

February 21, 2019

REGULAR MEETING MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
February 21, 2019

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, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director, Andrew Barris, Assistant Executive Director, and Sabrina Johnson, Exemption Monitor; Sarah Kerley, John Logsdon, Chris Nickols and Sherry Campbell, Illinois Department of Central Management Services; and Geny Chiaradonna, Illinois Gaming Board.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD JANUARY 17, 2019

**IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0, TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD JANUARY 17, 2019.**

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 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.

February 21, 2019

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 .....	73 .....	12
Aging.....	130 .....	19
Agriculture .....	317 .....	18
Arts Council .....	14 .....	2
Capitol Development Board.....	35 .....	0
Central Management Services .....	848 .....	53
Children and Family Services.....	2,632 .....	53
Civil Service Commission .....	3 .....	0
Commerce & Economic Opportunity .....	218 .....	65
Commerce Commission .....	51 .....	0
Corrections .....	12,793 .....	110
Criminal Justice Authority.....	52 .....	7
Deaf and Hard of Hearing Comm .....	3 .....	1
Developmental Disabilities Council .....	5 .....	1
Emergency Management Agency.....	65 .....	10
Employment Security .....	1,094 .....	29
Environmental Protection Agency.....	601 .....	16
Financial & Professional Regulation .....	376 .....	48
Gaming Board .....	152 .....	7
Guardianship and Advocacy .....	95 .....	8
Healthcare and Family Services .....	1,520 .....	26
Human Rights Commission.....	13 .....	2
Human Rights Department .....	115 .....	10
Human Services.....	12,427 .....	79
Illinois Torture Inquiry Relief Commission .....	3 .....	1
Independent Tax Tribunal .....	1 .....	0
Innovation and Technology .....	1,231 .....	60
Insurance .....	205 .....	17
Investment Board .....	3 .....	2
Juvenile Justice.....	842 .....	28
Labor .....	72 .....	11
Labor Relations Board Educational.....	10 .....	3
Labor Relations Board State.....	13 .....	2
Law Enforcement Training & Standards Bd. ....	22 .....	3
Lottery .....	144 .....	8
Military Affairs.....	139 .....	3
Natural Resources.....	1,162 .....	33
Pollution Control Board .....	16 .....	2
Prisoner Review Board.....	23 .....	1
Property Tax Appeal Board.....	34 .....	2
Public Health .....	1,120 .....	40
Racing Board.....	3 .....	1
Revenue.....	1,406 .....	46
State Fire Marshal .....	126 .....	12
State Police.....	907 .....	8
State Police Merit Board .....	6 .....	2
State Retirement Systems .....	99 .....	3
Transportation .....	2,916 .....	0
Veterans' Affairs .....	1,201 .....	10
Workers' Compensation Commission.....	111 .....	12
<b>TOTALS.....</b>	<b>45,447.....</b>	<b>886</b>

**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)

\* \* \*

**C. Requests for 4d(3) Exemption**

Before the Staff presentation on the individual requests began, Executive Director Stralka advised the Commissioners that all these requests are the result of the Shakman litigation and the creation of a single “at will” list of Shakman exempt employees. After consulting with representatives of Central Management Services (CMS), the Commission will be considering exemption and rescission requests related to this process over the next four months due to the sheer number of positions affected. This first grouping consists of mostly vacant positions. This process is somewhat unique in that it is being mostly driven from CMS and not the individual agencies. However, Staff has been insistent that the affected agencies be involved and aware of questions Staff had about these requests and what the ultimate Staff recommendation was. All agencies were invited to have a Staff representative present at today’s meeting.

As part of the Commission’s exemption request review process, CMS provided a cover letter as it usually does that indicated the Director recommended approval of these requests. This letter further referenced an inquiry conducted by CMS along with the Hiring and Employment Monitor and the Special Master that all these positions performed duties and exercised sufficient authority that they should be “at will.” Staff inquired of CMS what standard was used in reaching this conclusion. CMS essentially indicated that it was the standard developed by the courts to determine if a position should be “at will” because political affiliation could be an appropriate criterion for hiring, firing and other employment actions. This is noteworthy because the standard for a section 4d(3) exemption is narrower than that for a Shakman exempt position. That is why historically there have been a greater number of state positions that were determined to be Rutan exempt – the term of art prior to Shakman – than principal policy exempt in accordance with section 4d(3). The point of this was to note that the Commission Staff’s analysis appears to be more stringent than that used in the analysis referred to in the CMS letter.

