

February 20, 2020

REGULAR MEETING MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
February 20, 2020

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:05 A.M. AT 607 E. ADAMS STREET, SUITE 801, SPRINGFIELD, IL AND 160 N. LASALLE STREET, SUITE S-901, CHICAGO, IL BY INTERACTIVE VIDEO CONFERENCE

II. ROLL CALL AND CONFIRMATION OF A QUORUM

Chairman Timothy D. Sickmeyer; G.A. Finch, David Luechtefeld, Vivian Robinson, and Casey Urlacher, Commissioners; Thomas Klein, Executive Director, Andrew Barris, Assistant Executive Director and Sabrina Johnson, Exemption Monitor; Sheila Tapscott, Sarah Kerley, and Chris Nickols, Illinois Department of Central Management Services; Camile Lindsay and Amanda Page, Illinois Department of Corrections; Justin DeWitt, Illinois Department of Public Health; and Viktorija Legge, Office of the Executive Inspector General.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD JANUARY 16, 2020

**IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER FINCH, AND THE MOTION ADOPTED 5-0, TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD JANUARY 16, 2020.**

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. Requests for 4d(3) Exemption**

Exemption Monitor Sabrina Johnson indicated that Items B1 through B3 were requests for the Illinois Department of Corrections (DOC). These positions are within the Director's Office and they report to the Director.

- Item B1 was a request for a Chief of Administration. This position serves as a principal policy making official, formulating and implementing polices statewide for Administrative Services. This position plans and coordinates the activities of the Department's Fiscal, Fleet, Assets, Capital Programs, Dietary, Contract Monitoring and Correctional Industries Program functions, and monitors the proposed budget for yearly planning based on available resources at both the Federal and State levels. Staff recommended this exemption request be granted.
- Item B2 was a request for a Chief Compliance Officer. This position serves as principal policy making official, formulating, developing and implementing statewide policies for the Compliance Office programs. This position develops strategic plans for the American Correctional Association, Prison Rape Elimination Act and compliance with State and Federal safety and health standards. Staff recommended this exemption request be granted.
- Item B3 was a request for a Chief Inspector with the Section of Offender Grievance Office. This position serves as principal policy administrator, develops and implements policy and procedures affecting the statewide grievance process. This position monitors, coordinates and initiates internal administrative investigations at all DOC facilities and offices. Staff recommended this exemption request be granted.

Amanda Page, Deputy Director of Human Resources with DOC, concurred with Staff's presentation. Sarah Kerley, Senior Policy Advisor with the Department of Central Management Services (CMS), indicated that DOC is currently going through a re-organization, and will be seeking four new exemptions (three from February 2020) and four rescissions (two from February 2020) with a net zero effect on the total number of exempt positions.

**IT WAS MOVED BY COMMISSIONER ROBINSON, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO GRANT THE 4d(3) EXEMPTION REQUESTS FOR THE FOLLOWING POSITIONS:**

- B1: Chief of Administration (DOC)**
- B2: Chief Compliance Officer (DOC)**
- B3: Chief Inspector (DOC)**

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

Section 1.142(b) provides that the Commission may rescind the exemption of positions that no longer meet the requirements for exemption upon the recommendation of the Director of Central Management Services. The determination of rescission of Section 4d(3) exemptions rests with Civil Service Commission. Section 1.142(b) of the Commission Rules provides that 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 ensure responsive and accountable administrative control of the programs of the agency.

Exemption Monitor Sabrina Johnson indicated that Items C1 and C2 were rescission requests for DOC. DOC agreed with CMS to seek rescission of both positions.

- Item C1 was the Staff Assistant to the Director of DOC. This exemption was granted August 2003 and based on the last clarification effective September 2019, the duties are similar in nature. This position served as primary contact regarding administrative responsibilities, program decisions and commitments. This position recommended proposed policies, procedure and programs and coordinated DOC’s long-term goals and objectives. Staff recommended rescission of the exemption.
  
- Item C2 was the Staff Assistant with the Office of Programs and Support Services. This exemption was granted July 2007, with last clarification completed September 2019. This position served as staff assistant in the implementation of statewide policy related to security of segregating offenders from society, while ensuring offenders retain their constitutional rights. This position assisted in implementing policies and reviewed legislation that may have an impact on offender. Staff recommended rescission of the exemption.

Ms. Page concurred with Staff’s presentation.

**IT WAS MOVED BY COMMISSIONER LUECHTEFELD, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO RESCIND THE 4d(3) EXEMPTION FOR THE FOLLOWING POSITIONS:**

Item	Agency / Position Number		Functional Title	Incumbent
C1	DOC	40070-29-00-000-00-01	Staff Assistant	Vacant
C2	DOC	40070-29-02-020-00-01	Staff Assistant	Vacant

Exemption Monitor Sabrina Johnson indicated that Chairman Timothy Sickmeyer was asked to place Item D on the agenda from the Department of Public Health (DPH) as an emergency and Chairman Sickmeyer concurred.

- Item D was for a Division Chief for the Division of Emerging Health Issues at DPH, a position that reports to the Deputy Director, who reports to the Director. This position serves as a policy making official addressing the health effects of cannabis, harmful impacts of e-cigarettes and vaping and other chronic diseases and injuries deemed to be urgent by the department. This position works with the Governor's Office, members of the General Assembly, State and federal agencies and community groups to discuss and promote awareness of emerging health issues. Staff recommended this exemption request be granted. Justin DeWitt, Chief of Staff with DPH, indicated this position has responsibilities related to setting and implementing DPH policy regarding viruses and diseases, health effects and promotes awareness to the general public. Mr. DeWitt said that DPH needed the position filled as soon as possible to help deal with emerging health issues, including the coronavirus. Commissioner David Luechtefeld inquired if this was a new position. Mr. DeWitt indicated it was. Executive Director Thomas Klein indicated this position has not been approved by the OEIG's Hiring and Employment Monitoring (HEM) Unit, at this time. Mr. DeWitt indicated DPH will not fill this position until it has been approved by the HEM unit.

