

January 16, 2020

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
January 16, 2020

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:00 A.M. AT 607 E. ADAMS STREET, SUITE 801, SPRINGFIELD, IL AND 160 N. LASALLE STREET, SUITE S-901, CHICAGO, IL BY INTERACTIVE VIDEO CONFERENCE

II. ROLL CALL AND CONFIRMATION OF A QUORUM

Chairman Timothy D. Sickmeyer; G.A. Finch, David Luechtefeld, Vivian Robinson, and Casey Urlacher, Commissioners; Thomas Klein, Executive Director, Andrew Barris, Assistant Executive Director and Sabrina Johnson, Exemption Monitor; Sheila Tapscott and Chris Nickols, Illinois Department of Central Management Services; Phil Kaufmann, Illinois Department of Transportation; and Viktorija Legge, Office of the Executive Inspector General.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD DECEMBER 19, 2019

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0, TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD DECEMBER 19, 2019.

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

In accordance with the Open Meetings Act and the Rules of the Civil Service Commission, Executive Director Thomas Klein 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. 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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B. Requests for 4d(3) Exemption

Exemption Monitor Sabrina Johnson indicated that Items B1 through B4 were positions the Department of Transportation (DOT), Office of Chief Counsel, recommended for 4d(3) exemption that have been continued every month beginning in August 2019. Item B3 was withdrawn at DOT's request.

Ms. Johnson indicated that Items B1, B2 and B4 were requests for three Senior Assistant Chief Counsel positions at DOT. Item B1 is within the Section of Development, Item B2 is within the Section of Implementation and Item B4 is within the Section of Intermodal Project Implementation, these positions report to the Deputy Chief Counsel, who reports to the Chief Counsel, who reports to the Secretary. These positions provide technical advice and legal policy determinations on legal matters related to transportation, represent DOT as Special Assistant Attorney General, by appointment, in legal or administrative proceedings and develop and implement statewide policies based on review of issues related to transportation. Item B4 addresses issues related to the Office of Highway Implementation for Region I and the Office of Planning and Programming. Staff recommended these exemption requests be granted.

Philip Kaufman, Chief Counsel with DOT, concurred with Staff's presentation.

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER ROBINSON, AND THE MOTION ADOPTED 5-0 TO GRANT THE 4d(3) EXEMPTION REQUESTS FOR THE FOLLOWING POSITIONS:

- B1: Senior Assistant Chief Counsel-Development (DOT)**
- B2: Senior Assistant Chief Counsel-Implementation (DOT)**
- B4: Senior Assistant Chief Counsel-Chicago (DOT)**

Chairman Timothy Sickmeyer thanked Sarah Kerley, Sabrina Johnson, and Philip Kaufman for working together to get the Department of Transportation's positions through the process. Mr. Kaufman thanked Chairman Sickmeyer and the Commission.

VI. CLASS SPECIFICATIONS

A. Governing Rule – Section 1.45 Classification Plan

The Commission will review the class specifications requiring Commission approval under the Classification Plan and will approve those that meet the requirements of the Personnel Code and Personnel Rules and conform to the following accepted principles of position classification:

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- a) The specifications are descriptive of the work being done or that will be done;
- b) Identifiable differentials are set forth among classes that are sufficiently significant to permit the assignment of individual positions to the appropriate class;
- c) Reasonable career promotional opportunities are provided;
- d) The specifications provide a reasonable and valid basis for selection screening by merit examinations;
- e) All requirements of the positions are consistent with classes similar in difficulty, complexity and nature of work; and
- f) The relation of the class specifications to any applicable collective bargaining agreement.

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

B. Environmental Health Specialist III

Assistant Executive Director Andrew Barris reported that the proposed revisions to the Environmental Health Specialist III class addressed the inclusion of organic chemistry as an acceptable field of study and the potential use of hazmat suits by those in the class. Barris reported that the revisions would not result in a change in compensation and were agreed to through collective bargaining.

