

November 21, 2014

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
November 21, 2014

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:00 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Garrett P. FitzGerald, Chairman; James B. Anderson, Anita M. Cummings, Susan Moylan Krey, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director; Elizabeth Whitehorn, Roneta Taylor (by telephone), and Mike Quinlan (by telephone), Illinois Department of Central Management Services; Emily Gibellina, House Republicans; Jay Rowell and Jeanette Okulinski, Illinois Department of Employment Security; Grace Hong Duffin and Lynn Oda, Illinois Department of Human Services; Jessica McMiller-Baptiste, Illinois Department of Juvenile Justice; Beth Duesterhaus (by telephone), Administrative and Regulatory Shared Services Center; Karey Wanless (by telephone), Public Safety Shared Services Center; and Lainie Krozel (by telephone), Illinois Department of Revenue.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD OCTOBER 17, 2014

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 5-0 TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD OCTOBER 17, 2014.

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 Illinois Dept. of Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	137.....	18
Agriculture.....	364.....	20
Arts Council.....	15.....	2
Capitol Development Board.....	48.....	0
Central Management Services.....	1,402.....	115
Children and Family Services.....	2,654.....	49
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	363.....	70
Commerce Commission.....	69.....	0
Corrections.....	10,890.....	99
Criminal Justice Authority.....	53.....	5
Deaf and Hard of Hearing Comm.....	7.....	1
Developmental Disabilities Council.....	9.....	1
Emergency Management Agency.....	81.....	5
Employment Security.....	1,280.....	30
Environmental Protection Agency.....	802.....	17
Financial & Professional Regulation.....	438.....	49
Gaming Board.....	159.....	6
Guardianship and Advocacy.....	104.....	8
Healthcare and Family Services.....	2,085.....	26
Historic Preservation Agency.....	157.....	14
Human Rights Commission.....	14.....	2
Human Rights Department.....	138.....	9
Human Services.....	12,109.....	75
Illinois Torture Inquiry Relief Commission.....	3.....	1
Independent Tax Tribunal.....	1.....	0
Insurance.....	238.....	16
Investment Board.....	4.....	2
Juvenile Justice.....	1,002.....	24
Labor.....	90.....	11
Labor Relations Board Educational.....	11.....	2
Labor Relations Board State.....	18.....	2
Law Enforcement Training & Standards Bd.....	17.....	2
Lottery.....	135.....	7
Military Affairs.....	123.....	3
Natural Resources.....	1,225.....	30
Pollution Control Board.....	22.....	2
Prisoner Review Board.....	17.....	0
Property Tax Appeal Board.....	31.....	1
Public Health.....	1,154.....	42
Racing Board.....	2.....	1
Revenue.....	1,721.....	54
State Fire Marshal.....	129.....	12
State Police.....	1,095.....	7
State Police Merit Board.....	5.....	2
State Retirement Systems.....	95.....	3
Transportation.....	2,212.....	0
Veterans' Affairs.....	1,370.....	9
Workers' Compensation Commission.....	131.....	11
TOTALS.....	44,233.....	865

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

Executive Director Daniel Stralka reported the following:

- As to Item C, this request is from the Department of Human Services (DHS) and is for an Associate Director of Adult Services and Basic Supports in the Division of Family & Community Services (FCS), a position that reports to the Assistant Director of FCS who reports to the Director of FCS who reports to the Secretary. The position description indicates that this position has principal policy responsibility for planning, developing, organizing, controlling and managing homeless services, domestic violence services, and Title XX Social Services which include a variety of assistive services. The agency had noted that these are services that are not provided at its Family Community Resource Centers. This request was continued from last month for the agency to provide some additional information to the Commission.

Staff had a number of issues with this request. First and foremost is that the agency last appeared before the Commission with exemption requests for this Division 15 months ago and represented that it did not foresee the need for any additional exempt positions. It is now seeking an additional exempt position. Staff asked the agency to provide some sort of explanation such as a new program, program expansion or unforeseen increase in the need for services. The only explanation was that the agency had been unable to fill the position with an appropriately qualified candidate. No information about the steps that were taken to fill the position was provided even though that request was made prior to the October meeting, at the October meeting, and subsequent to the October meeting. Also, the inability to find a successful candidate is not a factor as contemplated in Section 4d(3).