Exemption Monitor Sabrina Johnson reported the following:

Items C5, E2, E3, F, J1 and J2 will be continued to the March 2019 meeting. Civil Service Commission staff along with the agencies involved acknowledged additional information is needed for these positions.

- As to Item C1, this request is for a Human Resources Internal Personnel Manager at the Department of Central Management Services (CMS), a position that reports to the Deputy Director Bureau of Personnel, who reports to the Chief Administrative Officer, who reports to the Director. This position will handle all internal human resources duties for CMS employees. This position will oversee all human resources functions, including benefits, FMLA, timekeeping, transactions and interview and selection for CMS internal staff. Civil Service Commission has approved exemption requests for similar positions in the past for other agencies. Staff recommended approval of this exemption request.
- As to Item C2, this request is for a Governmental Affairs Legislative Liaison at CMS, a position that reports to the Deputy Director Governmental Affairs, who reports to the Assistant Director, who reports to the Director. This position is required to

communicate with any official or staff of the General Assembly of the State of Illinois for the purpose of influencing any legislative actions for CMS. Staff questioned that this position will make five 4d(3) exempt positions within this division and CMS indicated, “four 4d(3)s is an appropriate staff level for this area.” CSC staff found out one of the 4d(3) exempt positions, the Administrative Assistant II position, was abolished and the Commission had not received a copy of the abolishment. Staff recommended approval of this exemption request.

- As to Item C3, this request is for an Emergency Management Director of CMS, a position that reports to the Director. This position will serve as the CMS Emergency Management Manager handling all aspects of policy and procedures involving emergency services for the State Emergency Operations Center (SEOC), Illinois Terrorism Task Force (ITTF) and Illinois Office of Homeland Security along with managing facilities for state/federal emergency responses. The CMS Director is a voting member of ITTF and involved in statewide Homeland Security initiatives and this position will act in the Director’s stead to carry out those responsibilities. Staff recommended approval of this exemption request.
- As to Item C4, this request is for an Assistant Deputy Director-Bureau of Personnel at CMS, a position that reports to the Deputy Director-Bureau of Personnel, who reports to the Chief Administrative Officer, who reports to the Director. This position will assist on personnel issues for CMS and will implement and interpret personnel policy. This position will also assist the Deputy Director-Bureau of Personnel on statewide mandates and oversee numerous divisions affecting all code-covered agencies, boards and commissions under the Personnel Code. CMS has indicated that in the near future, the Bureau of Personnel will also serve in a compliance component dedicated to new processes designed to ensure federal and state laws are met. CMS is the only agency that will have two 4d(3) exempt positions within the Bureau of Personnel. Staff recommended approval of this exemption request.

Sarah Kerley, Central Management Services, concurred with the Staff presentation. She added that as to Item C1, this position has an interim assignment which is technically not an incumbent. Kerley added that in the future CMS will make a note of interim appointments to the Commission.

As to Item C3, Chairman Sickmeyer inquired if this position was taking the place of IEMA. Kerley replied that it was not. Many agencies have designated staff for the ITTF. However, CMS is the agency that is involved in emergency procurements and also coordinates with state facilities that CMS operates. Chairman Sickmeyer inquired why such a position should be exempt. He added that this is the type of position where continuity would be preferable. Kerley replied that this position reports to the Director and acts in their place on the ITTF. This position implements policy on the ground. This position is someone the CMS Director can trust to follow policy and implements policy that will be similar with other agencies. Commissioner Luechtefeld noted that three out of the four positions are presently vacant. He asked if these were all new positions or did they exist in the past. Kerley replied that they were all previously vacant. Item C1 had been a term position. Item C2 had been filled by a long-term

employee who recently retired. The agency has had a difficult time hiring people to fill exempt positions. Item C3's responsibilities had been performed under a personal service contract. Item C4 had always existed and previously been occupied by Chris Griffin. The Deputy Director-Bureau of Personnel position was not filled by Governor Rauner. There has been an increase in work responsibilities. Commissioner Luechtefeld inquired if these positions had existed in the past and were not new ones. Kerley indicated they are not new positions.

