive Director Daniel Stralka offered an opportunity for any person to address members of the Commission. Hearing no response, the meeting proceeded to the next agenda item.

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

A. Report on Exempt Positions from Illinois Dept. of Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	141.....	18
Agriculture.....	341.....	19
Arts Council.....	17.....	2
Capitol Development Board.....	46.....	0
Central Management Services.....	1,452.....	114
Children and Family Services.....	2,651.....	51
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	364.....	68
Commerce Commission.....	74.....	0
Corrections.....	11,087.....	99
Criminal Justice Authority.....	55.....	5
Deaf and Hard of Hearing Comm.....	7.....	1
Developmental Disabilities Council.....	8.....	1
Emergency Management Agency.....	84.....	5
Employment Security.....	1,331.....	30
Environmental Protection Agency.....	792.....	17
Financial & Professional Regulation.....	439.....	45
Gaming Board.....	156.....	6
Guardianship and Advocacy.....	105.....	7
Healthcare and Family Services.....	2,108.....	25
Historic Preservation Agency.....	161.....	16
Human Rights Commission.....	15.....	2
Human Rights Department.....	142.....	9
Human Services.....	11,850.....	76
Illinois Torture Inquiry Relief Commission.....	6.....	1
Independent Tax Tribunal.....	1.....	0
Insurance.....	236.....	16
Investment Board.....	4.....	2
Juvenile Justice.....	1,023.....	22
Labor.....	87.....	11
Labor Relations Board Educational.....	11.....	2
Labor Relations Board State.....	19.....	2
Law Enforcement Training & Standards Bd.....	18.....	2
Lottery.....	138.....	6
Military Affairs.....	121.....	3
Natural Resources.....	1,167.....	30
Pollution Control Board.....	21.....	2
Prisoner Review Board.....	17.....	0
Property Tax Appeal Board.....	33.....	1
Public Health.....	1,134.....	42
Racing Board.....	2.....	1
Revenue.....	1,811.....	54
State Fire Marshal.....	134.....	12
State Police.....	1,117.....	6
State Police Merit Board.....	4.....	2
State Retirement Systems.....	102.....	2
Transportation.....	2,326.....	0
Veterans' Affairs.....	1,337.....	9
Workers' Compensation Commission.....	131.....	11
TOTALS.....	44,430.....	855

B. Governing Rule – Section 1.142 Jurisdiction B Exemptions

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
 - 1) The amount and scope of principal policy making authority;
 - 2) The amount and scope of principal policy administering authority;
 - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
 - 4) The capability to bind the agency, board or commission to a course of action;
 - 5) The nature of the program for which the position has principal policy responsibility;
 - 6) The placement of the position on the organizational chart of the agency, board or commission;
 - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

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C. Requests for 4d(3) Exemption

Executive Director Daniel Stralka reported the following:

- As to Item C, this request is from the Department of Healthcare and Family Services and is for a Deputy Director for New Initiatives, a position that reports to the Director. It was first on the Commission's agenda in March but has been continued the last two meetings. The agency submitted a new position description form for the Commission's consideration on May 1.

This position appears to be responsible for three programs:

1. Pay for Performance is a program initiative whereby the State would base Medicaid provider payments on health outcomes and not just the services provided. While this appears to be an impactful program, Staff had concerns that changing provider reimbursement methodologies was within the State's abilities.
2. Hospital Presumptive Eligibility is a change in Medicaid eligibility determinations such that hospital patients who claim they are covered by Medicaid are presumed to be covered until otherwise proven. The State would be responsible for all hospital charges until eligibility is disproven. While this again is a worthwhile program, it appears it would fall under the principal policy responsibilities of the already exempt Special Assistant for Hospital Development which performs highly responsible and sensitive policymaking functions for all Agency interactions with hospitals.
3. The expansion of Affordable Care Act (ACA) eligibility to special populations, specifically recently released offenders from the Department of Corrections and Department of Juvenile Justice. It should be noted that the Department of Insurance has an exempt Affordable Care Act Outreach Officer which works with other agencies and the community to assist in consumer education and assistance about the ACA. It was unclear why this group would not be included with the Insurance position's responsibilities.