The second issue is with the program services themselves. These all appear to be assistive services provided to customers not by DHS, but by outside providers on contract, funded by the federal government through DHS. That leaves it a mystery to Staff as to what this position actually plans, develops, etc. as set forth in the position description. The agency supplemented its response on November 13 with a lengthy email addressing programmatic challenges of the position. A copy of that email was provided to Commissioners. However, it was not responsive to the ongoing question about what steps it had taken to fill the position, and did not point to any programmatic change in the last 15 months to warrant this request, especially after it had committed to a set number of exempt positions for the FCS program. That number is presently seven. In addition, DHS already has exempt individuals in most of the program areas that the agency is relying on to justify this exemption request.

For these reasons, Staff continued to recommend denial of this request.

Grace Hong Duffin, Chief of Staff-Illinois Department of Human Services, noted that 15 months ago, the agency did not contemplate a need for an exempt Associate Director. All other Associate Director positions in FCS are exempt

except the two that are federally funded. This position will have principal policy formulation responsibilities for Domestic Violence programs of the agency. It is up to the agency to determine how the funding for programs like this gets distributed. In addition, President Obama's recent executive order on immigration will impact this request. It will be up to DHS to implement any resulting immigration program.

- As to Item D1, this request is from the Illinois Department of Employment Security (IDES) and is for a Chief of Staff position that reports to the Director. Such positions are routinely granted exempt status by the Commission. In this case, Staff had an issue because the agency previously had a Chief of Staff position approved in 2010 which was clarified to an Executive Deputy Director in the Bureau of Administration. The agency was without a Chief of Staff until this request. Staff was concerned that a "back door" exemption for the Administration position was created by this clarification. The agency noted that it previously had exempt positions as Chief of Staff and in Administration until 2012, and approval of this request will simply restore that structure. Staff recommended approval of this request. Director Jay Rowell, Illinois Department of Employment Security, concurred with this.
- As to Item D2, this request is for a Manager of Educational Institutions at IDES. This position reports to the Director. The agency indicated that this position develops and implements program activities under the federal Workforce Innovation and Opportunity Act (WIOA) for educational institutions, as well as the state Longitudinal Education Data Systems Act. As to the former, Staff sought a specific citation to this lengthy Act that relates to the Educational Institutions program. The agency responded just yesterday afternoon with a citation that referenced a requirement that the State create a State Unified Plan that involves analyzing unemployment data, workforce development activities, describing the State's vision for preparing an educated and skilled workforce, and a strategy for aligning the State's core programs for achieving this vision. The State would do this through a Workforce Development Board. What's missing with respect to this request is any indication that this agency is going to have the principal programmatic responsibilities to carry this out. In fact, from information gathered to date, it appears that the Department of Commerce and Economic Opportunity (DCEO) would be that agency. For example, the State has a Workforce Investment Board that is operated out of DCEO with its Director being the Chair, not IDES. It is unknown what role the State's Unified Plan calls for IDES to play in this program. While the agency claims that it foresees that this position will be a primary actor, it is not clear that is what the Unified Plan calls for. The agency's unsupported claims are the only justification in favor of this request.

As to the Longitudinal Education Data Systems Act, the agency's connection is even more tenuous. This Act essentially calls for implementation by the State's educational infrastructure institutions. Despite Staff's request, the agency was unable to provide any indication of a role in this program other than providing data to the decision-making entities. Even in its response to Staff inquiries, the agency referenced its "collaboration" with educational agencies and that it would

be “working with” them. That is not indicative of a principal policy position; those responsibilities lie more with the educational institutions as designated in Section 15(a) of the Act. For these reasons, Staff recommended denial of this request.

Director Jay Rowell, Illinois Department of Employment Security, replied that he feels strongly that this position will help align educational and workforce opportunities. People need to obtain the right skill sets via education and training to be employable. The WIOA is forcing State agencies to work together to get this accomplished. There is much to be developed for this to happen, and this position will be the principal policy developer for IDES in its role in this process. He noted that the WIOA specifically cited the Wagner-Peyser Act which is how IDES came to be included in the WIOA effort. The WIOA does not specify how the State is to carry out this goal of matching educational programs with workforce needs. Executive Director Stralka inquired if the State has developed the Unified Plan called for in the WIOA. Director Rowell indicated it had not, but this individual would be instrumental in drafting it. Commissioner Krey asked when the Unified Plan was due. IDES Director Rowell replied it was due July 1, 2015. He also indicated that other agencies including DCEO and DHS would be joining that effort. Commissioner Krey asked the DHS representative if they would be submitting an exemption request in conjunction with WIOA. Grace Hong Duffin, Chief of Staff-Illinois Department of Human Services, indicated not at this time. After additional discussion, it was suggested that the requested position be granted an exemption for a one-year term to allow the Unified Plan to be drafted. That would clarify for the Commission whether this position will possess the necessary level of principal policy responsibility to support a Section 4d(3) exemption. Director Jay Rowell indicated this would be acceptable. Commissioner Cummings then asked if the agency had an employee performing these responsibilities presently. Director Rowell replied that they did not.

