

January 18, 2018

REGULAR MEETING MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
January 18, 2018

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

II. PRESENT

Chairman Timothy D. Sickmeyer; G.A. Finch, Jane Ryan, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director and Andrew Barris, Assistant Executive Director; John Logsdon, Illinois Department of Central Management Services; Scott Viniard and Daniel Ojeda, Illinois Department of Human Services; and Jamara Rogers.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD DECEMBER 21, 2017

**IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0, TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD DECEMBER 21, 2017.**

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 Daniel Stralka offered an opportunity for any person to address members of the Commission. Jamara Rogers was present and indicated she would like to speak briefly about her pending appeal. Executive Director Stralka replied that the Commission would provide her time to address the Commission prior to the scheduled Closed Session when the Commission would be considering her appeal. Ms. Rogers was agreeable to this.

Hearing no further response, the meeting proceeded to the next agenda item.

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

**A. Report on Exempt Positions from Department of Central Management Services**

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Abraham Lincoln Presidential Library & Museum .....	62	13
Aging.....	133	19
Agriculture .....	324	18
Arts Council .....	11	2
Capitol Development Board.....	32	0
Central Management Services .....	854	73
Children and Family Services.....	2,554	53
Civil Service Commission .....	4	0
Commerce & Economic Opportunity .....	240	66
Commerce Commission .....	59	0
Corrections .....	12,021	109
Criminal Justice Authority.....	42	7
Deaf and Hard of Hearing Comm.....	4	1
Developmental Disabilities Council.....	6	1
Emergency Management Agency.....	66	8
Employment Security .....	1,046	29
Environmental Protection Agency.....	622	18
Financial & Professional Regulation.....	367	48
Gaming Board .....	143	5
Guardianship and Advocacy .....	102	8
Healthcare and Family Services .....	1,633	26
Human Rights Commission.....	14	2
Human Rights Department .....	122	10
Human Services.....	12,774	82
Illinois Torture Inquiry Relief Commission .....	2	1
Independent Tax Tribunal .....	1	0
Innovation and Technology .....	1,240	59
Insurance .....	209	17
Investment Board .....	4	2
Juvenile Justice.....	931	28
Labor .....	74	11
Labor Relations Board Educational.....	10	3
Labor Relations Board State.....	13	2
Law Enforcement Training & Standards Bd. ....	23	3
Lottery .....	140	8
Military Affairs.....	129	3
Natural Resources.....	1,126	33
Pollution Control Board .....	16	2
Prisoner Review Board.....	16	1
Property Tax Appeal Board.....	32	1
Public Health .....	1,098	40
Racing Board.....	2	1
Revenue.....	1,353	45
State Fire Marshal .....	125	11
State Police.....	912	10
State Police Merit Board .....	7	2
State Retirement Systems .....	92	3
Transportation .....	2,483	0
Veterans' Affairs .....	1,248	10
Workers' Compensation Commission.....	118	11
<b>TOTALS.....</b>	<b>44,639</b>	<b>905</b>

**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)

\* \* \*

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

Executive Director Daniel Stralka reported the following:

- As to Item C, this was a request from the Department of Human Services to rescind the exemption for its Bureau Chief of Recruitment and Selection. The rescission was supported by the Director of Central Management Services. Staff also recommended approval of this request as the agency would still retain an adequate level of managerial control in exempt status.

Executive Director Stralka followed up on the Staff's ongoing review of exempt positions in the Bureau of Property Management (BOPM) in the Department of Central Management Services. The Commission recently received new position description forms that abolished the seven exempt Client Manager positions. It was one of these positions that triggered the Staff review of the BOPM over three years ago. With the abolishment of these positions, the Staff's review of BOPM is concluded. Three exempt Transactions positions remain and John Logsdon, CMS Division Manager of Technical Services, indicated he would notify Commission Staff of the agency's plan for them.

**IT WAS MOVED BY COMMISSIONER RYAN, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0 TO GRANT THE RESCISSION OF 4d(3)EXEMPTION FOR THE FOLLOWING POSITION:**

**C: Bureau Chief of Recruitment and Selection (Human Services)**

**The following 4d(3) exemption was rescinded on January 18, 2018:**

**D. Illinois Department of Human Services – proposed rescission of exemption**

Position Number	40070-10-11-200-00-01
Functional Title	Bureau Chief of Recruitment and Selection
Incumbent	Deborah Dilello
Supervisor	Human Resources Director who reports to the Chief of Staff and who reports to the Secretary
Location	Sangamon County

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:

- 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.

