

January 20, 2017

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
January 20, 2017

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:00 A.M. AT 160 NORTH LASALLE STREET, ILLINOIS COMMERCE COMMISSION VIDEO CONFERENCE ROOM, 8TH FLOOR, SUITE N-801, BILANDIC BUILDING, CHICAGO, ILLINOIS AND 607 EAST ADAMS STREET, OFFICE OF EXECUTIVE INSPECTOR GENERAL VIDEO CONFERENCE ROOM, 14TH FLOOR, ILLINOIS BUILDING, SPRINGFIELD, ILLINOIS BY INTERACTIVE VIDEO CONFERENCE

I. PRESENT

Chairman Timothy D. Sickmeyer; Anita M. Cummings, G.A. Finch, Susan Moylan Krey, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director and Jane Ryan, Exemption Monitor; Roneta Taylor and Mike Quinlan, Illinois Department of Central Management Services; Romie Munoz, Illinois Arts Council; James Joseph and Kevin Moore, Illinois Emergency Management Agency; Barb Call and Connie Westfall, Illinois Department of Insurance; Julie Moscardelli, Beth Duesterhaus, and Kevin Connor, Illinois Department of Revenue; and Aukosua Stokes, Office of Executive Inspector General.

II. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD DECEMBER 16, 2016

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 5-0, TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD DECEMBER 16, 2016.

III. 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.

IV. 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>
Aging.....	139.....	19
Agriculture.....	314.....	20
Arts Council.....	8.....	1
Capitol Development Board.....	42.....	0
Central Management Services.....	1,316.....	97
Children and Family Services.....	2,542.....	54
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	285.....	71
Commerce Commission.....	57.....	0
Corrections.....	11,737.....	109
Criminal Justice Authority.....	52.....	7
Deaf and Hard of Hearing Comm.....	5.....	1
Developmental Disabilities Council.....	8.....	1
Emergency Management Agency.....	71.....	7
Employment Security.....	1,070.....	31
Environmental Protection Agency.....	671.....	18
Financial & Professional Regulation.....	399.....	49
Gaming Board.....	168.....	6
Guardianship and Advocacy.....	98.....	8
Healthcare and Family Services.....	1,887.....	27
Historic Preservation Agency.....	133.....	17
Human Rights Commission.....	14.....	2
Human Rights Department.....	122.....	10
Human Services.....	12,933.....	80
Illinois Torture Inquiry Relief Commission.....	3.....	1
Independent Tax Tribunal.....	1.....	0
Innovation and Technology.....	16.....	13
Insurance.....	229.....	16
Investment Board.....	3.....	2
Juvenile Justice.....	1,035.....	28
Labor.....	81.....	12
Labor Relations Board Educational.....	8.....	3
Labor Relations Board State.....	14.....	2
Law Enforcement Training & Standards Bd.....	21.....	2
Lottery.....	140.....	9
Military Affairs.....	130.....	3
Natural Resources.....	1,087.....	32
Pollution Control Board.....	19.....	2
Prisoner Review Board.....	21.....	1
Property Tax Appeal Board.....	32.....	1
Public Health.....	1,072.....	42
Racing Board.....	2.....	1
Revenue.....	1,471.....	48
State Fire Marshal.....	119.....	12
State Police.....	1,003.....	10
State Police Merit Board.....	7.....	2
State Retirement Systems.....	104.....	3
Transportation.....	2,157.....	0
Veterans' Affairs.....	1,305.....	11
Workers' Compensation Commission.....	124.....	11
TOTALS.....	44,279.....	902

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

Exemption Monitor Jane Ryan reported the following:

- Item C is a request from the Department of Revenue (DOR) for a Chief Disclosure Officer reporting to the Assistant Director of Revenue who reports to the Director. The Internal Revenue Service (IRS) has strict regulations [Internal Revenue Code Section 6103(p)(4)] regarding the release of and access to taxpayer information which require a chief liaison responsible for any security breaches or unauthorized disclosures. These regulations cover both electronic data and physical access. The Chief Disclosure Officer will be responsible for policies regarding dissemination and exchange of tax information, establishing tax information sharing agreements, restricting access to information, content of security training provided to employees, and ensuring that the information is used and destroyed as required by the IRS. The position previously responsible for this function included significant responsibilities for IT functions and security so that position is now allocated to the Department of Innovation and Technology (DoIT). The new position will fulfill DOR's compliance responsibilities to the IRS. Based on this information, Staff recommended approval of this request. Kevin Conner and Julie Moscardelli (DOR) agreed with the presentation.
- Item D is a request from Central Management Services (CMS) for a Deputy Director of the Illinois Office of Communication and Information reporting to the Chief Administrative Officer which reports to the Director. The position was rescinded in December as part of the overall restructuring of Media Administrators but CMS was left without their own media position. This reinstates the previous exemption with responsibilities for policies controlling media relations but now exclusive to CMS. This appears to have been an oversight and the exemption was recommended for approval. Executive Director Stralka added that though this position is entitled the Deputy Director of the IOCI, its responsibilities are limited to CMS. Roneta Taylor (CMS) concurred with the presentation.
- Item E is a request from the Illinois Emergency Management Agency (IEMA) for a Statewide Interoperability Coordinator which reports to the Director. The National Emergency Communications Plan developed by the U. S. Department of Homeland Security requires every state to have a single point of contact for interoperable emergency communications. The position will be responsible for the implementation and updating of the Statewide Communication Interoperability Plan (SCIP) working with multiple agencies enabling statewide public interoperability to ensure emergency readiness. Responsibilities include development of strategic plans, goals, and initiatives; performance measures; evaluations of technical resources, training, and exercises; and budgets to ensure that the SCIP remains operational throughout all levels of government. The position will also serve a leadership role with the Illinois Terrorism Task Force (ITTF) Communications Committee and the Statewide Interoperability Executive Committee. The Chairman of the ITTF is also an exempt position with IEMA but assurances have been made that additional exemption requests regarding ITTF responsibilities are not anticipated. These responsibilities had previously been handled through a contractual employee but

IEMA believes these critical responsibilities are better assigned to a full-time employee. Based upon the responsibilities described and assurances provided, Staff recommended approval of this request.

IEMA Director James Joseph added the necessity for this position was established at 9/11 when multiple first responders had communication issues due to emergency agencies purchasing disparate communication systems. This position is designed to assist in resolving that issue in Illinois. Our State is a leader in addressing this issue though past administrations preferred to hire contractors to manage this program. It is better that this be addressed by a full time agency employee. There are new networks coming on line in the next few years that are best described as 4G on steroids for first responders. The Agency believes it is important to have an internal employee involved in the build out of this network and the changes that will result. Several Commissioners thanked the Director for his comments.

- Item F is a request from the Department of Human Services (DHS) for a Statewide Housing & Employment First Coordinator (Coordinator) which reports to the Secretary. The Employment First Program was established by Public Act 098-0091 and Executive Order 14-08. The Statewide Housing Program was established as a result of the Disability Services Act of 2003 and Public Act 095-0438. In 2007, the Federal Centers for Medicare and Medicaid Services approved Illinois for a Money Follows the Person Demonstration program which has been periodically renewed. These programs are part of ongoing efforts to comply with the Olmstead Consent Decrees which impose obligations for the state to rebalance long term care placements and provide housing and supportive services for persons with disabilities. The Coordinator is tasked with primary program policy and oversight for transitioning persons with disabilities from institutional settings to community based services and housing, improving integrated employment options for people with disabilities and working with multiple agencies in accomplishing these goals (Aging, Healthcare & Family Services, Illinois Housing Development Authority, Commerce & Economic Opportunity, etc.). The underlying duties involved with housing placement and employment support programs have been accomplished through contractual relationships. The expectations for better placement and employment opportunities have increased significantly resulting in the determination by DHS that better oversight is needed to ensure continued improvement in fulfilling the state's obligations. Based on this information, Staff recommended approval of this request.
- Item G is an exemption request from the Department of Insurance (DOI) for a Procurement Officer reporting to the Chief Deputy Director who reports to the Secretary. The Procurement Officer will serve a policy implementing and administering function working with existing laws, regulations, and oversight provided by the State Executive Ethics Commission and CMS while also reviewing procedures and policies for improvement. The department has specialized procurement in performance of its regulatory functions overseeing insurance companies—actuaries, CPAs, securities, and marketing. Marketing is a function of the Affordable Care Act so that portion may change but the others are core functions to ensure solvency and compliance of insurance companies operating in

Illinois. Based on the information provided, Staff recommended approval of this request.