With the advent of the ACA, the State split its various implementation responsibilities among three agencies: Healthcare and Family Services, Aging and Insurance. It can be difficult to identify which agency has principal policy responsibility for which programmatic aspect of the ACA, admittedly a large, complex, controversial and expensive program. When implementing program changes or initiatives associated with the ACA, it is not unreasonable that more than one agency can be entitled to a principal policy exempt position for the same program.

The agency indicated it wished to respond to Staff's inquiries and any Commissioner questions at this meeting.

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Michael Koetting spoke on behalf of Healthcare and Family Services and started with the Pay for Performance program. This is changing the way Managed Care is implemented by the agency. Executive Director Stralka noted the agency already has an exempt Special Assistant for Managed Care.

Koetting then addressed the Justice Involved program which is the third item listed above. He noted how these populations tend to be in and out of jail which is a special challenge for the agency. Since these would all be Medicaid eligible residents, that is why it is solely under Healthcare and Family Services and not Insurance. The agency must establish relationships with, essentially, all county jails throughout the State. Chairman FitzGerald inquired if there were any time pressures associated with this request. Michael Koetting responded that the agency is under a mandate to get 50% of its population under Managed Care by the end of the year. He also provided an example how getting an HIV positive inmate covered by the ACA would assure that person would not suffer a break in the provision of needed prescriptions.

As to the Hospital Presumptive Eligibility program, this is more a billing and rate issue. It is important that this program be implemented properly so hospitals are making accurate initial eligibility determinations. If they fail to do so, it becomes open season on the State treasury.

Commissioner Anderson inquired which of these three programs is the primary responsibility of the position. Michael Koetting indicated that initially, it would be both the Hospital Presumptive Eligibility and Justice Involved programs. Once these are established, the Pay for Performance program will become more important.

- As to Item D, this request is for the Administrator of the Division of Surplus Property Control in the Department of Central Management Services, a position that reports to the Deputy Director for Agency Services who reports to the Assistant Director who reports to the Director. This position is responsible for the program where the State receives tangible goods such as office furniture, computers, and other specialty equipment from State agencies as well as the federal government and then either reassigns, sells or disposes of it all. This includes equipment for law enforcement agencies and homeland security. It is a \$4,000,000 program with a statutory basis. For these reasons, Staff recommended approval of this request.

Will Walker, Deputy Director-Bureau of Agency Services, Department of Central Management Services, added how this involves more than just moving property around the State. The position assists law enforcement and other units of local government in acquiring goods and equipment in an economical manner. Commissioner Anderson inquired where the goods come from. Will Walker replied that they come from the federal government who provide them to the States so the items do not go to waste. There is a similar administrator in each State though Illinois is the biggest user of the program. Commissioner Krey inquired who previously held the position. Will Walker indicated the current

incumbent has always held the position. Commissioner Krey then asked what is the need to create this exemption. Walker replied that the position is being redefined to be more of a principal policy maker by increasing its interaction with various other government officials. Commissioner Cummings asked Will Walker to confirm that the federal government donates these goods and equipment. Will Walker first responded by noting how under the Law Enforcement Support Office (LESO) much equipment goes to law enforcement agencies. Otherwise, units of local government pay 10% of original acquisition value for the equipment. That sum goes to the State and helps fund the program. Commissioner Cummings then asked Will Walker to confirm that this position has independent authority to make program decisions. Walker confirmed this. Chairman FitzGerald asked who set the value of this surplus property. Will Walker indicated that the agency does based on original acquisition value. Chairman FitzGerald indicated he was looking for a policy on this. Walker replied that was the policy. Commissioner Krey asked who the position reports to and Walker indicated it reported to him. Commissioner Cummings asked what the advantage is to seeking an exemption for this position. Will Walker replied it is because the position interacts with higher level government officials as well as the media. The position has evolved from moving furniture to marketing the surplus property program. Elizabeth Whitehorn, Central Management Services, added that the incumbent will be maintaining his term appointment status. The exemption allows the agency to plan for the future.

- As to Item E, this request is for an assistant legislative liaison for the Illinois State Police, a position that reports to the Chief of Governmental Affairs who reports to the Director. This position was before the Commission last December but because its bargaining unit status was unsettled it was only approved for a six month term. The agency now indicates that it has been excluded so Staff recommended approval of this request.