Ms. Kerley indicated this position will need to expand on cannabis use. She indicated this position is currently with the Shakman Special Master waiting for their approval or disapproval. Ms. Kerley stated CMS missed the timeframe to place this on the agenda for February and DPH will not make an appointment prior to receiving HEM approval. She then explained if the HEM unit does not approve the exemption, CMS will seek to rescind the exemption so DPH would be able to fill this position as a non-exempt employee.

**IT WAS MOVED BY COMMISSIONER ROBINSON, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO GRANT THE 4d(3) EXEMPTION REQUEST FOR THE FOLLOWING POSITION:**

**D: Division Chief, Office of Health Promotion/Emerging Health Issues (DPH)**

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;

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- 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.

The following class titles were submitted for revision by the Director of the Illinois Department of Central Management Services (CMS):

**B. Weatherization Specialist Trainee**  
**Weatherization Specialist I**  
**Weatherization Specialist II**  
**Weatherization Specialist III**

**C. Land Acquisition Agent III**

Regarding Item B, Assistant Executive Director Barris reported that Chris Nickols at CMS Technical Services confirmed that the Weatherization classes were last revised 14 years ago when the training programs were first implemented.

Regarding Item C, Assistant Executive Director Barris inquired why the term “may” was used regarding a real estate license requirement when the CMS class analysis used the term “must” regarding the Illinois statute requiring licensure. Mr. Nickols explained that the Department of Natural Resources has Land Acquisition Agent III positions in two units within the Division of Real Estate Services and Consultation: the Real Estate Unit and the Plats & Surveys Unit. Land Acquisition Agent III positions in the Plats & Surveys Unit perform functions that do not require the real estate appraiser license. When some but not all positions allocated to a class are subject to a requirement, the “may require...” language is used.

Regarding Items B and C, Assistant Executive Director Barris reported that the proposals were agreed to through collective bargaining and would not result in an increase in pay.

**IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO APPROVE THE REVISION OF THE FOLLOWING CLASS SPECIFICATIONS TO BE EFFECTIVE MARCH 1, 2020:**

**B. Weatherization Specialist Trainee**  
**Weatherization Specialist I**  
**Weatherization Specialist II**  
**Weatherization Specialist III**

**C. Land Acquisition Agent III**

**IT WAS MOVED BY COMMISSIONER URLACHER, 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 FINCH, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO DISAPPROVE ANY AMENDMENTS TO PERSONNEL RULES RECEIVED BY THE COMMISSION STAFF BUT NOT CONTAINED IN THIS AGENDA TO ALLOW ADEQUATE STUDY.**

**VIII. MOTION TO CLOSE A PORTION OF THE MEETING**

**IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER LUECHTEFELD, 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.**

<b>SICKMEYER</b>	<b>YES</b>	<b>FINCH</b>	<b>YES</b>
<b>LUECHTEFELD</b>	<b>YES</b>	<b>ROBINSON</b>	<b>YES</b>
<b>URLACHER</b>	<b>YES</b>		

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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 and 160 N. La Salle Street, Suite S-901, Chicago, IL by interactive video conference at 11:25 a.m.

ROLL CALL AND CONFIRMATION OF A QUORUM

Chairman Timothy D. Sickmeyer; G.A. Finch, David Luechtefeld, Vivian Robinson, and Casey Urlacher, Commissioners; Thomas Klein, Executive Director, Andrew Barris, Assistant Executive Director and Sabrina Johnson, Exemption Monitor.

X. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL

DA-14-20

Employee	Kevin C. Hodges	Appeal Date	10/15/19
Agency	Human Services	Decision Date	02/06/20
Appeal Type	Discharge	Proposal for Decision	90-day suspension plus the duration of suspension pending discharge.
ALJ	Andrew Barris		

Commissioner Vivian Robinson stated that the Commission should uphold discharge to send a message against domestic violence.

**IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER URLACHER, 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.**

<b>SICKMEYER</b>	<b>YES</b>	<b>FINCH</b>	<b>YES</b>
<b>LUECHTEFELD</b>	<b>YES</b>	<b>ROBINSON</b>	<b>NO</b>
<b>URLACHER</b>	<b>YES</b>		

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XI. APPEAL TERMINATED WITHOUT DECISION ON THE MERITS

**RV-12-20**

Employee	James Chappell	Appeal Date	10/01/19
Agency	Corrections	Decision Date	02/06/20
Appeal Type	Rule Violation	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn.
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 FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION.**

<b>SICKMEYER</b>	<b>YES</b>	<b>FINCH</b>	<b>YES</b>
<b>LUECHTEFELD</b>	<b>YES</b>	<b>ROBINSON</b>	<b>YES</b>
<b>URLACHER</b>	<b>YES</b>		

Commissioner Finch left the meeting after voting.

XII. STAFF REPORT

Executive Director Thomas Klein reported the following:

- The Commission submitted our requested maintenance budget of \$492,800. Our budget hearings are set for the afternoon of February 26 in the House and March 26 at 9:00 am in the Senate.
- Staff met with Illinois Department of Innovation and Technology to discuss a disaster recovery plan.

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 19, 2020, in the Springfield and Chicago offices of the Commission by interactive video conference.

XIV. MOTION TO ADJOURN

**IT WAS MOVED BY COMMISSIONER LUECHTEFELD, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0 TO ADJOURN THE MEETING AT 11:45 A.M.**