- As to E1, this request is for a Deputy Director of Field Service After Care for the Department of Juvenile Justice (DOJJ), a position that reports to the Deputy Director of After Care who reports to the Director. The After Care program for DOJJ is similar to the Parole program at the Department of Corrections (DOC). It already has an exempt Deputy Director as well as two exempt Regional Administrators. This would be the fourth exempt position which would be the equivalent number of exempt positions in the parole program at DOC. This position will have principal policy responsibilities in assisting the program to meet demands imposed upon it by several consent decrees as to mandated services to offer its juvenile offenders eligible for After Care services. Staff was prepared to recommend approval of this request provided the agency will acknowledge the sufficiency of four exempt positions to manage this program as it is presently constituted and absent any drastic programmatic change. Jessica McMiller-Baptiste, Chief of Staff-Illinois Department of Juvenile Justice, indicated that four exempt positions would be sufficient.

- As to E2, this request is for a legislative liaison position at DOJJ. This position reports to the Chief of Intergovernmental Relations who reports to the Chief of Staff who reports to the Director. This position's job duties will require the person to regularly communicate in the course of their employment with officials or staff of the General Assembly for the purpose of influencing any legislative action. For these reasons and consistent with past Commission determinations, Staff recommended approval of this request.
- As to E3, this request is for an Assistant School Superintendent at DOJJ. This position reports to the Superintendent who reports to the agency Director. The DOJJ has a seven member school board that is essentially responsible for determining the needs and types of schools and the curriculum within the school district that serves juvenile offenders. It is clear to Staff that the principal policy formulation responsibilities lie with the Board while the implementation responsibilities lie with the Superintendent. While this Assistant Superintendent position may have significant input into some of these responsibilities, it does not appear to have sufficient independent authority to warrant a principal policy exemption. In addition, it must be noted that before the DOJJ was split off from Department of Corrections (DOC), education responsibilities for all incarcerated was limited to one exempt superintendent position at DOC. DOC now has an exempt position responsible for the adult inmate population while DOJJ has its own exempt Superintendent position. Approval of this request would result in three exempt positions for what a short time ago was all accomplished by only one exempt position. For these reasons, Staff recommended denial of this request.

Jessica McMiller-Baptiste explained to the Commission that the DOJJ has six different schools in its school district so it is not comparable to Department of Corrections. DOJJ is operating under a consent decree mandating it provide educational services. This Assistant Superintendent will be an integral part of that process, supervising six school principals. Commissioner Krey inquired as to the level of independent authority the position will have. Jessica McMiller-Baptiste replied that it will possess that to ensure that the mandates of the consent decree are being carried out by its subordinate principals while also advising the Superintendent as to the specific programs and progress at the six schools. Commissioner Krey responded that it now sounds advisory. Commissioner Anderson asked Jessica McMiller-Baptiste to differentiate the requested position's responsibilities from those of the Superintendent. She replied that there is a jumbled mix of responsibilities from ensuring the mandates of the consent decree are being met to interacting with the School Board. The Assistant Superintendent will have more hands-on responsibilities with the six principals to ensure that they are in compliance with these dictates. Executive Director Stralka noted that it sounded like the Assistant Superintendent had more principal policy implementation responsibilities.

Commissioner Cummings then indicated she had an additional question regarding Item C. She asked Grace Hong Duffin what were the functions of the position. Duffin replied that it has principal policy responsibility over domestic

violence, homelessness and emergency support grant programs. Add Title XX to those which include other services not covered by the Temporary Assistance to Needy Family programs. Finally there are responsibilities regarding refugee settlement. Executive Director Stralka inquired of possible overlap with the exempt Director of the Governor's Office of New Americans, and Immigrant Welcoming Center Director. Duffin replied that the former position ensures that all State agencies are providing their respective services to the State's immigrant population while the latter provides specific agency services to this group. Commissioner Anderson asked Grace Hong Duffin if she could succinctly indicate the requested position's areas of principal policy responsibility. She replied it would be in the areas of domestic violence, homelessness, and immigrant/refugee services.