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER ANDERSON, AND THE MOTION ADOPTED 5-0, TO GRANT THE REQUEST FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

C: Deputy Director for New Initiatives, Healthcare & Family Services

D: Administrator, Division of Surplus Property Control, Central Management Services

E: Assistant Legislative Liaison, State Police

The following 4d(3) exemption requests were granted on May 16, 2014:

C. Illinois Department of Healthcare and Family Services

Position Number	40070-33-00-900-00-21
Position Title	Senior Public Service Administrator
Bureau/Division	Office of the Director
Functional Title	Deputy Director for New Initiatives
Incumbent	Vacant
Supervisor	Director
Location	Cook County

D. Illinois Department of Central Management Services

Position Number	40070-37-01-300-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Bureau of Agency Services/Surplus Property
Functional Title	Administrator, Division of Surplus Property Control
Incumbent	Curtis Howard
Supervisor	Deputy Director-Agency Services, who reports to the Assistant Director who reports to the Director.
Location	Sangamon County

E. Illinois State Police

Position Number	13851-21-00-700-30-01 (exemption expires June 20, 2014)
Position Title	Executive I
Bureau/Division	Office of the Director/Governmental Affairs
Functional Title	Assistant legislative Liaison
Incumbent	Aaron D. Harris
Supervisor	Chief, Governmental Affairs, who reports to the Director.
Location	Cook County

F. Proposed Rescissions in accordance with Section 1.142(b) of the Rules of the Civil Service Commission

Executive Director Stralka reported that on April 15, 2014 Staff provided notice to the Director of Central Management Services in accordance with Commission Rules followed by letters to all affected agency directors notifying them of which positions may be placed on this month's agenda for rescission. These notices included 48 positions. Many issues were resolved during this initial period so that when it came time to finalize the agenda only 12 positions were included for the Commission to determine if their 4d(3) exemptions should be rescinded.

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As a reminder, Commission rules provide that rescissions shall be approved only after the Commission has determined that an adequate level of managerial control exists in exempt status which will insure responsive and accountable administrative control of agency programs. It was Commission Staff's position that such control exists for all these proposed rescissions.

Executive Director Stralka indicated to the Commissioners that he would be taking these out of numerical order.

- As to Items F4 and F5, the affected agency has no objection for the following positions. Staff recommended approval of the following proposed rescissions.

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY AND THE MOTION ADOPTED 5-0 TO RESCIND THE 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

F4: Chief Financial Officer (HPA)

F5: Director of Security (HPA)

- As to Item F1, this is a Regional Economic Development Manager for the Department of Commerce and Economic Opportunity and is presently vacant. Department of Commerce and Economic Opportunity has ten of these exempt regional managers throughout the State. This one has been vacant since December 2010. Since 2011, every time the Commission has considered proposed rescissions due to extended vacancy, one of these ten positions has been on the agenda. The agency explanation for the delay in filling this position is that it has recently identified a candidate and plans to fill the position at the conclusion of the current legislative session. Elizabeth Whitehorn replied that the agency has taken steps to hire an individual for this position though no specific candidate has been identified as of this time.

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 5-0 TO CONTINUE THE PROPOSED RESCISSION OF THE 4D(3) EXEMPTION FOR THE FOLLOWING POSITION TO THE COMMISSION'S SCHEDULED NOVEMBER 21, 2014 MEETING:

F1: Regional Manager-West Central Region (CEO)

- As to Item F9, this is a Regional Health Officer for the Illinois Department of Public Health. Public Health has seven regional health officer positions. This one has been vacant since April 2012. The agency explanation is that it is presently conducting interviews for the position. Siobhan Johnson, agency representative, added that the agency is presently conducting interviews, and that it had to re-open this process because a candidate who had accepted the position backed out this past February.