IT WAS MOVED BY COMMISSIONER LUECHTEFELD, SECONDED BY COMMISSIONER ROBINSON, AND THE MOTION ADOPTED 5-0 TO APPROVE THE REVISION OF THE FOLLOWING CLASS SPECIFICATION TO BE EFFECTIVE FEBRUARY 1, 2020:

B. Environmental Health Specialist III

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

VII. PERSONNEL RULES

A. Civil Service Commission Governing Rule – Section 1.310 Personnel Rules

The Commission has power to disapprove new rules or amendments to existing rules submitted by the Director of Central Management Services. Such proposed new rules or amendments of existing rules submitted to the Commission shall be accompanied by a report of proceedings attending the prior public hearing required by law with respect to them. If the Commission does not disapprove new rules or any amendment to existing rules within 30 days following the receipt from the Director of Central Management Services, the new rules or amendments have the force and effect of law after filing by the Director with the Secretary of State.

B. None submitted

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER FINCH, AND THE MOTION ADOPTED 5-0 TO DISAPPROVE ANY AMENDMENTS TO PERSONNEL RULES RECEIVED BY THE COMMISSION STAFF BUT NOT CONTAINED IN THIS AGENDA TO ALLOW ADEQUATE STUDY.

VIII. MOTION TO CLOSE A PORTION OF THE MEETING

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER LUECHTEFELD, 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.

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	ROBINSON	YES
URLACHER	YES		

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IX. RECONVENE THE OPEN MEETING

Upon due and proper notice, the regular open meeting of the Illinois Civil Service Commission was reconvened at 607 E. Adams Street, Suite 801, Springfield, IL and 160 N. La Salle Street, Suite S-901, Chicago, IL by interactive video conference at 11:15 a.m.

ROLL CALL AND CONFIRMATION OF A QUORUM

Chairman Timothy D. Sickmeyer; G.A. Finch, David Luechtefeld, Vivian Robinson, and Casey Urlacher, Commissioners; Thomas Klein, Executive Director, Andrew Barris, Assistant Executive Director and Sabrina Johnson, Exemption Monitor.

X. INTERLOCUTORY APPEALS

DA-17-20

Employee	Cornelius Talley	Appeal Date	10/16/19
Agency	Human Services	Decision Date	12/31/19
Appeal Type	Discharge	Proposal for Decision	Grant Motion to Dismiss for no jurisdiction.
ALJ	Andrew Barris		

DA-21-20

Employee	Amy L. Elder	Appeal Date	11/12/19
Agency	Corrections	Decision Date	12/13/19
Appeal Type	Discharge	Proposal for Decision	Grant Motion to Dismiss for no jurisdiction.
ALJ	Thomas Klein		

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSALS FOR DECISION OF THE ADMINISTRATIVE LAW JUDGES FOR THE REASONS SET FORTH IN THE PROPOSALS FOR DECISION.

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	ROBINSON	YES
URLACHER	YES		

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XI. APPEAL TERMINATED WITHOUT DECISION ON THE MERITS

DA-18-20

Employee	Kara C. McGahey	Appeal Date	10/21/19
Agency	Human Services	Decision Date	01/08/20
Appeal Type	Discharge	Proposal for Decision	Dismissed subject to approval of Commission; settled.
ALJ	Andrew Barris		

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

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	ROBINSON	YES
URLACHER	YES		

XII. STAFF REPORT

- Exemption Monitor Sabrina Johnson indicated she received a total of 136 clarified position descriptions from CMS during the period October to December 2019. In this timeframe there were six rescissions and one abolishment.
- Executive Director Thomas Klein reported that the Commission had entered into an Interagency Agreement with CMS under which CMS would pay a portion of the Commission’s payroll for fiscal year 2020. This will resolve the projected budget shortfall.
- Executive Director Thomas Klein reported that he met with Erin Bonales, the head of the Hiring and Employment Monitoring Unit at the OEIG to discuss ways the OEIG and the Commission can coordinate in monitoring exempt positions.

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held at 11:00 a.m. on Thursday, February 20, 2020 in the Springfield and Chicago offices of the Commission by interactive video conference.

XIV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 11:22 A.M.