Chairman FitzGerald then indicated he had an additional question regarding the Department of Juvenile Justice requests. He asked if any were included in collective bargaining units. Jessica McMiller-Baptiste indicated they were not.

IT WAS MOVED BY COMMISSIONER ANDERSON, SECONDED BY CHAIRMAN FITZGERALD, AND THE MOTION MADE TO GRANT THE REQUEST FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITION. BY A VOTE OF 2-3 THE MOTION FAILED:

**C: Associate Director-Office of Adult Services and Basic Supports
(Human Services)**

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0, TO CONTINUE TO JANUARY 16, 2015 THE EXEMPTION REQUEST FOR THE FOLLOWING POSITION:

**C: Associate Director-Office of Adult Services and Basic Supports
(Human Services)**

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

D1: Chief of Staff (Employment Security)

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0, TO GRANT THE EXEMPTION REQUEST FOR THE FOLLOWING POSITION FOR A PERIOD OF ONE YEAR:

D2: Education Institutions Program Manager (Employment Security)

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

- E1: Resource Development Administrator (Juvenile Justice)**
- E2: Executive Staff Assistant to the Chief of Intergovernmental Relations (Juvenile Justice)**

IT WAS MOVED BY COMMISSIONER ANDERSON, SECONDED BY CHAIRMAN FITZGERALD, AND THE MOTION MADE TO GRANT THE REQUEST FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITION. BY A VOTE OF 2-3 THE MOTION FAILED:

- E3: Assistant School District Superintendent (Juvenile Justice)**

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0, TO CONTINUE TO JANUARY 16, 2015 THE EXEMPTION REQUEST FOR THE FOLLOWING POSITION:

- E3: Assistant School District Superintendent (Juvenile Justice)**

The following 4d(3) exemption requests were continued to January 16, 2015 on November 21, 2014:

C. Illinois Department of Human Services

Position Number	40070-10-96-444-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Division of Family & Community Services
Functional Title	Associate Director-Office of Adult Services and Basic Supports
Incumbent	Vacant
Supervisor	Assistant Director, Division of Family & Community Services, who reports to the Director, Division of Family & Community Services, who in turn reports to the Secretary
Location	Cook County

E3. Illinois Department of Juvenile Justice

Position Number	40070-27-10-000-00-02
Position Title	Senior Public Service Administrator
Bureau/Division	School District #428
Functional Title	Assistant School District Superintendent
Incumbent	Vacant
Supervisor	School District Superintendent, who reports to the Deputy Director, Division of Program Services, who in turn reports to the Director
Location	Sangamon County

The following 4d(3) exemption requests were granted on November 21, 2014:

D1. Illinois Department of Employment Security

Position Number	40070-44-01-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of the Director
Functional Title	Chief of Staff
Incumbent	Vacant
Supervisor	Director
Location	Cook County

E1. Illinois Department of Juvenile Justice

Position Number	40070-27-00-300-00-02
Position Title	Senior Public Service Administrator
Bureau/Division	Aftercare
Functional Title	Resource Development Administrator
Incumbent	Vacant
Supervisor	Deputy Director of Aftercare, who reports to the Director
Location	Cook County

E2. Illinois Department of Juvenile Justice

Position Number	37015-27-00-001-00-02
Position Title	Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Executive Staff Assistant to the Chief of Intergovernmental Relations
Incumbent	Vacant
Supervisor	Chief of Intergovernmental Relations, who reports to the Chief of Staff, who reports to the Director
Location	Sangamon County

The following 4d(3) exemption request was granted on November 21, 2014 for a period of one year:

D2. Illinois Department of Employment Security

Position Number	40070-44-00-200-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of the Director
Functional Title	Education Institutions Program Manager
Incumbent	Vacant
Supervisor	Director
Location	Cook County

F. Proposed Rescissions in accordance with Section 1.142(b) of the Rules of the Civil Service Commission

With regard to the proposed rescissions, Executive Director Stralka reported that on October 21, 2014 Staff provided notice to the Director of Central Management Services in accordance with our Rules followed by letters to all affected agency directors notifying them of which positions may be placed on this month's agenda for rescission. These notices included 40 positions. Many issues were resolved during this initial period so that when it came time to finalize the agenda only eight positions were included for the Commission to determine if their 4d(3) exemptions should be rescinded.