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 5-0 TO CONTINUE THE PROPOSED RESCISSION OF THE 4D(3) EXEMPTION FOR THE FOLLOWING POSITION TO THE COMMISSION'S SCHEDULED NOVEMBER 21, 2014 MEETING:

F9: Regional Health Officer – Marion (DPH)

- As to Items F2, F7, and F10 these are all legislative liaison positions. F2 is with the Illinois Department of Corrections and is presently filled. F7 is with Illinois Department of Human Services and is presently vacant. F10 is with the Illinois Department of Revenue and is presently filled. The common issue with these positions is that even with the recent implementation of P.A. 97-1172, the Management Bill, they remain in collective bargaining units. They appear to be the only Section 4d(3) exempt positions that remain in collective bargaining units. All three agencies indicated that they have requested Central Management Services to petition the Illinois Labor Relations Board to have them excluded from their collective bargaining units. It is unknown if Central Management Services has filed petitions to do so or the status of any such petition. Elizabeth Whitehorn indicated it was her understanding that they are being submitted for exclusion. Matthew Bilinsky was able to provide some additional specifics that discussion with the Union had been put on hold while the Management Bill positions were being finalized. That led to these positions being backlogged but are now being addressed. Karey Wanless added that the Department of Corrections position was presently filled.

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 5-0 TO CONTINUE THE PROPOSED RESCISSION OF THE 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS TO THE COMMISSION'S SCHEDULED NOVEMBER 21, 2014 MEETING:

F2: Legislative Liaison (DOC)

F10: Legislative Liaison (DOR)

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER AND THE MOTION ADOPTED 5-0 TO RESCIND THE 4D(3) EXEMPTION FOR THE FOLLOWING POSITION:

F7: Legislative Liaison (DHS)

Subsequent to the Motion on Item F7, Elizabeth Whitehorn, Deputy Director-Personnel, Central Management Services, inquired if the exemption was rescinded would the agency be able to resubmit the request once exclusion is accomplished. Chairman FitzGerald responded affirmatively.

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- As to Item F3, this is the Special Assistant for Long Term Care at Department of Healthcare and Family Services and is presently filled. It was first granted exemption in June 2011 due to its role in implementing several settlements from pending litigation including the Colbert Decree that led to a program whereby qualifying residents would be offered the opportunity to transition from an institutional setting to a less restrictive or community based setting. However, this past January the Department on Aging requested and received principal policy exempt status for two positions related to the implementation of the Colbert Decree which was responsible for this same transition. Aging indicated at the time that responsibility for implementation had been moved to Aging due to several missed benchmarks. Staff had a concern that this program – the transition of long-term care recipients from institutional to community settings – which had been placed with Healthcare and Family Services was now under Aging. Rather than move this exempt position with the program, Aging requested and received two new exempt positions. This called into question whether the Healthcare and Family Services position could still qualify for a principal exemption for the long-term care program if it now resides with Aging. The agency recently submitted a new position description to reflect its responsibility for programs that would justify a continued exemption. However, this position description also still references responsibility for the Colbert Decree transition. That is not consistent with representations made by Aging in securing its two exemptions this past January.

Kelly Cunningham, Deputy Administrator-Medicaid Long Term Care Programs, Illinois Department of Healthcare and Family Services, replied that while Aging does now have primary responsibility for the Colbert Decree implementation, that is not the only factor that impacts the long term care program. There is a great deal of high-level communication and deliberation that goes on among numerous agencies including Healthcare and Family Services and the federal government that affects all long term care populations. In addition, Healthcare and Family Services is solely responsible for the Medicaid population that is affected by this program. She indicated that there are 70,000 – 100,000 members of this group with an expenditure of \$1,400,000,000. Medicaid is the most significant funder of long term care program in Illinois. Commissioner Anderson inquired if the position was filled and Cunningham indicated it was. Commissioner Cummings inquired how to distinguish each agency's responsibilities if both work with the long term care program. Kelly Cunningham replied that Healthcare and Family Services has been designated as the sole agency by the federal government for Medicaid responsibilities in Illinois. Healthcare and Family Services then is allowed to delegate responsibility for some related programs to agencies such as Aging and Department of Human Services.