Barb Call (DOI) indicated she concurred with the presentation. Executive Director Stralka added that while the Commission has historically approved Agency Purchasing Officer positions for exemption, Jane Ryan pointed out a good distinction in that there must be some independent procurement responsibility that the position exercises rather than simply place orders under a master contract. This position performs specialized procurement for the agency.

- Item H is a request is from the Illinois Arts Council for a Deputy Director of Programs. This position was rescinded in November 2016 due to a lengthy vacancy. This reinstates the exemption in anticipation of filling the position. The duties remain very similar to those originally approved for exemption in 2006 so continues to meet the qualifications for exemption. With the understanding the position will be filled shortly, Staff recommended approval of this request. Commissioner Cummings inquired if the agency has a candidate for this position. Romie Munoz responded that it does. Commissioner Cummings then inquired what the timeframe is for hiring this person. Romie Munoz responded that it is as soon as possible. Commissioner Krey then added that she was prepared to make the same inquiry and asked if this was absolute—“It’s going to be filled?” Romie Munoz responded, “yes.”

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 5-0 TO GRANT THE EXEMPTION REQUESTS FOR THE FOLLOWING POSITIONS:

- C: Chief Disclosure Officer (DOR)**
- D: Deputy Director, Office of Communication and Information (CMS)**
- E: Statewide Interoperability Coordinator (Emergency Management)**
- F: Statewide Housing Program and Employment First Coordinator (Human Services)**
- G: Agency Procurement Officer (Insurance)**
- H: Deputy Director, Programs (Arts Council)**

The following 4d(3) exemption requests were granted on January 20, 2017:

C. Illinois Department of Revenue

Position Number	40070-25-00-000-20-01
Functional Title	Chief Disclosure Officer
Incumbent	Vacant
Supervisor	Assistant Director who reports to the Director
Location	Sangamon County

D. Illinois Department of Central Management Services

Position Number	40070-37-80-000-00-01 (exemption rescinded effective 12/16/16)
Functional Title	Deputy Director, Office of Communication and Information
Incumbent	Vacant
Supervisor	Chief Administrative Officer who reports to the Director
Location	Cook County

E. Illinois Department of Emergency Management Agency

Position Number	40070-50-17-000-70-01
Functional Title	Statewide Interoperability Coordinator (SWIC)
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

F. Illinois Department of Human Services

Position Number	40070-10-00-000-12-01
Functional Title	Statewide Housing Program and Employment First Coordinator
Incumbent	Vacant
Supervisor	Secretary
Location	Sangamon County

G. Illinois Department of Insurance

Position Number	37015-14-15-100-00-01
Functional Title	Agency Procurement Officer
Incumbent	Vacant
Supervisor	Chief Deputy Director who reports to the Director
Location	Sangamon County

H. Illinois Arts Council

Position Number	40070-50-90-200-00-01 (exemption rescinded 11/18/16)
Functional Title	Deputy Director, Programs
Incumbent	Vacant
Supervisor	Executive Director
Location	Cook County

V. 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.

B. **None submitted.**

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 STAFF NOT CONTAINED IN THIS AGENDA TO ALLOW ADEQUATE STUDY.

VI. 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 CUMMINGS, SECONDED BY COMMISSIONER URLACHER, 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.

VII. MOTION TO CLOSE A PORTION OF THE MEETING

Executive Director Stralka informed the Commissioners that because there were no appeals on the closed session agenda, the Commissioners could pass on holding a closed session and just proceed with the regular open session so long as last month’s closed session Minutes were approved. It was the consensus of the Commissioners to proceed in this manner.

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO APPROVE THE MINUTES OF THE CLOSED PORTION OF THE REGULAR MEETING HELD ON DECEMBER 16, 2016.

