

November 15, 2018

REGULAR MEETING AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
NOVEMBER 15, 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

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD OCTOBER 18, 2018

WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD OCTOBER 18, 2018?

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.

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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>
Abraham Lincoln Presidential Library & Museum	78	13
Aging.....	135	19
Agriculture	362	18
Arts Council	13	2
Capitol Development Board	33	0
Central Management Services	865	61
Children and Family Services.....	2,680	53
Civil Service Commission	3	0
Commerce & Economic Opportunity	239	66
Commerce Commission	54	0
Corrections	12,514	110
Criminal Justice Authority.....	45	7
Deaf and Hard of Hearing Comm.....	3	1
Developmental Disabilities Council	6	1
Emergency Management Agency.....	65	9
Employment Security	1,093	29
Environmental Protection Agency.....	617	18
Financial & Professional Regulation	394	48
Gaming Board	152	7
Guardianship and Advocacy	98	8
Healthcare and Family Services	1,587	26
Human Rights Commission.....	14	2
Human Rights Department.....	117	10
Human Services.....	12,627	78
Illinois Torture Inquiry Relief Commission	3	1
Independent Tax Tribunal	1	0
Innovation and Technology	1,274	60
Insurance	211	17
Investment Board	3	2
Juvenile Justice.....	884	28
Labor	74	11
Labor Relations Board Educational.....	11	3
Labor Relations Board State.....	12	2
Law Enforcement Training & Standards Bd.	22	3
Lottery	146	8
Military Affairs.....	134	3
Natural Resources.....	1,248	33
Pollution Control Board	17	2
Prisoner Review Board.....	22	1
Property Tax Appeal Board.....	31	2
Public Health	1,146	40
Racing Board.....	3	1
Revenue.....	1,413	45
State Fire Marshal	125	12
State Police.....	935	8
State Police Merit Board	6	2
State Retirement Systems	100	3
Transportation	2,207	0
Veterans' Affairs	1,241	10
Workers' Compensation Commission.....	116	11
TOTALS.....	45,179	894

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. None submitted

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; and
- f) The relation of the class specifications to any applicable collective bargaining agreement.

B. None submitted

WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF BUT NOT INCLUDED 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. Section 303.21 Expedited Grievance Procedure

SUBPART A: GRIEVANCE PROCEDURE

Section 303.21 Expedited Procedure

- a) If agreed to by both parties, the following shall be the procedure for an expedited hearing:
- 1) The Director shall appoint an employee of the Department of Central Management Services, Division of Legal/Labor Relations to serve as the hearing officer of the expedited Step 4 grievance hearing.
 - 2) The hearing officer shall have the authority to mediate the grievance with the parties prior to the scheduling of the hearing.
 - 3) If the parties are unable to reach a resolution, the hearing officer shall schedule the hearing with the grievant or grievant's representative and the representative of the employee's agency to hear the grievance.
 - 4) Prior to the hearing, the parties shall submit documentation in support of their respective case. The hearing officer shall have the authority to accept or deny all submissions of evidence.
 - 5) At the grievance hearing, both parties shall present a summary of their cases. Witnesses are not allowed, but witness statements may be entered. The opposing party will have the opportunity to respond to the documentation and/or witness statements at the hearing. At the conclusion, the hearing officer shall adjourn the grievance hearing. The hearing officer shall make a written recommendation to the Director within five (5) working days after the hearing date.
 - 6) Upon receipt of the recommendation of the hearing officer, the Director shall approve, disapprove, or modify the recommendation, and shall render a decision thereon in writing, and cause a copy of such decision to be served upon the parties. The Director's decision shall be final.

(Source: Added at 42 Ill. Reg. _____, effective _____)

C. Section 303.30 Grievance Committee

- a) The Director shall appoint a grievance committee comprised of two employees of the Department of Central Management Services and one employee of the Civil Service Commission or, if the grievant has a separate proceeding before the Civil Service Commission or if a Civil Service Commission employee is unavailable, an employee from an agency other than the Department of Central Management Services to hear grievances. Committee members must have

experience and knowledge in the areas of personnel administration and employee relations. Not more than one committee member shall be appointed from any one bureau and no committee member shall be appointed to hear a grievance arising from the bureau in which the committee member is employed.

- b) In addition to the three committee members appointed pursuant to subsection (a) above, the Director shall appoint an employee of the Department of Central Management Services, Division of Employee and Labor Relations to serve as Secretary-Chairperson of the committee. The Secretary-Chairperson shall assist the committee in its determination, shall be entitled to be heard by the committee, but shall not be entitled to vote on the committee's recommendations. Unless an expedited Step 4 (see Section 303.210 ~~(b)(4)~~) procedure is agreed to by the parties pursuant to procedures and policies issued by the Director, the members of the grievance committee shall reduce their recommendations as to the disposition of the grievance to writing and submit them to the Director. A dissenting member of the committee may make separate recommendations. All recommendations will bear the signature of the concurring committee members.
- c) Upon the receipt of recommendations from a grievance committee, the Director shall approve, disapprove or modify the Panel recommendations, shall render a decision thereon in writing, and cause a copy of such decision to be served upon the parties. The Director's decision shall be final.
- d) The written statement of the employee's grievance, the recommendations of the grievance committee, and the decision of the Director, thereon shall be made a part of the permanent record of the grieving employee in the files of the Department.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