- As to Item D1, this request is for a Deputy Administrator of Finance & Audit of the Illinois Gaming Board (IGB), a position that reports to the Administrator. This position deals with revenue accounting, gaming finance and gaming audits along with all aspects of riverboat gambling audits and video gaming compliance plans. This position deals with gaming tax laws and financial analysis. At the current time Illinois has ten riverboats and approximately 7,000 gaming facilities, all having the requirement of quarterly and/or annual audits. Staff recommended approval of this exemption request.
- As to Item D2, this request is for a Deputy Administrator of Enforcement of the IGB, a position that reports to the Administrator. This position has the requirement to be a sworn police officer and it deals with observing, monitoring and inspecting riverboat casino and video gaming activities along with enforcement of the Riverboat Gambling Act, Video Gaming Act and the Administrative Rules adopted by the IGB. This position will develop and implement operating policies, procedures and performance standards for the Enforcement Bureau. Staff recommended approval of this exemption request.

Geny Chiaradonna, Illinois Gaming Board, concurred with the presentation. Commissioner Luechtefeld asked if these positions existed previously and are ready to be filled. Chiaradonna responded affirmatively and noted they were all retirements and the agency intended to fill them.

- As to Item E1, this request is for a Chief Fiscal Officer of the Department of Healthcare & Family Services (HFS), a position that reports to the Division Administrator, who reports to the Director. This position oversees the fiscal management operations along with activities involving the Agency's financial statements including the Generally Accepted Accounting Principles (GAAP) report. This position supervises the Fiscal Operations, Collection Services and Health Finance Sections. Staff recommended approval of this exemption request.
- As to Item G, this request is for a Chief of Staff of the Department of Human Services (DHS), a position that reports to the Director of the Division of Rehabilitation Services, who reports to the Assistant Secretary, who reports to the Secretary. This position will manage policy-making functions for rehabilitation programs and human resource staff within this Division. This position will represent the Division with the Governor's Office, members of the Illinois General Assembly, special interest groups, state and federal agencies along at meetings and conferences. This position will initiate special studies on rehabilitation service issues and operations and recommend staff training.

Staff clarified there is a Chief of Staff for the Agency, a Chief of Staff for the Mental Health Division and a Chief of Staff for the Division of Family & Community Services. DHS has one Chief of Staff position pending with the Special Master for the Division of Developmental Disabilities. The Division of Rehabilitations Services has approximately 1,750 staff throughout the state serving individuals with disabilities, providing appropriate services, assisting them to find employment and independent living opportunities. Staff recommended approval of this exemption request.

Kerley added that this is treating all Chief of Staff positions at the agency the same way. Kerley noted that each of these divisions is larger than many state agencies and added this was approved by the Special Master.

- As to Item H, this request is for a Labor Relations Administrator of the Department of Juvenile Justice (DJJ), a position that reports to the Chief of Staff, who reports to the Director. This position will handle employee grievances, hiring practices, operational restructuring and has authority to negotiate on behalf of the DJJ. Staff inquired about the position being located in Kane County and DJJ indicated the majority of staff and facilities are located in Region I, Chicagoland area. DJJ also indicated it would not have an objection to locating this position in Sangamon County. Staff recommended approval of this exemption request.

Kerley added the Labor Relations Administrators have been treated differently across agencies depending on if the agency submitted the position to the Civil Service Commission for exemption. Now the goal is to have them all treated as exempt due to the authority they possess to bind the agencies in collective bargaining negotiations.

- As to Items I1 & I2, these requests are for two Regional Health Officers, one in Peoria and one in Champaign, of the Department of Public Health (DPH), positions that report to the Director. These positions held 4d(3) exemption effective June 16, 2005. Item I1 was rescinded effective May 19, 2017 and Item I2 was rescinded effective May 20, 2016, due to both positions being vacant for two years or more. Both positions deal with policy, leadership and direction to all regional personnel within the position's area along with confidential information on disease outbreaks and other sensitive program issues. DPH currently has five Regional Health Officer positions throughout the state with only three filled at this present time. DPH indicated they have chosen not to fill the vacant positions, "not deemed critical vacancies," therefore Commission Staff will be watching these positions and if not filled within 12 months, will seek rescission. For these reasons, Staff recommended approval of these exemption requests for a term expiring on February 29, 2020.

