

January 18, 2013

REGULAR MEETING AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
January 18, 2013

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 10:30 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD DECEMBER 21, 2012

WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD ON DECEMBER 21, 2012?

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

MEMBERS OF THE PUBLIC ARE OFFERED AN OPPORTUNITY TO ADDRESS MEMBERS OF THE COMMISSION IN ACCORDANCE WITH THE OPEN MEETINGS ACT AND RULES OF THE CIVIL SERVICE COMMISSION.

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

A. Report on Exempt Positions from Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	132.....	14
Agriculture	330.....	16
Arts Council	17.....	2
Capitol Development Board.....	45.....	0
Central Management Services.....	1,538.....	114
Children and Family Services	2,816.....	50
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	371.....	69
Commerce Commission	75.....	0
Corrections.....	11,029.....	105
Criminal Justice Authority	59.....	5
Deaf and Hard of Hearing Comm.....	6.....	1
Developmental Disabilities Council.....	8.....	1
Emergency Management Agency.....	88.....	6
Employment Security.....	1,738.....	28
Environmental Protection Agency.....	828.....	16
Financial & Professional Regulation.....	446.....	43
Gaming Board.....	141.....	6
Guardianship and Advocacy	100.....	7
Healthcare and Family Services	2,069.....	25
Historic Preservation Agency.....	166.....	14
Human Rights Commission.....	14.....	2
Human Rights Department.....	136.....	8
Human Services	11,768.....	79
Illinois Sentencing Policy Advisory Council.....	2.....	2
Insurance	237.....	14
Investment Board	3.....	2
Juvenile Justice.....	1,164.....	21
Labor.....	89.....	11
Labor Relations Board Educational.....	10.....	2
Labor Relations Board State.....	18.....	2
Law Enforcement Training & Standards Bd.	17.....	2
Lottery.....	140.....	7
Military Affairs	117.....	3
Natural Resources	1,106.....	28
Pollution Control Board	19.....	2
Prisoner Review Board.....	16.....	0
Property Tax Appeal Board.....	25.....	1
Public Health.....	1,067.....	40
Racing Board.....	3.....	1
Revenue.....	1,625.....	51
State Fire Marshal	127.....	12
State Police.....	1,106.....	7
State Police Merit Board	4.....	1
State Retirement Systems.....	94.....	2
Transportation	2,177.....	0
Veterans' Affairs.....	1,302.....	9
Workers' Compensation Commission.....	129.....	8
TOTALS	44,521.....	839

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. Illinois Department of Corrections – Proposed Exemption (continued from December 21, 2012 meeting)

Position Number	40070-29-02-500-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Programs and Support Services
Functional Title	Mental Health & Addiction Recovery Management Supervisor
Incumbent	Vacant
Supervisor	Chief of Program & Support Services, who reports to the Assistant Director, who in turn reports to the Director
Location	Will County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

D. Illinois Department of Natural Resources – Proposed Exemption (continued from December 21, 2012 meeting)

Position Number	40070-12-00-010-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of the Director
Functional Title	Public Affairs Director
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

E. Illinois Department of Central Management Services – Proposed Exemption (continued from December 21, 2012 meeting)

Position Number	40070-37-01-000-40-01
Position Title	Senior Public Service Administrator
Bureau/Division	Agency Services
Functional Title	Project Manager-Statewide Print
Incumbent	Vacant
Supervisor	Deputy Director, Bureau of Agency Services, who reports to the Assistant Director, who in turn reports to the Director
Location	Sangamon County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of the requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemptions.”

F. Illinois Department of Employment Security – Proposed Exemption (continued from December 21, 2012 meeting)

Position Number	40070-44-30-500-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Information Services Bureau
Functional Title	Chief Technology Officer
Incumbent	Vacant
Supervisor	Chief Information Officer who reports to the Director
Location	Cook County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

G. Illinois Workers’ Compensation Commission – Proposed Exemption (continued from December 21, 2012 meeting)

Position Number	40070-50-37-011-00-02
Position Title	Senior Public Service Administrator
Bureau/Division	Insurance Compliance
Functional Title	Manager of Insurance Compliance Outreach Program
Incumbent	Vacant
Supervisor	Insurance Compliance Manager who reports to the Chairman
Location	Cook County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

H1. Illinois Department of Central Management Services – Proposed Exemption (continued from December 21, 2012)

Position Number	40070-37-10-000-30-01
Position Title	Senior Public Service Administrator
Bureau/Division	Enterprise Architecture & Strategy
Functional Title	Enterprise Architecture & Strategy Executive
Incumbent	Vacant
Supervisor	Deputy Director, Bureau of Communications & Computer Services, who reports to the Assistant Director, who in turn reports to the Director
Location	Sangamon County

H2. Illinois Department of Central Management Services – Proposed Exemption (continued from December 21, 2012)

Position Number	40070-37-17-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Enterprise Project Management Office
Functional Title	Enterprise Project Management Office Executive
Incumbent	Vacant
Supervisor	Deputy Director, Bureau of Communications & Computer Services, who reports to the Assistant Director, who in turn reports to the Director
Location	Cook County

CMS Recommendation: “These positions do meet the reporting criteria of the Commission Rules and considering the similarities of these requested positions with those of other 4d(3) exempt positions, I recommend 4d(3) exemptions.”

