

November 16, 2017

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
November 16, 2017

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, David Luechtefeld, Jane Ryan, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director and Andrew Barris, Assistant Executive Director; Denise Connelly and Chris Nickols, Illinois Department of Central Management Services; and Rob Havens, Illinois Department of Insurance.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD OCTOBER 19, 2017

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 OCTOBER 19, 2017.

IV. 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.

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	58	13
Aging	132	19
Agriculture	394	18
Arts Council	9	2
Capitol Development Board	32	0
Central Management Services	890	73
Children and Family Services	2,589	53
Civil Service Commission	4	0
Commerce & Economic Opportunity	245	66
Commerce Commission	59	0
Corrections	12,166	109
Criminal Justice Authority	50	7
Deaf and Hard of Hearing Comm	4	1
Developmental Disabilities Council	7	1
Emergency Management Agency	68	8
Employment Security	1,053	29
Environmental Protection Agency	619	18
Financial & Professional Regulation	384	48
Gaming Board	152	5
Guardianship and Advocacy	102	8
Healthcare and Family Services	1,665	26
Human Rights Commission	14	2
Human Rights Department	115	10
Human Services	12,826	82
Illinois Torture Inquiry Relief Commission	3	1
Independent Tax Tribunal	1	0
Innovation and Technology	1,186	57
Insurance	212	16
Investment Board	4	2
Juvenile Justice	936	28
Labor	73	11
Labor Relations Board Educational	10	3
Labor Relations Board State	13	2
Law Enforcement Training & Standards Bd.	23	3
Lottery	143	8
Military Affairs	127	3
Natural Resources	1,139	33
Pollution Control Board	16	2
Prisoner Review Board	19	1
Property Tax Appeal Board	31	1
Public Health	1,095	40
Racing Board	2	1
Revenue	1,372	45
State Fire Marshal	126	12
State Police	976	10
State Police Merit Board	7	2
State Retirement Systems	96	3
Transportation	2,139	0
Veterans' Affairs	1,276	10
Workers' Compensation Commission	126	12
TOTALS	44,788	904

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. Request for 4d(3) Exemption

Executive Director Daniel Stralka reported the following:

- As to Item C, this request was from the Department of Insurance for a Chief Financial Officer, a position that reports to the Chief Deputy Director who reports to the Director. This request was originally submitted to the Commission on June 28, 2017 but Central Management Services asked that it not be placed on an agenda at that time. Commission staff held the request until being asked to place it on this month's agenda.

This request appears to be the first one that has undergone a review by the Special Master prior to the request being placed before the Commission for approval. Commission staff is unaware of what such a review consists of. In any event, Central Management Services represented that there was no objection from the Special Master to this position being considered for exemption.

This position has principal policy responsibility for all fiscal management and reporting programs of the agency as well as insurance tax administration and Human Resources programs. The Commission has historically approved exemption requests for the principal financial position in an agency. Therefore, Staff recommended approval of this exemption request. Rob Havens, Illinois Department of Insurance, concurred with this presentation. Commissioner Ryan inquired if there were any requests for exemptions that the Special Master denied. Denise Connelly, Central Management Services, replied there were none. She added that the Special Master was still undergoing their analysis. Chairman Sickmeyer asked how long it took the Special Master to respond to the agency request. Denise Connelly replied that it was not a long time at all once it was brought to their attention, not much longer than one day. Commissioner Ryan ask if any exemption requests had been denied by the Special Master. Denise Connelly indicated that none had "at this point."

Executive Director Stralka also reported that last May there were a number of Bureau of Property Management positions in Central Management Services being considered for proposed rescission. At that time a new Deputy Director had been recently appointed to Property Management. It was agreed to give him and the agency an opportunity to review the organizational structure and determine if the positions, especially issues between the seven Regional Managers and four Transactions position, warranted continued exemption. This issue was raised with the agency at our last quarterly meeting without any resolution. Commission Staff will continue to follow up on this outstanding issue.

IT WAS MOVED BY COMMISSIONER RYAN, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO GRANT THE EXEMPTION REQUEST FOR THE FOLLOWING POSITION:

C: Chief Financial Officer (Insurance)

The following 4d(3) exemption request was granted on November 16, 2017:

C. Illinois Department of Insurance

Position Number	40070-14-15-000-00-01
Functional Title	Chief Financial Officer
Incumbent	Jane Bachman
Supervisor	Chief Deputy Director of Insurance who reports to the Director
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 title was submitted for revision by the Director of the Illinois Department of Central Management Services:

B. Gaming Senior Special Agent

Assistant Executive Director Barris Andrew Barris spoke to Chris Nickols at CMS Technical Services to clarify issues regarding the creation and revision dates of the Gaming Senior Special Agent class. Nickols confirmed that the class was created on April 1, 2010 and revised most recently in February 2017. Nickols explained that the February 2017 revision was necessary to create multiple pathways of experience to be promoted in the class but there was miscommunication with the agency as to the specific years of experience that was requested by the agency, i.e., the year of training plus three years of experience would not address the need to fill positions as the year of training should be included in the desirable three years of gaming experience. Nickols confirmed that the ambiguity had come up in the implementation of the interview process.

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER LUECHTEFELD, AND THE MOTION ADOPTED 5-0 TO APPROVE THE REVISION OF THE FOLLOWING CLASS TITLE TO BE EFFECTIVE DECEMBER 1, 2017:

B. Gaming Senior Special Agent

IT WAS MOVED BY COMMISSIONER FINCH, 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 RYAN, SECONDED BY COMMISSIONER LUECHTEFELD, 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 FINCH, 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	RYAN	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 160 N. LaSalle Street, Suite S-901, Chicago, Illinois and 607 E. Adams Street, Suite 801, Springfield, Illinois by interactive video conference at 11:20 a.m.