As a reminder, Commission rules provide that rescissions shall be approved only after the Commission has determined that an adequate level of managerial control exists in exempt status which will insure responsive and accountable administrative control of agency programs. It is Commission Staff's position that such control exists for all these proposed rescissions.

Executive Director Stralka advised the Commissioners that he had a conversation with Chairman FitzGerald prior to the meeting at which Chairman FitzGerald noted how the Commission, during a previous change in administration, indicated that it would be inappropriate for the Commission to rescind exemptions and preclude a succeeding administration from exercising the same options that were enjoyed by previous administrations. Therefore the Commission should exercise prudence when determining whether to rescind any of this month's proposed exemptions. The Commissioners expressed general agreement with this sentiment.

- As to Items F6 and F7, they were both continued from the May meeting and were being considered for rescission due to extended vacancy. The agencies advised that these positions are now filled. Therefore Staff recommended denial of these proposed rescissions.

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 5-0 TO DENY THE PROPOSED RESCISSION OF 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

- F6: Public Health-Regional Health Officer, Marion**
- F7: Revenue-Legislative Liaison**

- As to Items F2, F4, F5 and F8, they were also all extended vacancy and all except F4 had been continued from past Commission meetings. In light of this previous statement, Staff recommended continuing these until the Commission's February 20, 2015 meeting.

IT WAS MOVED BY COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 5-0 TO CONTINUE THE PROPOSED RESCISSION OF 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS TO THE COMMISSION'S SCHEDULED FEBRUARY 20, 2015 MEETING:

- F2: Commerce & Economic Opportunity-Regional Manager (West Central Region)**
- F4: Environmental Protection Agency-Policy and Outreach (Upstate)**
- F5: Historic Preservation Agency-State Historian/Manager Research and Collections**
- F8: Revenue-Human Resources Director**

- As to Item F1, it was included on the agenda because Central Management Services took the Property Manager position for Central Illinois which includes Springfield and moved it to Chicago. From our 2010 exemption audit, it was made clear that anytime Staff came across information which may reasonably question how a position is being used that the Commission would reconsider that exemption. Staff thought this transfer was somewhat inexplicable so it included the position on the agenda. The position is presently filled. The agency's response was simply that these Regional Client Managers can do their jobs regardless of where the position is located. There did not appear to be a need for the Commission to get into the details at this time so the prudent action at this time may be to simply continue this to the February 20, 2015 meeting also. Elizabeth Whitehorn indicated she did not have any particular knowledge of the movement of this position.

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 5-0 TO CONTINUE THE PROPOSED RESCISSION OF 4D(3) EXEMPTION FOR THE FOLLOWING POSITION TO THE COMMISSION'S SCHEDULED FEBRUARY 20, 2015 MEETING:

- F1: Central Management Services-Regional Client Manager (Central)**

- As to Item F3, it is somewhat problematic. This is a legislative liaison for the Department of Corrections and had originally been included for consideration of rescission due to its inclusion in a bargaining unit. The issue of principal policy exempt positions in bargaining units had been cleared up for the most part earlier this year after the State Labor Relations Act was amended. In fact, this appears to be the only exempt position that remains in a bargaining unit. This was confirmed by Elizabeth Whitehorn. It is also noteworthy that there are no pending proceedings seeking its exclusion. This may be because the incumbent in the position may not be performing the duties as set forth in the position description. While such a transgression is a serious matter, it is unclear at this time based on the limited amount of investigation Staff had been able to accomplish prior to this meeting if that is, in fact, the case. It was the Staff suggestion to also continue this matter to February 20, 2015 meeting to allow

some additional investigation and report back to the Commission at that time. Staff also noted that the agency had requested a 30 day delay in any rescission which would allow it to process the incumbent employee's layoff. It was Staff's suggestion in that regard for the Commission to make it clear to the agency representative that it should not rely on any such delay in rescission. The agency can always notice up the layoff and subsequently rescind it if it does need to proceed with a layoff. Elizabeth Whitehorn volunteered that this position should have its exemption rescinded since the agency was in agreement with rescission. Executive Director Stralka corrected her that the agency had never indicated that it was in agreement with rescission. Instead, the agency had indicated that if the rescission was approved, it would like 30 days to process the employee's layoff. Karey Wanless, Public Safety Shared Services Center, confirmed that the agency was not in agreement with rescission but preferred the matter be continued.