D. Section 302.30 Veterans Preference

- a) Appropriate preference in entrance examinations shall be granted to qualified ~~veteranspersons~~ who have been members of the armed forces of the United States or to qualified ~~veteranspersons~~ who, while citizens of the United States, were members of the armed forces of allies of the United States in time of hostilities with a foreign country (as set forth in Section 8b7 of the Personnel Code) and to certain other persons as set forth in this Section.
- b) To be eligible, applicant must have received discharge under honorable conditions and served under one or more of the following conditions:
 - 1) Served, for at least six months, in the armed forces of the United States, the Illinois National Guard, or any reserve component of the armed forces of the United States; or

- 2) While a U.S. citizen, been a member of the armed forces of an ally of the U.S. in time of hostilities with a foreign country; or
 - 3) Discharged on the grounds of hardship; or
 - 4) Released from active duty because of a service connected disability; or
 - 5) Served for the duration of hostilities regardless of the length of engagement.
- c) Preference will be in the form of points added to the final grades of persons who otherwise qualify and are entitled to appear on the list of those eligible for appointments. Preference in entrance examinations will be granted as follows:
- 1) Ten points shall be added to the entrance examination grade for veteran eligibles currently holding proof of a service connected disability from the U.S. Department of Veterans Affairs or from an allied country for service connected disabilities or if the veteran is a purple heart recipient.
 - 2) Five points shall be added to the entrance examination grade for veteran eligibles who have served during a time of hostilities with a foreign country and who meet the qualifications set forth in subsection (b), but who do not qualify for 10 points under subsection (c)(1).
 - 3) A person not eligible for a preference under subsection (c)(1) or (c)(2) is qualified for a preference of 3 points if the person has served in the armed forces of the United States, the Illinois National Guard, or any reserve component of the armed forces of the United States and the person:
 - A) served for at least 6 months and has been discharged under honorable conditions; or
 - B) has been discharged on the grounds of hardship; or
 - C) was released from active duty because of a service connected disability; ~~or~~
 - D) served a minimum of 4 years in the Illinois National Guard or reserve component of the armed forces of the United States, regardless of whether the person was mobilized to active duty.
 - 4) An active member of the National Guard or a reserve component of the armed forces of the United States is eligible for the preference described in subsection (c)(3) if the member meets the service requirements of subsection (c)(3).

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- d) If category ratings are used, the veteran eligibles in each category shall be preferred for appointment before the non-veteran eligibles in the same category.
- e) The following shall be entitled to the same preference to which the veteran would have been entitled under this Section:
 - 1) a surviving unremarried spouse or civil union partner, who has not subsequently married or entered into a civil union, of a veteran who suffered a service connected death; or
 - 2) the spouse or civil union partner of a veteran who suffered a service connected disability that prevents the veteran from qualifying for civil service employment.
- f) A preference shall also be given to the following individuals: 10 points for one parent of a veteran who is not married or in a civil union partnership who suffered a service connected death or a service connected disability that prevents the veteran from qualifying for civil service employment. The first parent to receive a civil service appointment shall be the parent entitled to the preference.
- g) Before a veteran's preference is granted, the Department of Central Management Services must verify the applicant's entitlement to the preference by requiring a certified copy of the applicant's most recent DD-214 (Certificate of Release or Discharge from Active Duty) or other evidence of the applicant's most recent honorable discharge from the Armed Forces of the United States. The Department of Central Management Services shall determine whether the documentation submitted by the applicant is acceptable. To be acceptable, the documentation submitted must be an authentic, official record of the United States Armed Forces evidencing the individual's military service.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

WILL THE COMMISSION DISAPPROVE ANY AMENDMENTS TO PERSONNEL RULES RECEIVED BY THE COMMISSION STAFF BUT NOT INCLUDED IN THIS AGENDA TO ALLOW ADEQUATE STUDY?

VIII. 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?

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IX. RECONVENE THE REGULAR OPEN MEETING

X. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

DA-48-18

Employee	William M. Valentine	Appeal Date	06/11/18
Agency	Corrections	Decision Date	11/02/18
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-49-18

Employee	Jovonna Pryor-Gathing	Appeal Date	06/13/18
Agency	Human Services	Decision Date	11/01/18
Appeal Type	Discharge	Proposal for Decision after remand	90-day suspension plus duration of suspension pending discharge.
ALJ	Andrew Barris		

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

D-39-18

Employee	RuJanielle McWilliams	Appeal Date	04/18/18
Agency	Human Rights	Decision Date	11/01/18
Appeal Type	Demotion	Proposal for Decision	Demotion upheld.
ALJ	Andrew Barris		

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

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XI. APPEALS TERMINATED WITHOUT DECISIONS ON THE MERITS

DA-18-16

Employee	Stanley V. Orndorff	Appeal Date	10/09/15
Agency	Corrections	Decision Date	10/25/18
Type	Discharge	Proposal for	Dismissed subject to approval of the Commission; settled.
ALJ	Andrew Barris	Decision	

DA-8-19

Employee	Zachary P. Irwin	Appeal Date	10/03/18
Agency	Corrections	Decision Date	10/26/18
Type	Discharge	Proposal for	Dismissed subject to approval of the Commission; withdrawn.
ALJ	Andrew Barris	Decision	

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSALS FOR DECISION IN THE ABOVE MATTERS?

XII. FY 2018 ANNUAL REPORT

WILL THE COMMISSION APPROVE THE FISCAL YEAR 2018 ANNUAL REPORT?

XIII. STAFF REPORT

XIV. ANNOUNCEMENT OF NEXT REGULAR OPEN MEETING

The next regular open meeting is to be held at 11:00 a.m. on Thursday, December 20, 2018 in the Chicago and Springfield offices of the Commission by interactive video conference.

XV. MOTION TO ADJOURN