I. Illinois Department of Insurance – Proposed Exemption

Position Number	40070-14-00-000-10-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director’s Office
Functional Title	Senior Advisor to the Director
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

J1. Illinois Department of Insurance – Proposed Exemption

Position Number	40070-14-01-100-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Legal Affairs
Functional Title	Deputy General Counsel
Incumbent	Vacant
Supervisor	General Counsel who reports to Director
Location	Sangamon County

J2. Illinois Department of Insurance – Proposed Exemption

Position Number	40070-14-01-200-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Legal Affairs
Functional Title	Deputy General Counsel
Incumbent	Vacant
Supervisor	General Counsel who reports to Director
Location	Cook County

CMS Recommendation: “These positions meet the reporting criteria of the Commission Rules and considering the similarities of these requested positions with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

K. Illinois Department of Insurance – Proposed Exemption

Position Number	40070-14-18-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Life and Annuities Products
Functional Title	Deputy Director, Life and Annuities Products Division
Incumbent	Vacant
Supervisor	Chief Deputy Director who reports to Director
Location	Sangamon County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

L. Illinois Department of Insurance – Proposed Exemption

Position Number	40070-14-19-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Health Products
Functional Title	Deputy Director, Health Products Division
Incumbent	Vacant
Supervisor	Chief Deputy Director who reports to Director
Location	Sangamon County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

WILL THE COMMISSION GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS?

- C: Mental Health & Addiction Recovery Management Supervisor (Corrections)**
- D: Public Affairs Director (Natural Resources)**
- E: Project Manager-Statewide Print (Central Management Services)**
- F: Chief Technology Officer (Employment Security)**
- G: Manager of Insurance Compliance Outreach Program (Workers' Compensation Commission)**
- H1: Enterprise Architecture & Strategy Executive (Central Management Services)**
- H2: Enterprise Project Management Office Executive (Central Management Services)**
- I: Senior Advisor to the Director (Insurance)**
- J1: Deputy General Counsel (Insurance)**
- J2: Deputy General Counsel (Insurance)**
- K: Deputy Director, Life and Annuities Products Division (Insurance)**
- L: Deputy Director, Health Products Division (Insurance)**

VI. CLASS SPECIFICATIONS

- None submitted.

WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY?

VII. MOTION 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, WILL THE COMMISSION CLOSE A PORTION OF THE MEETING TO CONSIDER APPEALS FILED WITH THE COMMISSION, LITIGATION, AND/OR SPECIFIED EMPLOYMENT MATTERS?

VIII. RECONVENE THE REGULAR OPEN MEETING

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	11/30/12	12/31/12	12/31/11
Aging	2	1	0
Agriculture	1	0	0
Central Management Services	2	1	1
Children and Family Services	5	4	2
Employment Security	0	0	6
Healthcare and Family Services	5	5	5
Historic Preservation Agency	0	0	1
Human Services	2	2	0
Natural Resources	2	3	8
Revenue	3	2	0
Transportation	1	0	4
Veterans' Affairs	1	0	1
Totals	24	18	28

X. INTERLOCUTORY APPEAL

S-52-12

Employee	Bernadine Jefferson	Appeal Date	05/21/12
Agency	Revenue	Decision Date	01/07/13
Type	Suspension	ALJ	Daniel Stralka
Issue(s)	Employee did not participate in scheduled telephone status conference	Proposal for Decision	Dismiss the appeal; default.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

XI. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

DA-27-12

Employee	Sam Spiratos	Appeal Date	10/12/11
Agency	Agriculture	Decision Date	01/04/13
Appeal Type	Discharge	Proposal for Decision	Discharge upheld.
ALJ	Daniel Stralka		

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

DA-14-13

Employee	Andrea A. Thompson	Appeal Date	10/01/12
Agency	Human Services	Decision Date	01/04/13
Appeal Type	Discharge	Proposal for Decision	Discharge upheld.
ALJ	Daniel Stralka		

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

AA-37-12¹

Employee	John Zibutis	Appeal Date	01/24/12
Agency	Central Management Services	Decision Date	12/28/12
Appeal Type	Allocation	ALJ	Andrew Barris
Issue(s)	Do the duties performed by the employee warrant allocation to a higher classification?	Proposal for Decision	Employee should be allocated to End-User Computer System Analyst.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

AA-39-12

Employee	Michele Lashmet	Appeal Date	01/26/12
Agency	Central Management Services	Decision Date	12/28/12
Appeal Type	Allocation	ALJ	Andrew Barris
Issue(s)	Do the duties performed by the employee warrant allocation to a higher classification?	Proposal for Decision	Employee should be allocated to End-User Computer System Analyst.

¹ AA-37-12 and AA-39-12 were consolidated on August 20, 2012 as John Zibutis and Michele Lashmet v. Illinois Department of Central Management Services, AA-37-12.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

XII. AMENDMENT TO THE PERSONNEL RULES

EXTENSION OF JURISDICTION (80 IAC PART 305.300)

Section 305.300 Extends Jurisdiction A, B and C (January 31, 2013)

- a) Effective January 31, 2013, the Personnel Code Jurisdictions A, B and C will be extended to the Illinois Commerce Commission positions currently classified as Human Resources Coordinator and Manager (position number 81550-31-73-200-00-01 only).
- b) With the exception of those employees who have already been determined qualified, the affected employees cited in subsection (a) will be required to qualify within six months in the same kind of examinations as those required for entrance examinations for comparable positions. All other appointments subsequent to January 31, 2013 will be made pursuant to provisions of the Illinois Personnel Code and the rules of the Department of Central Management Services (see 80 Ill. Adm. Code 301, 302, 303, 304, 310 and 320). No provision of this Section in any way affects the status of employees already holding certified status under the Illinois Personnel Code. All other provisions of the Illinois Personnel Code and rules of the Department of Central Management Services will apply to the affected employees effective January 31, 2013.

XIII. STAFF REPORT

XIV. ANNOUNCEMENT OF NEXT REGULAR OPEN MEETING

The next regular open meeting is to be held on Friday, February 15, 2013 at 10:30 a.m. in the Commission's Chicago office.

XV. MOTION TO ADJOURN