IT WAS MOVED BY CHAIRMAN FITZGERALD, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 5-0 TO CONTINUE THE PROPOSED RESCISSION OF 4D(3) EXEMPTION FOR THE FOLLOWING POSITION TO THE COMMISSION'S SCHEDULED FEBRUARY 20, 2015 MEETING:

F3: Corrections-Legislative Liaison

The following 4d(3) exemption rescissions were denied on November 21, 2014:

Item	Position #	Agency	Functional Title
F6	40070-20-06-205-00-51	Public Health	Regional Health Officer – Marion
F7	00501-25-04-000-02-01	Revenue	Legislative Liaison

The following 4d(3) exemption rescissions were continued to February 20, 2015:

Item	Position #	Agency	Functional Title
F1	40070-37-60-010-06-01	Central Mgmt Services	Regional Client Manager for Region 6 (Central)
F2	40070-42-10-600-00-01	Comm & Econ Opportunity	Regional Manager (West Central Region)
F3	00502-29-01-700-51-01	Corrections	Legislative Liaison
F4	40070-46-30-200-00-01	Environmental Protection	Policy and Outreach (Upstate)
F5	40070-48-52-000-00-01	Historic Preservation	State Historian / Manager, ALPLM Research & Collections
F8	40070-25-45-000-00-01	Revenue	Human Resources Director

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.

B. None submitted

IT WAS MOVED BY COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 5-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.

VII. CONSIDERATION OF THE SEPTEMBER 22, 2014 RESPONSE OF THE DIRECTOR OF CENTRAL MANAGEMENT SERVICES REGARDING GRIEVANCE COMMITTEE ACTIVITY PURSUANT TO SECTION 303.30 OF THE PERSONNEL RULES

Executive Director Stralka advised the Commissioners of the September 22, 2014 response of the Director of Central Management Services to the Commission's inquiry about the Step 4 Rules Grievance process. He noted how this correspondence listed 14 pending Rules Grievances at the Step 4 level, seven of which were from 2007. Assistant Executive Director Andrew Barris then further explained a number of concerns the Staff had and put them on the record for both the Commissioners and the Central Management Services representative:

- When were the "CMS Personnel Rules, Expedited Step 4, Rules Grievance Procedure" developed and implemented?

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- Where are these rules kept or posted so that employees can see them and/or how are they made available to employees, i.e., the Central Management Services transaction manual, individual agency rules?
- Do these rules have a number, citation or designation?
- In what manner is the expedited process offered to the employee and in what manner can the employee accept or reject the process, i.e., is it written or verbal for either or both?
- At what point in the process is the employee made aware of the choice for an expedited process?

It was agreed with Elizabeth Whitehorn that Assistant Executive Director Barris will forward these to her for a response from the agency and to initiate a dialogue to clarify the steps that have been taken in administering the Rules Grievance process. Commissioner Krey inquired of Elizabeth Whitehorn why there were Rules Grievances that were seven years old and awaiting a Step 4 hearing. Whitehorn replied that she did not know.

VIII. MOTION TO CLOSE A PORTION OF THE MEETING

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER CUMMINGS, 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.

FITZGERALD	YES	ANDERSON	YES
CUMMINGS	YES	KREY	YES
URLACHER	YES		

IX. RECONVENE THE OPEN MEETING

Upon due and proper notice the regular open meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Suite S-901, Chicago, Illinois at 12:21 p.m.

PRESENT

Garrett P. FitzGerald, Chairman; James B. Anderson, Anita M. Cummings, Susan Moylan Krey, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris, Assistant Executive Director.

X. 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.

Agency	9/30/14	10/31/14	10/31/13
Aging	0	0	1
Agriculture	0	1	0
Children and Family Services	0	2	0
Healthcare and Family Services	0	0	1
Historic Preservation Agency	1	0	1
Human Services	4	4	0
Natural Resources	8	10	1
Revenue	0	0	1
Workers' Compensation Commission	0	1	0
Totals	13	18	5

XI. INTERLOCUTORY APPEALS

S-32-14¹

Employee	Jowanna M. Young	Appeal Date	03/19/14
Agency	Human Services	Decision Date	10/23/14
Type	Suspension	ALJ	Andrew Barris
Issue(s)	Default (failure to participate at telephone status conference)	Proposal for Decision	Dismiss for default subject to approval of Commission.