IT WAS MOVED BY COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 5-0 TO DENY THE PROPOSED RESCISSION FROM 4D(3) EXEMPTION FOR THE FOLLOWING POSITION:

F3: Long Term Care (HFS)

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- As to Items F6 and F11, Item F6 is the Manager of the Abraham Lincoln Presidential Library and Museum Research & Collections Department for the Illinois Historic Preservation Agency and has been vacant since June 2011. Item F11 is the Human Resources Manager for the Illinois Department of Revenue and has been vacant since May 2011. Both of these positions were included on the agenda simply due to the extended vacancy. Both agencies indicated that they are still in the candidate selection process and requested that the proposed rescissions be denied. Beth Duesterhaus, Shared Services Center, responded on behalf of Department of Revenue that the agency had selected a candidate less than two years ago who spurned them for a similar position at Illinois Department of Transportation. Dawn DeFraties, Human Resources Director, responded on behalf of Historic Preservation Agency that its Governing Board has been conducting a national search for a qualified candidate. She noted the difficulty in finding qualified candidates due to the position's unique educational and work history requirements.

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 5-0 TO CONTINUE THE PROPOSED RESCISSION OF THE 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS TO THE COMMISSION'S SCHEDULED NOVEMBER 21, 2014 MEETING:

F6: Manager. ALPLM Research & Collections (HPA)

F11: Human Resources Director (DOR)

- As to Item F8, this is the Deputy Director for the Illinois Department of Natural Resources and is presently filled. This position was included on the agenda simply because published news stories indicated that a past incumbent had taken a significant amount of time off work in the summer of 2012 on sick leave while concurrently participating in professional fishing tournaments. In the 2010 Management Audit of Exempt Positions, Commission Staff noted it would consider rescission any time information came to its attention which may call into question the necessity of maintaining a position's exempt status. That is the sole reason this position was included on this month's agenda. Commission Staff notes that the employee who was the subject of these news stories no longer works for the agency and a replacement has been appointed. Marc Miller, Department of Natural Resources Director, corrected the Staff presentation to note that the particular employee was on Family Medical Leave and not sick leave. He then explained how the agency acted promptly to remove the employee once it became aware of the above actions.

IT WAS MOVED BY COMMISSIONER ANDERSON, SECONDED BY CHAIRMAN FITZGERALD, AND THE MOTION ADOPTED 5-0 TO DENY THE PROPOSED RESCISSION FROM 4D(3) EXEMPTION FOR THE FOLLOWING POSITION:

F8: Deputy Director (DNR)

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- As to Item F12, this is the Fire Safety Compliance Manager in the Office of the State Fire Marshal. It was continued from the Commission's November 2013 meeting and had been placed on that agenda because the agency had indicated that the incumbent was working part time. The issue of whether a part-time position should be a candidate for a principal policy exemption was considered in the interim. Staff came to the conclusion that it should not automatically disqualify a position for exempt status but would be a factor the Commission should consider when exercising its judgment as to whether a position meets the statutory criteria. As to this particular position, the agency indicated that the part-time incumbent was resigning and he was going to be replaced by a full-time employee. Another issue at the time was its inclusion in a collective bargaining unit, but on information and belief it has now been excluded. For these reasons, Staff recommended denial of this proposed rescission. Ronny Wickenhauser confirmed these representations and noted that the position has now been moved to Springfield and will be filled on a full-time basis.

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO DENY THE PROPOSED RESCISSION FROM 4D(3) EXEMPTION FOR THE FOLLOWING POSITION:

F12: Fire Safety Compliance Manager (SFM)

The following 4d(3) exemptions were rescinded on May 16, 2014:

Item	Position Number	Agency	Functional Title
4	40070-48-00-100-00-01	HPA	CFO
5	40070-48-50-100-00-01	HPA	Director of Security
7	13852-10-19-040-00-02	DHS	Legislative Liaison

The following 4d(3) exemption rescissions were denied on May 16, 2014:

Item	Position Number	Agency	Functional Title
3	40070-33-00-800-00-21	HFS	Long Term Care
8	40070-12-00-200-00-01	DNR	Deputy Director
12	37015-50-50-100-00-84	SFM	Fire Safety Compliance Manager

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The following 4d(3) exemption rescissions were continued to November 21, 2014:

Item	Position Number	Agency	Functional Title
1	40070-42-10-600-00-01	CEO	Regional Manager (West Central Region)
2	00502-29-01-700-51-01	DOC	Legislative Liaison
6	40070-48-52-000-00-01	HPA	Mgr. ALPLM Research & Collections
9	40070-20-06-205-00-51	DPH	Regional Health Officer – Marion
10	00501-25-04-000-02-01	DOR	Legislative Liaison
11	40070-25-45-000-00-01	DOR	Human Resources Director

VI. CLASS SPECIFICATIONS

The following class titles were submitted for revision by the Director of the Illinois Department of Central Management Services (CMS):

- A. Financial Institutions Examiner Trainee
Bank Examiner I
Bank Examiner II
Bank Examiner III
- B. Rehabilitation Counselor
Rehabilitation Counselor Senior

Staff Analysis: Assistant Executive Director reported on the proposed revisions to the Financial Institutions Examiner Trainee, Bank Examiner I, Bank Examiner II, Bank Examiner III, Rehabilitation Counselor and Rehabilitation Counselor Senior classes. Barris reported that none of the revisions resulted in a salary change, all of the revisions were agreed to pursuant to collective bargaining agreement and all of the revisions were functionally related to the implementation of class duties.

IT WAS MOVED BY COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO APPROVE THE REVISION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE ON JUNE 1, 2014:

- A. Financial Institutions Examiner Trainee
Bank Examiner I
Bank Examiner II
Bank Examiner III**
- B. Rehabilitation Counselor
Rehabilitation Counselor Senior**

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IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 5-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.

VII. MOTION TO CLOSE A PORTION OF THE MEETING

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0 TO CLOSE A PORTION OF THE MEETING PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT.

FITZGERALD	YES	ANDERSON	YES
CUMMINGS	YES	KREY	YES
URLACHER	YES		

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VIII. RECONVENE THE OPEN MEETING

Upon due and proper notice the regular open meeting of the Illinois Civil Service Commission was reconvened at 607 East Adams Street, Suite 801, Springfield, Illinois at 2:42 p.m.

PRESENT

Chairman Garrett P. FitzGerald; James B. Anderson, Anita M. Cummings, Susan Moylan Krey, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris, Assistant Executive Director.

IX. 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 Appointment Reports.

Agency	3/31/14	4/30/14	4/30/13
Aging	1	2	0
Arts Council	1	0	1
Central Management Services	0	8	0
Children and Family Services	1	2	4
Corrections	0	1	0
Employment Security	0	0	0
Healthcare and Family Services	3	5	7
Human Services	3	0	0
Insurance	0	1	0
Juvenile Justice	0	1	0
Natural Resources	0	0	1
Property Tax Appeal Board	0	0	2
Public Health	0	0	1
Revenue	1	2	1
State Police Merit Board	0	0	1
State Retirement Systems	4	1	0
Transportation	6	2	2
Veterans' Affairs	1	3	2
Totals	21	28	22

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X. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

DA-17-14

Employee	Ramiro Hernandez	Appeal Date	01/03/14
Agency	Corrections	Decision Date	05/02/14
Appeal Type	Discharge	Proposal for	Appeal upheld; employee to be reinstated.
ALJ	Daniel Stralka	Decision	

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER ANDERSON, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE THAT THE WRITTEN CHARGES FOR DISCHARGE HAVE NOT BEEN PROVEN BY A PREPONDERANCE OF THE EVIDENCE SO THE DISCHARGE IS SET ASIDE IN WHOLE AND RAMIRO HERNANDEZ IS TO BE REINSTATED TO HIS POSITION OF SENIOR PAROLE AGENT WITH THE ILLINOIS DEPARTMENT OF CORRECTIONS.

NOTHING IN THIS DECISION OF THE COMMISSION EXCUSES OR OTHERWISE WAIVES HERNANDEZ'S OBLIGATION TO REQUALIFY FOR HIS WEAPON CERTIFICATION. THE DEPARTMENT OF CORRECTIONS IS OBLIGATED TO ALLOW HERNANDEZ THE OPPORTUNITY AT A SECOND AND FINAL ATTEMPT TO REQUALIFY AS PART OF HIS REMEDIAL BOARD CERTIFIED TRAINING. SHOULD HERNANDEZ FAIL TO REQUALIFY, THE DEPARTMENT OF CORRECTIONS IS ENTITLED TO PURSUE HIS DISCHARGE IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN THE PERSONNEL CODE AND RULES. SIMILARLY, HERNANDEZ WOULD BE ENTITLED TO APPEAL ANY SUBSEQUENT DISCHARGE IN ACCORDANCE WITH THE SAME PERSONNEL CODE AND RULES.