Kerley indicated three positions are filled. Regional Health Officers will be coming to the Commission to seek exemption. Executive Director Stralka stated they are already exempt positions and Kerley checked her notes and agreed. Stralka then indicated these positions have not been filled and Kerley indicated there are currently two vacant positions. Stralka indicated that is why Staff recommended a term of 12 months.

Kerley asked and was given leave by Chairman Sickmeyer to address the Commission. She explained that the Shakman exemption analysis focuses on policy development, not implementation. Implementation is a consideration under Section 4d(3) of the Personnel Code. This was brought to the attention of the federal courts as well as the Special Master and the Hiring and Employment Monitor. All summarily rejected that as a consideration. Kerley indicated primary principal policy is a broader scope than political positions. They have different standards. She also indicated if an agency requested Rutan exemption and the Civil Service Commission did not agree with incumbent weigh in, the position would stay covered by bargaining unit or term code.

Kerley reported that on October 1, 2018 there were over 20,000 positions not exempt, 2,500 Rutan exempt, with some in the union, some were hired and fired and this brought up issues. CMS shared the objective of the Personnel Code along with Shakman case that politics should not have anything to do with these. They are only “at will” or “job protected” with a clear distinction.

The following positions were continued to the March 2019 meeting:

**C5. Illinois Department of Central Management Services**

Position Number	40070-37-70-110-00-01
Functional Title	Senior Labor Relations Counsel
Incumbent	Vacant
Supervisor	Deputy General Counsel, Labor Relations who reports to the General Counsel who reports to the Director
Location	Sangamon County

**E2. Illinois Department of Healthcare & Family Services**

Position Number	40070-33-20-010-00-61
Functional Title	Deputy Administrator of Operations
Incumbent	Vacant
Supervisor	Division Administrator who reports to the Director
Location	Sangamon County

**E3. Illinois Department of Healthcare & Family Services**

Position Number	40070-33-10-000-00-61
Functional Title	Administrator of Personnel and Administrative Services
Incumbent	vacant
Supervisor	Deputy Director for Human Resources who reports to the Director
Location	Sangamon County

**F. Illinois Department of Human Rights**

Position Number	40070-49-50-100-10-02
Functional Title	Chief Litigation Attorney-Fair Housing
Incumbent	vacant
Supervisor	Chief Legal Counsel who reports to the Director
Location	Cook County

**J1. Illinois Department of Revenue**

Position Number	40070-25-00-000-01-01
Functional Title	Deputy Director
Incumbent	vacant
Supervisor	Director
Location	Sangamon County

**J1. Illinois Department of Revenue**

Position Number	40070-25-07-900-00-01
Functional Title	Deputy General Counsel – Criminal Prosecution
Incumbent	vacant
Supervisor	General Counsel who reports to the Director
Location	Cook County

The following positions were granted 4d(3) exemption on February 21, 2019:

**C1. Illinois Department of Central Management Services**

Position Number	40070-37-25-000-00-01
Functional Title	HR Internal Personnel Manager
Incumbent	Tricia Pineda
Supervisor	Deputy Director, Bureau of Personnel who reports to the Chief Administrative Officer who reports to the Director
Location	Sangamon County

**C2. Illinois Department of Central Management Services**

Position Number	37015-37-06-000-01-01
Functional Title	Governmental Affairs Legislative Liaison
Incumbent	vacant
Supervisor	Deputy Director, Governmental Affairs who reports to the Assistant Director who reports to the Director
Location	Sangamon County

**C3. Illinois Department of Central Management Services**

Position Number	40070-37-00-0000-30-01
Functional Title	Emergency Management Director
Incumbent	vacant
Supervisor	Director
Location	Sangamon County

**C4. Illinois Department of Central Management Services**

Position Number	40070-37-20-000-10-01
Functional Title	Assistant Deputy Director, Bureau of Personnel
Incumbent	vacant
Supervisor	Deputy Director, Bureau of Personnel who reports to the Chief Administrative Officer who reports to the Director
Location	Sangamon County

**D1. Illinois Gaming Board**

Position Number	40070-50-69-200-00-01
Functional Title	Deputy Administrator of Finance and Audit
Incumbent	vacant
Supervisor	Administrator
Location	Sangamon County