DA-33-14

Employee	Jowanna M. Young	Appeal Date	03/19/14
Agency	Human Services	Decision Date	10/23/14
Type	Discharge	ALJ	Andrew Barris
Issue(s)	Default (failure to participate at telephone status conference)	Proposal for Decision	Dismiss for default subject to approval of Commission.

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE TO DISMISS THE CONSOLIDATED APPEALS FOR DEFAULT.

FITZGERALD	YES	ANDERSON	YES
CUMMINGS	YES	KREY	YES
URLACHER	YES		

DA-47-14

Employee	Tana L. Logue	Appeal Date	06/18/14
Agency	Veterans' Affairs	Decision Date	10/30/14
Type	Discharge	ALJ	Andrew Barris
Issue(s)	Default (failure to appear at hearing and failure to respond to Motions to Dismiss	Proposal for Decision	Dismiss for default subject to approval of Commission.

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER ANDERSON, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE TO DISMISS THE APPEAL FOR DEFAULT.

¹ S-32-14 and DA-33-14 were consolidated on October 23, 2014

FITZGERALD YES ANDERSON YES
 CUMMINGS YES KREY YES
 URLACHER YES

DA-10-15

Employee	Elizabeth Lampkin	Appeal Date	09/02/14
Agency	Human Services	Decision Date	10/30/14
Type	Discharge	ALJ	Daniel Stralka
Issue(s)	No jurisdiction (employee was not certified at time of discharge)	Proposal for Decision	Dismiss for no jurisdiction subject to approval of Commission.

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER CUMMINGS, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE TO DISMISS THE APPEAL FOR NO JURISDICTION.

FITZGERALD YES ANDERSON YES
 CUMMINGS YES KREY YES
 URLACHER YES

XII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

DA-30-14

Employee	Timothy M. Holcomb	Appeal Date	03/13/14
Agency	Transportation	Decision Date	10/30/14
Type	Discharge	Proposal for Decision	Discharge upheld.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER ANDERSON, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE TO UPHOLD THE DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED OCTOBER 30, 2014.

FITZGERALD YES ANDERSON YES
 CUMMINGS YES KREY YES
 URLACHER YES

DA-11-15

Employee	Dale P. Schaaff	Appeal Date	09/02/14
Agency	Human Services	Decision Date	11/07/14
Type	Discharge	Proposal for	90-day suspension plus duration of suspension pending discharge.
ALJ	Andrew Barris	Decision	

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY CHAIRMAN FITZGERALD, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE THAT THE PARTIALLY PROVEN CHARGES WARRANT A 90-DAY SUSPENSION PLUS THE DURATION OF HIS SUSPENSION PENDING DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED NOVEMBER 7, 2014.

**FITZGERALD YES ANDERSON YES
 CUMMINGS YES KREY YES
 URLACHER YES**

XIII. MEETING SCHEDULE FOR CALENDAR YEAR 2015

Executive Director Daniel Stralka reminded the Commissioners that this item was continued for consideration of relocating a future Commission meeting downstate. However, with the change in Administration, he suggested that no further action be taken for now. The Commissioners concurred with this approach.

XIV. STAFF REPORT

Executive Director Daniel Stralka reported that:

- With regard to the ongoing issues regarding the Staff Assistant positions at the Illinois Department of Transportation (IDOT), a copy of the Commission’s October 28, 2014 letter to the Governor’s Office and the Directors of Central Management Services and IDOT was provided to the Commissioners. Staff will continue to monitor the ongoing proceedings and report back to the Commissioners. It was the consensus of the Commissioners that the September 17, 2014 staff report be attached to the September Minutes and the October 28, 2014 letter be attached to the November Minutes.
- The Commission’s Public Accountability Report for fiscal year 2014 was completed. A copy was provided to the Commissioners.
- SECA contributions will be accepted through December 5, 2014.

November 21, 2014

XV. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held on Friday, December 19, 2014 at 11:00 a.m. in the Commission's Chicago office.

XVI. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 12:25 P.M.