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

**B. Revenue Collection Officer Trainee**

**Revenue Collection Officer I**

**Revenue Collection Officer II**

**Revenue Collection Officer III**

**C. Environmental Health Specialist III**

**D. Juvenile Justice Youth & Family Specialist Option 1**

**Juvenile Justice Youth & Family Specialist Option 2**

**Juvenile Justice Youth & Family Specialist Supervisor**

Assistant Executive Director Barris addressed Items B, C, and D together as they all involved revisions to current classes without abolishing or creating new classes. Barris explained that all the revisions were agreed to through collective bargaining and that the revisions would not result in an increase in compensation for positions within the class. As stated on the classification plan review, revisions were necessary for the Revenue Collection Officer classes to reflect the current training regimen at the agency while the revision to the Environment Health Specialist III class was necessary to address the difficulty in obtaining qualified candidates for positions within the class. Regarding Item D, Barris specifically noted that previous revisions based upon Public Act 100-0019 had been submitted to the Commission and inquired of John Logsdon, CMS Technical Services, why there were two different minimum requirements for the classes. Logsdon explained that the changes to the classes at

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Juvenile Justice would have been submitted at the same time but for a delay at labor relations at the agency. Logsdon explained that the public act required that the qualifications for the position needed to be “loosened up” and two different minimum requirements accomplished this need. Commissioner Ryan asked if the agency was having trouble filling the positions and Logsdon indicated that they were and it was the intent of the Public Act to address this difficulty. Chairman Sickmeyer asked whether this revision would result in a “dumbing down” of the applicant pool. John Logsdon replied that he was aware of that legitimate concern but it did not apply here and that the revisions were in response to changes in the law.

**IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0 TO APPROVE THE REVISION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE FEBRUARY 1, 2018:**

**B. Revenue Collection Officer Trainee  
Revenue Collection Officer I  
Revenue Collection Officer II  
Revenue Collection Officer III**

**C. Environmental Health Specialist III**

**D. Juvenile Justice Youth & Family Specialist Option 1  
Juvenile Justice Youth & Family Specialist Option 2  
Juvenile Justice Youth & Family Specialist Supervisor**

**IT WAS MOVED BY COMMISSIONER RYAN, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0 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**

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**IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER RYAN, AND THE MOTION ADOPTED 4-0 TO DISAPPROVE ANY AMENDMENTS TO PERSONNEL RULES RECEIVED BY THE COMMISSION STAFF BUT NOT CONTAINED IN THIS AGENDA TO ALLOW ADEQUATE STUDY.**

Jamara Rogers addressed the Commission regarding her pending appeal. When she was concluded, Chairman Sickmeyer thanked her for her presentation.

**VIII. MOTION TO CLOSE A PORTION OF THE MEETING**

**IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER FINCH, AND BY ROLL CALL VOTE THE MOTION ADOPTED 4-0 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.**

<b>SICKMEYER</b>	<b>YES</b>	<b>FINCH</b>	<b>YES</b>
<b>LUECHTEFELD</b>		<b>RYAN</b>	<b>YES</b>
<b>URLACHER</b>	<b>YES</b>		

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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 160 N. LaSalle Street, Suite S-901, Chicago, Illinois and 607 E. Adams Street, Suite 801, Springfield, Illinois by interactive video conference at 11:45 a.m.

**PRESENT**

Chairman Timothy D. Sickmeyer; G.A. Finch, Jane Ryan, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director and Andrew Barris, Assistant Executive Director; and Jamara Rogers.

**X. NON-MERIT APPOINTMENT REPORT**

Set forth below is the number of consecutive non-merit appointments made by each agency as reported by Central Management Services.

<b>Agency</b>	<b>11/30/17</b>	<b>12/31/17</b>	<b>12/31/16</b>
Aging	1	<b>0</b>	0
Agriculture	1	<b>1</b>	0
Arts Council	2	<b>2</b>	0
Central Management Services	6	<b>6</b>	1
Commerce and Economic Opportunity	1	<b>1</b>	0
Emergency Management Agency	0	<b>0</b>	1
Employment Security	7	<b>7</b>	1
Financial and Professional Regulation	3	<b>2</b>	1
Gaming Board	1	<b>0</b>	1
Guardianship & Advocacy	1	<b>1</b>	2
Healthcare and Family Services	8	<b>5</b>	0
Human Services	19	<b>21</b>	4
Innovation & Technology	7	<b>7</b>	0
Insurance	1	<b>0</b>	1
Labor Relations Board-Educational	2	<b>2</b>	0
Natural Resources	24	<b>32</b>	8
Property Tax Appeal Board	1	<b>1</b>	0
State Fire Marshal	2	<b>1</b>	1
State Police	6	<b>6</b>	0
State Retirement Systems	1	<b>1</b>	2
Transportation	7	<b>8</b>	1
Veterans' Affairs	3	<b>3</b>	0
Workers' Compensation Commission	1	<b>1</b>	1
<b>Totals</b>	<b>105</b>	<b>108</b>	<b>25</b>

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XI. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEALS

DA-27-17

Employee	Jamara M. Rogers	Appeal Date	12/21/16
Agency	Children & Family Services	Decision Date	01/08/18
Appeal Type	Discharge	Proposal for Decision	Discharge upheld.
ALJ	Daniel Stralka		

**IT WAS MOVED BY COMMISSIONER RYAN, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL OF THE ADMINISTRATIVE LAW JUDGE THAT THE PARTIALLY PROVEN CHARGES WARRANT DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED JANUARY 8, 2018.**

<b>SICKMEYER</b>	<b>YES</b>	<b>FINCH</b>	<b>YES</b>
<b>LUECHTEFELD</b>		<b>RYAN</b>	<b>YES</b>
<b>URLACHER</b>	<b>YES</b>		