**D2. Illinois Gaming Board**

Position Number	40070-50-69-600-00-01
Functional Title	Deputy Administrator of Enforcement
Incumbent	vacant
Supervisor	Administrator
Location	Cook County

**E1. Illinois Department of Healthcare & Family Services**

Position Number	40070-33-70-200-00-61
Functional Title	Chief Fiscal Officer
Incumbent	Vacant
Supervisor	Division Administrator who reports to the Director
Location	Sangamon County

**G. Illinois Department of Human Services**

Position Number	40070-10-41-010-00-01
Functional Title	Chief of Staff, Rehabilitation Services
Incumbent	vacant
Supervisor	Director of Division of Rehabilitation Services, who reports to the Assistant Secretary, who reports to the Secretary
Location	Cook County

**H. Illinois Department of Juvenile Justice**

Position Number	37015-27-00-001-00-03
Functional Title	Labor Relations Administrator
Incumbent	vacant
Supervisor	Chief of Staff, who reports to the Director
Location	Kane County

**I1. Illinois Department of Public Health**

Position Number	40070-20-06-202-00-21
Functional Title	Regional Health Officer-Peoria
Incumbent	vacant
Supervisor	Director
Location	Peoria County

**I2. Illinois Department of Public Health**

Position Number	40070-20-06-206-00-61
Functional Title	Regional Health Officer-Champaign
Incumbent	vacant
Supervisor	Director
Location	Champaign County

**IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER LUECHTEFELD, AND THE MOTION ADOPTED 4-0 TO CONTINUE THE EXEMPTION REQUESTS TO THE MARCH 2019 MEETING FOR THE FOLLOWING POSITIONS:**

- C5: Senior Labor Relations Counsel (CMS)**
- E2: Deputy Administrator of Operations (HFS)**
- E3: Administrator of Personnel and Administrative Services (HFS)**
- F: Chief Litigation Attorney-Fair Housing (DHR)**
- J1: Deputy Director (DOR)**
- J2: Deputy General Counsel-Criminal Prosecution (DOR)**

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

- C1: HR Internal Personnel Manager (CMS)**
- C2: Governmental Affairs Legislative Liaison (CMS)**
- C3: Emergency Management Director (CMS)**
- C4: Assistant Deputy Director, Bureau of Personnel (CMS)**
- D1: Deputy Administrator of Finance and Audit (IGB)**
- D2: Deputy Administrator of Enforcement (IGB)**
- E1: Chief Fiscal Officer (HFS)**
- G: Chief of Staff, Rehabilitation Services (DHS)**
- H: Labor Relations Administrator (DJJ)**
- I1: Regional Health Officer-Peoria (DPH)**
- I2: Regional Health Officer-Champaign (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;
- 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.

February 21, 2019

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

- B. Hearing and Speech Technician 2**
  - Hearing and Speech Associate**
  - Hearing and Speech Specialist**
  - Hearing and Speech Advanced Specialist**

**C. Public Administration Intern**

Staff Analysis: Regarding Item B, Assistant Executive Director Andrew Barris noted that there were two initial request dates for a class study related to the Hearing and Speech classes, one in 2015 and the other in 2017, and the statutory change that was the basis for the proposed revision at issue this month occurred in 2013. Chris Nickols from CMS Technical Services confirmed that the revision in 2015 was to eliminate the term “mental retardation” from the class while the current revision was to clean up the use of the term “clinical supervisor” as used in the classes while also clarifying the licensure requirements set forth by the 2013 statutory change. Barris noted that the proposed revisions were agreed to through collective bargaining and would not result in a change in compensation for positions within the class.

Regarding Item C, Assistant Executive Director Barris noted that the Public Administration Intern class was last revised in 2007 and it was reported by CMS Technical Services that there were 38 incumbents at that time. The proposed revision at issue this month indicates that there is only one incumbent in the class. John Logsdon from CMS Technical Services confirmed these numbers. Logsdon explained that the proposed revision was necessary because it was unclear whether those who recently obtained more advanced degrees such as a Masters’ Degree would be eligible under the class requirements. Logsdon confirmed that the class was not subject to collective bargaining so no agreement through collective bargaining was necessary. Logsdon confirmed that the passage of future legislation directing preference for low-income applicants for jobs of a duration between 12 and 24 months might necessitate a revision to this and other classes.

**IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER LUECHTEFELD, AND THE MOTION ADOPTED 4-0 TO APPROVE THE REVISION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE ON MARCH 1, 2019:**

- B. Hearing and Speech Technician 2**
  - Hearing and Speech Associate**
  - Hearing and Speech Specialist**
  - Hearing and Speech Advanced Specialist**

**C. Public Administration Intern**

**IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER FINCH, AND THE MOTION ADOPTED 4-0 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 LUECHTEFELD, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0 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 LUECHTEFELD, AND BY ROLL CALL VOTE THE MOTION ADOPTED 4-0 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>URLACHER</b>	<b>YES</b>

February 21, 2019

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, IL and 607 E. Adams Street, Suite 801, Springfield, IL by interactive video conference at 12:00 p.m.

PRESENT

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

X. INTERLOCUTORY APPEAL

DA-4-19

Employee	Shawn R. Bradbury	Appeal Date	8/01/18
Agency	Central Mgmt. Services	Decision Date	2/07/19
Appeal Type	Discharge	Proposal for Decision	Grant Motion to Dismiss for no jurisdiction.
ALJ	Andrew Barris		

**IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER FINCH, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL OF THE ADMINISTRATIVE LAW JUDGE TO GRANT THE MOTION TO DISMISS.**

**SICKMEYER      YES                      FINCH              YES  
LUECHTEFELD   YES                      URLACHER        YES**

XI. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL

DA-48-18

Employee	William M. Valentine	Appeal Date	6/11/18
Agency	Corrections	Decision Date	2/08/19
Appeal Type	Discharge	Proposal for Decision	Discharge upheld.
ALJ	Daniel Stralka		

**IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER LUECHTEFELD, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO PARTIALLY REVERSE THE FINDINGS OF FACT OF SAID PROPOSAL AND PARTIALLY REVERSE THE CONCLUSIONS OF LAW OF SAID PROPOSAL WHILE MODIFYING THE RECOMMENDATION THAT DISCHARGE IS THE APPROPRIATE LEVEL OF DISCIPLINE TO BE IMPOSED.**

**IT IS HEREBY DETERMINED THAT THE WRITTEN CHARGES FOR DISCHARGE APPROVED BY THE DIRECTOR OF THE ILLINOIS DEPARTMENT OF CENTRAL MANAGEMENT SERVICES HAVE BEEN PARTIALLY PROVEN, BUT DISCHARGE IS NOT WARRANTED CONSIDERING THE NATURE OF THE OFFENSE, THE EMPLOYEE'S PERFORMANCE RECORD INCLUDING DISCIPLINARY HISTORY, AND THE EMPLOYEE'S LENGTH OF CONTINUOUS SERVICE. THE ADMINISTRATIVE LAW JUDGE'S SPECIFIC FINDING OF FACT THAT VALENTINE FAILED TO SUBMIT NOTIFICATION OF ABSENCE (NOA) SLIPS FOR THE DAYS IN QUESTION IS REVERSED. THE FINDING OF THE COMMISSION IS THAT THE PETITIONER FAILED TO ESTABLISH THIS FACT BY A PREPONDERANCE OF THE EVIDENCE. IN SUPPORT THEREOF:**