FITZGERALD	YES	ANDERSON	YES
CUMMINGS	YES	KREY	YES
URLACHER	YES		

S-19-14

Employee	Sandra R. Davis	Appeal Date	01/09/14
Agency	Child & Family Services	Decision Date	04/24/14
Appeal Type	Suspension	Proposal for	Suspension reduced to 14 days from 27 days.
ALJ	Andrew Barris	Decision	

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE THAT THE WRITTEN

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CHARGES FOR SUSPENSION HAVE BEEN PARTIALLY PROVEN AND WARRANT A 14-DAY SUSPENSION FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION.

FITZGERALD YES ANDERSON YES
CUMMINGS YES KREY YES
URLACHER YES

RV-12-14

Employee	Michele Lashmet	Appeal Date	12/12/13
Agency	Central Mgmt. Services	Decision Date	04/24/14
Appeal Type	Rule Violation	Proposal for	No violation.
ALJ	Andrew Barris	Decision	

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE THAT IT HAS NOT BEEN PROVEN BY A PREPONDERANCE OF THE EVIDENCE THAT A VIOLATION OF THE PERSONNEL CODE OR PERSONNEL RULES OCCURRED AS ALLEGED.

FITZGERALD YES ANDERSON YES
CUMMINGS YES KREY YES
URLACHER YES

XI. APPEALS DISMISSED WITH NO DECISIONS ON THE MERITS

DA-28-14

Employee	Keith E. Ross	Appeal Date	2/28/14
Agency	Juvenile Justice	Decision Date	4/15/14
Appeal Type	Discharge	Proposal for	Dismissed subject to approval of Commission; withdrawn.
ALJ	Andrew Barris	Decision	

DA-41-14

Employee	Jo Bee Harper	Appeal Date	4/24/14
Agency	Human Services	Decision Date	4/28/14
Appeal Type	Discharge	Proposal for	Dismissed subject to approval of Commission; withdrawn.
ALJ	Andrew Barris	Decision	

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IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER CUMMINGS, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSALS FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE.

FITZGERALD	YES	ANDERSON	YES
CUMMINGS	YES	KREY	YES
URLACHER	YES		

XII. STAFF REPORT

Executive Director Daniel Stralka reported that:

- The Commission’s Senate Appropriation Hearing was on May 1. There were no questions. On May 15 the House passed HB 6127 which provided the Commission a flat appropriation for fiscal year 2015.
- All Statements of Economic Interest have been filed with the Secretary of State.
- Assistant Executive Director Barris successfully disposed of several dozen boxes of older files in accordance with State record-keeping requirements.

Executive Director Stralka provided the Commissioners some background information regarding the recent attempt to have a federal hiring monitor appointed at the Illinois Department of Transportation. He reviewed for the Commissioners Section 4c(12) of the Personnel Code which provides for the exemption of the technical and engineering staffs at the agency. He noted at the time that the agency had referred to several of the affected employees as “Staff Assistants” which may or may not be consistent with the language of the Personnel Code. After additional discussion in which all Commissioners participated, it was the consensus to reconsider this issue at the June meeting.

The Commissioners noted how several agency representatives participated in this meeting by telephone even though they were located in Springfield. The use of telephone conferencing was instituted to allow agency representatives who are located a significant distance from the meeting location to participate while avoiding the inconvenience and cost of traveling to the meeting location. It was not meant to excuse agency representatives located in the Springfield or Chicago area from physically attending meetings held in their respective areas. Their physical presence and subject matter expertise have proved to be beneficial in responding to Commissioner inquiries on a variety of agenda items. The limitations of participating by telephone diminish the Commissioners’ abilities to reach a full understanding of debatable items prior to taking final action. That is why the physical presence of agency representatives is the preferred method of their participation.

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XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held Friday, June 20, 2014 at 11:00 a.m. in the Commission's Chicago office.

XIV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 3:00 P.M.