PRESENT

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

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.

Agency	9/30/17	10/31/17	10/31/16
Aging	1	1	0
Agriculture	13	2	3
Central Management Services	5	7	2
Children and Family Services	0	0	1
Commerce and Economic Opportunity	1	0	0
Employment Security	1	2	1
Financial and Professional Regulation	1	3	0
Gaming Board	2	2	1
Guardianship & Advocacy	0	1	2
Healthcare and Family Services	5	4	1
Historic Preservation Agency	9	3	2
Human Services	9	20	13
Innovation & Technology	4	6	0
Insurance	1	1	1
Labor Relations Board-Educational	2	2	0
Natural Resources	39	15	14
Property Tax Appeal Board	1	1	0
Public Health	2	0	0
Revenue	0	0	0
State Fire Marshal	0	1	1
State Police	4	7	0
State Retirement Systems	1	1	0
Transportation	1	5	10
Veterans' Affairs	1	0	0
Workers' Compensation Commission	1	0	1
Totals	104	84	53

XI. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

DA-5-18

Employee	Christopher D. Williams	Appeal Date	08/09/17
Agency	Human Services	Decision Date	11/01/17
Appeal Type	Discharge	Proposal for Decision	Discharge upheld.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER FINCH, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL OF THE ADMINISTRATIVE LAW JUDGE THAT THE PROVEN CHARGES WARRANT DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED NOVEMBER 1, 2017.

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	RYAN	YES
URLACHER	YES		

DA-9-18

Employee	Antoinette Johnson	Appeal Date	08/14/17
Agency	Human Services	Decision Date	10/30/17
Appeal Type	Discharge	Proposal for Decision	Charge not proven; discharge is set aside in whole and employee is to be reinstated to her position.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER LUECHTEFELD, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL OF THE ADMINISTRATIVE LAW JUDGE THAT THE CHARGE WAS NOT PROVEN. THE DISCHARGE IS SET ASIDE IN WHOLE AND ANTOINETTE JOHNSON IS TO BE REINSTATED TO HER POSITION AS MENTAL HEALTH TECHNICIAN 2 WITH THE ILLINOIS DEPARTMENT OF HUMAN SERVICES.

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	RYAN	YES
URLACHER	YES		

DA-12-18

Employee	Rodney F. Cruise	Appeal Date	08/24/17
Agency	Agriculture	Decision Date	11/02/17
Appeal Type	Discharge	Proposal for	Discharge upheld.
ALJ	Andrew Barris	Decision	

IT WAS MOVED BY COMMISSIONER RYAN, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL OF THE ADMINISTRATIVE LAW JUDGE THAT THE PROVEN CHARGES WARRANT DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED NOVEMBER 2, 2017

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	RYAN	YES
URLACHER	YES		

XII. STAFF REPORT

Assistant Executive Director Andrew Barris informed the Commission:

- The Interagency Committee on Employees with Disabilities (ICED) holds meetings every other month and he represents the Commission at these meetings. Barris explained that the ICED puts on a yearly awards banquet in appreciation of agencies, employees, and lawmakers who made in effort to address the needs of employees with disabilities. Barris informed the Commissioners that they should contact him if anyone wanted to attend the meetings by phone or in person.
- That he participated in a SAP presentation on Enterprise Electronic Case Management and would be participating in a telephone conference call later in the day with the Bureau of Administrative Hearings Committee on Enterprise Electronic Case Management. The Commissioners inquired about the ways in which such a system could be implemented that would address the needs of the Commission within the confines of budgetary restrictions. Barris indicated he would continue to monitor the implementation of the system at other agencies in light of the needs of the Commission and any rule changes to address such a system.
- A telephone call was received from a person who believed she had a right to file a “complaint” with the Commission about her placement on a “Registry” regarding abuse and neglect. The caller specifically referenced statutory language from the Adult Protective Services Act, 320 ILCS 20/7.5 (h) (Act). Barris investigated and learned that the Act became effective in 2014. He explained that the language of the statute could be interpreted to mean that non-state employees have a right to file a complaint with the Commission. The definition of caregiver did not clearly distinguish employees of the State of Illinois from “caregivers” who did not work for the state.

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Chairman Sickmeyer directed the Commission staff to draft a letter to send to the Director of the Department of Aging explaining the effect of the statute and to recommend that the agency take initiative to address the ambiguous statutory language in the next legislative session.

Executive Director Stralka reported that:

- At the Central Management Services quarterly meeting, Director Michael Hoffman agreed that it would be beneficial for the Commission to meet with the Special Master to discuss issues of mutual interest. Director Hoffman indicated he would arrange such a meeting in the near future. Chairman Sickmeyer added that Deputy Director of Personnel John Terranova explained that they have been taking steps to increase uniformity when imposing discipline.
- The Commission hopes to conduct interviews with qualified candidates in the next few weeks for the vacant Exemption Monitor position.
- Chairman Sickmeyer commended Beckie Daniken on her efforts in putting together the Commission's annual report. All Commissioners concurred.

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held on December 21, 2017 at 11:00 a.m. in the Chicago and Springfield offices by interactive video conference.

XIV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER RYAN, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 11:35 A.M.