VIII. 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:

Agency	11/30/16	12/31/16	12/31/15
Central Management Services	0	1	1
Children and Family Services	0	0	0
Emergency Management Agency	0	1	0
Employment Security	0	1	0
Financial and Professional Regulation	0	1	0
Gaming Board	1	1	0
Guardianship and Advocacy Comm.	1	2	0
Healthcare and Family Services	1	0	2
Human Services	9	4	13
Insurance	1	1	1
Juvenile Justice	0	0	1
Natural Resources	7	8	18
State Fire Marshal	1	1	0
State Retirement Systems	0	2	3
Transportation	2	1	5
Workers’ Compensation Commission	1	1	3
Totals	24	25	47

IX. STATUS OF RULES GRIEVANCES

Assistant Director Barris indicated that as of September 2016, CMS reported there were seven Rules Grievances filed during fiscal year 2016. CMS could not provide the number of Rules Grievances pending at any level within each agency as of June 30, 2016 because CMS doesn't have this information as it is within each agency. The number of Rules Grievances pending at 4th level as of June 30, 2016 was 27. CMS reported that two grievances have been filed since September 2016. CMS has not scheduled any hearings for any of the grievances as no employee has pursued their grievance. CMS is working on a revision to the rule allowing for an expedited grievance process.

Executive Director Stralka and Jane Ryan both added their experiences with these Rules Grievances. There were a number of questions from all the Commissioners about the typical subject matter and procedures for processing Rules Grievances right up to resolution. Staff noted that it has been a number of years since CMS has even conducted a Fourth Level grievance hearing. There is a concern that these employees are not having their grievances addressed in a timely manner. Additional discussion in which all the Commissioners participated was held about steps that can be taken to ensure that Rules Grievances are being addressed in accordance with the Personnel Rules. It was the consensus of the Commissioners that the Chairman and Executive Director would meet with the Director of CMS to review this matter further.

X. STAFF REPORT

Executive Director Stralka reported that:

- Thanks to the efforts of the Chairman, it is the plan that all future monthly meetings will be conducted by interactive video conference and become a regular practice. The use of these particular video conference facilities is just for this meeting. It is hoped that by the February meeting, the Commission will be able to conduct its meeting by interactive video conference from both its Chicago and Springfield offices. Equipment is being delivered and training is scheduled to occur on February 3 which will give the Commission this capability. He will provide further information after that date. If successful, there will be no need to travel to other than one of the Commission's offices for the monthly meeting. This should provide a savings to the State in travel expenditures. This will also change the way the closed session meeting record will be maintained. Going forward, a copy of the interactive video conference will be maintained rather than just an audio recording. Another issue he raised was utilizing the conference call feature to allow agency representatives to continue to participate in that manner or, if the Commissioners preferred, agency representatives could simply appear at either the Chicago or Springfield office. After additional discussion on the use of interactive video conference occurred, it was agreed that further information would be provided to the Commissioners after February 3.

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- The definition of technical employees that arose in the Illinois Department of Transportation (IDOT) after the Staff Assistant matter was investigated by the Office of the Executive Inspector General is closer to a resolution. The agency has floated a new proposed definition though there is no consensus yet. Executive Director Stralka further noted that the Special Master has sought to expand her role to include all State hiring and not just in IDOT. There has been talk about expanded meetings on a larger scale that would address exempt employees across the board. Executive Director Stralka may be invited to address participants about the principal policy exemption process in the State.
- The Enterprise Resource Planning initiative is scheduled to go live for the Civil Service Commission on April 1. He will be in training all of next week along with Beckie in preparation for that changeover.

XI. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held Friday, February 17, 2017 at 1:30 p.m.

After announcement of the next meeting was made, Chairman Sickmeyer indicated he was considering moving the regular monthly meeting date to the third Thursday of the month starting with the February meeting. The meeting time would be set at 11:00. After discussion in which all Commissioners participated, it was the consensus that the Chairman would consult with each Commissioner on an individual basis prior to the February meeting which would remain as scheduled. Andrew Barris noted that to ensure compliance with the Open Meetings Act these communications should be held individually and not as a group.

XII. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 11:30 A.M.