DA-19-18

Employee	Adam J. Stock	Appeal Date	10/10/17
Agency	Central Management Svcs.	Decision Date	01/04/18
Appeal Type	Discharge	Proposal for Decision	30-day suspension plus duration of suspension pending discharge.
ALJ	Andrew Barris		

**IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER FINCH, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL OF THE ADMINISTRATIVE LAW JUDGE THAT THE PARTIALLY PROVEN CHARGES WARRANT A 30-DAY SUSPENSION PLUS DURATION OF HIS SUSPENSION PENDING DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED JANUARY 4, 2018.**

<b>SICKMEYER</b>	<b>YES</b>	<b>FINCH</b>	<b>YES</b>
<b>LUECHTEFELD</b>		<b>RYAN</b>	<b>YES</b>
<b>URLACHER</b>	<b>YES</b>		

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XII. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

**DA-25-18**

Employee	Audrey D. Metheny	Appeal Date	12/13/17
Agency	Corrections	Decision Date	12/20/17
Appeal Type	Discharge	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn.
ALJ	Andrew Barris		

**S-27-18**

Employee	Yemia Brookshaw	Appeal Date	12/22/17
Agency	Human Services	Decision Date	01/09/18
Appeal Type	Suspension	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn.
ALJ	Andrew Barris		

**IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER RYAN, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSALS OF THE ADMINISTRATIVE LAW JUDGE TO DISMISS THE APPEALS AS THEY WERE WITHDRAWN.**

<b>SICKMEYER</b>	<b>YES</b>	<b>FINCH</b>	<b>YES</b>
<b>LUECHTEFELD</b>		<b>RYAN</b>	<b>YES</b>
<b>URLACHER</b>	<b>YES</b>		

XIII. PROPOSED REVISIONS TO CIVIL SERVICE COMMISSION RULES

Assistant Executive Director Barris reported to the Commission that changes to the Rules of the Civil Service Commission occurred in 2010 and 2013. Barris explained that the proposed changes to the Rules identified in this month's agenda were intended to increase efficiency in the hearing process while anticipating changes in technology at the Commission. For instance, a rule was revised to prohibit parties from submitting discovery materials to the Commission unless specifically requested as well as a revision to allow electronic filing of appeals if the Commission acquired the platform to receive such appeals. Barris explained that the next step in the process was the submission of the rules to the Joint Committee on Administrative Rules (JCAR) and Index Department at the Office of the Secretary of State for formatting and publication in the Illinois Register. Barris explained that the proposed rules might be additionally changed due to formatting and/or grammar concerns from JCAR and/or Index.

Commissioner Ryan inquired about the use of the word "record" in the proposed revision to Rule 1.150. She expressed a concern that it conflicted with the use of the word "file" in the Personnel Rules. Executive Director Stralka explained that this provision was added solely to allow the Administrative Law Judge to use Central Management Services' automated record

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to determine an employee's continuous service date. This is a specified factor for the Commission to consider when determining the level of discipline to impose. Ryan directed the Staff to ensure this revision would not cause an unintentional conflict with any of the Personnel Rules.

**IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE PROPOSED REVISIONS TO SERVICE COMMISSION RULES.**

#### XIV. STAFF REPORT

Executive Director Stralka reported that:

- The Commission's new Exemption Monitor and Human Resources Manager is scheduled to start on February 1, 2018.
- He attended the January 10, 2018 Personnel Manager's meeting and reported the following:
  - Joseph Hartzler, counsel to the Governor's Office and liaison to the Special Master, provided an update as to the progress of the Rutan and Shakman exempt judicial monitoring. Mr. Hartzler indicated that:
    - For all intents and purposes, the application of the Rutan decision to the State of Illinois is now "out the window."
    - The result of this litigation and monitoring will be the creation of two classes of employees – "At Will" and "Job Protected." Executive Director Stralka added that it is unclear how this will reconcile with all the partial exemptions in the Personnel Code such as Section 4d(5).
  - The Governor's office asked all agencies to examine all Section 4d(3) exempt positions to determine if they still qualify for exemption. The result of that investigation was only ten positions were determined to no longer qualify for exemption. Executive Director Stralka added that the position presented for rescission today may have been one of these ten positions.
  - The Special Master wants to see if employees are performing the work as set forth in the position description form, not just review the wording. To do so, a verification form was created. Executive Director Stralka noted that this sounds similar to the responsibilities of the Commission's Exemption Monitor position.
- The Commission started reporting its pending invoices and accumulated Prompt Payment Interest in accordance with the Debt Transparency Act this month.

Assistant Executive Director Barris informed the Commission they would be receiving notice regarding the availability of the required annual sexual harassment prevention training.

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XV. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held on February 15, 2018 at 11:00 a.m. in the Chicago and Springfield offices by interactive video conference.

XVI. MOTION TO ADJOURN

**IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER RYAN, AND THE MOTION ADOPTED 4-0 TO ADJOURN THE MEETING AT 12:00 P.M.**