

February 18, 2021

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
February 18, 2021

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:01 A.M. AT 607 E. ADAMS STREET, SUITE 801, SPRINGFIELD, IL

II. ROLL CALL AND CONFIRMATION OF A QUORUM

Timothy D. Sickmeyer (by telephone), Chairman; G.A. Finch (by telephone), David Luechtefeld (by telephone), Teresa C. Smith (by telephone) and Vivian Robinson (by telephone), Commissioners; Thomas Klein, Executive Director, Andrew Barris (by telephone), Assistant Executive Director, Sabrina Johnson (by telephone), Exemption Monitor, and Alexandra Myers, Executive Secretary; Sarah Kerley (by telephone), Sheila Tapscott (by telephone), Central Management Services; Amanda Thomet (by telephone), Office of Executive Inspector General; Becky Koehler (by telephone), Illinois Department of Transportation.

Executive Director Klein confirmed there was a quorum in light of the Governor's Emergency Declaration and Chairman Sickmeyer's determination that it is neither practical nor prudent to have an in-person meeting.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD JANUARY 21, 2021

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER LUECHTEFELD, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0, TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD JANUARY 21, 2021.

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

In accordance with the Open Meetings Act and the Rules of the Civil Service Commission, Executive Director Thomas Klein 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. 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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B. Request for 4d(3) Exemption

Exemption Monitor Sabrina Johnson indicated that Item B was a request for a Deputy Secretary of Administration, Diversity and Legal Affairs at the Department of Transportation (DOT), a position that reports to the Chief of Staff, who reports to the Secretary. This position formulates and develops policies and procedures, represents DOT with the General Assembly, reviews current and proposed federal and state legislation and regulations, serves as spokesperson with federal and state agencies and organizations regarding the sections of Administration, Diversity and Legal Affairs. Staff recommended this exemption request be granted.

Commissioner Luechtefeld inquired if this was a new position and who within DOT reformed these duties prior to this position being established. Ms. Becky Koehler, Bureau Chief of Personnel Management with DOT, indicated this is a new position and the Chief of Staff was handling these duties.

IT WAS MOVED BY COMMISSIONER ROBINSON, SECONDED BY COMMISSIONER SMITH, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0 TO GRANT THE 4d(3) EXEMPTION REQUEST FOR THE FOLLOWING POSITIONS:

B: Deputy Secretary of Administration, Diversity & Legal Affairs (IDOT)

B. Illinois Department of Transportation

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|------------------|---|
| Position Number | 40070-23-00-000-00-06 |
| Functional Title | Deputy Secretary of Administration, Diversity & Legal Affairs |
| Incumbent | Vacant |
| Supervisor | Chief of Staff, who reports to the Secretary |
| Location | Sangamon County |

VI. CLASS SPECIFICATIONS

A. Governing Rule – Section 1.45 Classification Plan

The Commission will review the class specifications requiring Commission approval under the Classification Plan and will approve those that meet the requirements of the Personnel Code and Personnel Rules and conform to the following accepted principles of position classification:

- a) The specifications are descriptive of the work being done or that will be done;
- b) Identifiable differentials are set forth among classes that are sufficiently significant to permit the assignment of individual positions to the appropriate class;
- c) Reasonable career promotional opportunities are provided;

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- 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

IT WAS MOVED BY COMMISSIONER LUECHTEFELD, SECONDED BY COMMISSIONER FINCH, AND BY ROLL CALL VOTE 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 ROBINSON, SECONDED BY COMMISSIONER LUECHTEFELD, AND BY ROLL CALL VOTE 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 ROBINSON, 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.

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| SICKMEYER | YES | FINCH | YES |
| LUECHTEFELD | YES | ROBINSON | YES |
| SMITH | 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 607 E. Adams Street, Suite 801, Springfield, IL at 11:58 a.m.

ROLL CALL AND CONFIRMATION OF A QUORUM

Chairman Timothy D. Sickmeyer (by telephone); G.A. Finch (by telephone), David Luechtefeld (by telephone), Vivian Robinson (by telephone), and Teresa C. Smith (by telephone), Commissioners; Thomas Klein, Executive Director, Andrew Barris (by telephone), Assistant Executive Director, Sabrina Johnson (by telephone), Exemption Monitor, and Alexandra Myers, Executive Secretary.

X. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

DA-25-20

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|-------------|----------------------|-----------------------|---|
| Employee | Chelsey A. O'Bryan | Appeal Date | 01/27/2020 |
| Agency | Dept. of Corrections | Decision Date | 02/01/2021 |
| Appeal Type | Discharge | Proposal for Decision | 90-day suspension plus suspension pending discharge |
| ALJ | Andrew Barris | | |

IT WAS MOVED BY COMMISSIONER ROBINSON, SECONDED BY COMMISSIONER FINCH, AND BY ROLL CALL VOTE OF 4-1 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION.

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| SICKMEYER | YES | FINCH | YES |
| LUECHTEFELD | YES | ROBINSON | YES |
| SMITH | NO | | |

DA-31-20

| | | | |
|-------------|--------------------|-----------------------|-------------------|
| Employee | John J. Staples | Appeal Date | 03/20/2020 |
| Agency | Dept. of Insurance | Decision Date | 02/05/2021 |
| Appeal Type | Discharge | Proposal for Decision | Discharge upheld. |
| ALJ | Andrew Barris | | |

IT WAS MOVED BY COMMISSIONER SMITH, SECONDED BY COMMISSIONER FINCH, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION. COMMISSIONER LUECHTEFELD ABSTAINED.

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| SICKMEYER | YES | FINCH | YES |
| LUECHTEFELD | -- | ROBINSON | YES |
| SMITH | YES | | |

DA-33-20

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|-------------|---------------------|-----------------------|-------------------|
| Employee | Khadijah L. Waiters | Appeal Date | 03/13/2020 |
| Agency | Human Services | Decision Date | 02/05/2021 |
| Appeal Type | Discharge | Proposal for Decision | Discharge upheld. |
| ALJ | Andrew Barris | | |

IT WAS MOVED BY COMMISSIONER LUECHTEFELD, SECONDED BY COMMISSIONER SMITH, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION.

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| SICKMEYER | YES | FINCH | YES |
| LUECHTEFELD | YES | ROBINSON | YES |
| SMITH | YES | | |

XI. **APPEALS TERMINATED WITHOUT DECISION ON THE MERITS**

DA-3-21

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|-------------|------------------------------|-----------------------|------------|
| Employee | Diane Hankle | Appeal Date | 07/30/2020 |
| Agency | Children and Family Services | Decision Date | 02/05/2021 |
| Appeal Type | Discharge | Proposal for Decision | Withdrawn |
| ALJ | Andrew Barris | | |

DA-13-21

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|-------------|----------------|-----------------------|------------|
| Employee | Thomas Navarro | Appeal Date | 01/14/2021 |
| Agency | Human Services | Decision Date | 01/27/2021 |
| Appeal Type | Discharge | Proposal for Decision | Withdrawn |
| ALJ | Thomas Klein | | |

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER LUECHTEFELD, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSALS FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE FOR THE REASONS SET FORTH IN THE PROPOSALS FOR DECISION.

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| SICKMEYER | YES | FINCH | YES |
| LUECHTEFELD | YES | ROBINSON | YES |
| SMITH | YES | | |

XII. STAFF REPORT

Executive Director Klein stated that on February 19, 2021, a grievance hearing will be held. Executive Director Thomas Klein will serve on the grievance panel, and Alexandra Myers was to sit in and observe. Another grievance hearing is scheduled for March and Assistant Director Barris will serve on the panel.

Executive Director Klein asked if there were any questions about the new system for reporting political contacts related to employment matters for code covered positions. Chairman Sickmeyer asked if it includes references from political figures. Commissioner Smith indicated that a reference letter from a political figure would trigger the reporting requirement.

Executive Director Klein stated that he would be submitting the Illinois State Legislature forms for the Commission's budget request by Friday. Chairman Sickmeyer asked if there had been dates set for the Commission to testify at appropriation hearings. Executive Director Klein stated that he had not heard anything yet, but he would keep the Chairman informed.

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held at 11:00 a.m. on Thursday, March 18, 2021 in the Springfield office of the Commission.

XIV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER ROBINSON, SECONDED BY COMMISSIONER LUECHTEFELD, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 12:09 P.M.