- **IT IS UNCONTROVERTED THAT IN THE FIVE MONTHS PRIOR TO THE DATES IN QUESTION, VALENTINE SUCCESSFULLY SUBMITTED NOA SLIPS AT LEAST 23 TIMES. IN ADDITION, IN THE TWO MONTHS AFTER THE DATES IN QUESTION, VALENTINE SUCCESSFULLY SUBMITTED NOA SLIPS AT LEAST 17 TIMES. THIS HISTORY OF SUCCESSFULLY NAVIGATING THE NOA SLIP PROCESS BOTH BEFORE AND AFTER THE DATES IN QUESTION INDICATES THAT WHATEVER WENT AWRY IN THE NOA SLIP PROCESS FOR THE DATES IN QUESTION WAS NOT DUE TO VALENTINE'S ACTIONS OR INACTIONS.**
- **VALENTINE RECEIVED A FULL PAYCHECK FOR THE DATES IN QUESTION. THIS REASONABLY WOULD LEAD HIM TO BELIEVE THAT THERE WAS NO ISSUE WITH ACCOUNTING FOR HIS TIME ON THE DATES IN QUESTION.**
- **AS POINTED OUT IN THE RESPONDENT'S RESPONSE TO THE PROPOSAL FOR DECISION ON REMAND, THE PETITIONER MAINTAINS A CONVOLUTED SYSTEM FOR TRACKING NOA SLIPS WITH MANY DIFFERENT HANDS IN THE PROCESS. AS THE ADMINISTRATIVE LAW JUDGE NOTED, THIS CREATED ENOUGH DOUBT THAT THE BREAKDOWN IN THIS INSTANCE WAS MORE LIKELY IN THE PROCESS RATHER THAN THE SUBMISSION.**
- **VALENTINE HAD A GREAT DEAL AT STAKE IN MAINTAINING HIS EMPLOYMENT RELATIONSHIP WITH THE PETITIONER. SPECIFICALLY, MAINTAINING HIS HEALTH INSURANCE FOR HIS ILL FAMILY MEMBER. IT CALLS INTO QUESTION THE PETITIONER'S ARGUMENT THAT HE JUST STOPPED SUBMITTING NOA SLIPS FOR A TWO-MONTH PERIOD.**
- **LASTLY, VALENTINE WAS AN EMPLOYEE WITH A POSITIVE PERFORMANCE RECORD DURING HIS TENURE AS A CORRECTIONAL OFFICER WHO HAD A TRACK RECORD OF SUCCESSFULLY SUBMITTING NOA SLIPS TO COVER HIS**

**APPROVED FAMILY AND MEDICAL LEAVE ACT ABSENCES. HE WAS NOT A HABITUAL ATTENDANCE POLICY VIOLATOR. ONE DAY, THE PETITIONER STOPPED RECEIVING HIS NOA SLIPS AS IT HAD BEEN RECEIVING THEM FOR FIVE MONTHS. DESPITE THIS SUDDEN DEVIATION, THERE WAS NO EVIDENCE THAT ANY EMPLOYEE AT THE DEPARTMENT OF CORRECTIONS EVER REACHED OUT TO THE RESPONDENT PRIOR TO SERVING HIM WITH THE DISCIPLINARY PAPERWORK THAT LED TO HIS DISCHARGE TO INQUIRE ABOUT WHY HE STOPPED SUBMITTING NOA SLIPS. THIS IS AN INDICATION THAT HE MAY HAVE, IN FACT, BEEN SUBMITTING THEM ALL ALONG.**

**CONSIDERING THE ABOVE REVERSED SPECIFIC FINDING OF FACT, THERE CAN BE NO VIOLATION OF THE AFFIRMATIVE ATTENDANCE POLICY. HOWEVER, VALENTINE WAS ALSO CHARGED WITH VIOLATING STANDARDS OF CONDUCT AND RULES OF CONDUCT. HIS FAILURE TO FOLLOW THROUGH ON THE MISSING NOA SLIPS ONCE HE WAS MADE AWARE OF THEM – INCLUDING HIS FAILURE TO ATTEND HIS EMPLOYEE REVIEW BOARD HEARING WHERE HE WAS GIVEN AN ADDITIONAL OPPORTUNITY TO SUBMIT NOA SLIPS DESPITE IT BEING CONTINUED ONCE PREVIOUSLY AT HIS REQUEST SO HE COULD ATTEND – CONSTITUTES A VIOLATION OF THESE SECTIONS.**

**FOR ALL OF THESE REASONS, THE PARTIALLY PROVEN CHARGES DO NOT RISE TO THE LEVEL WHICH SOUND PUBLIC OPINION RECOGNIZES AS GOOD CAUSE FOR THE EMPLOYEE TO NO LONGER HOLD THE POSITION. THE PARTIALLY PROVEN CHARGES WARRANT A 60-DAY SUSPENSION PLUS THE DURATION OF HIS SUSPENSION PENDING DISCHARGE.**

**SICKMEYER      YES                      FINCH              YES  
LUECHTEFELD   YES                      URLACHER        YES**

**XII. APPEAL TERMINATED WITHOUT DECISION ON THE MERITS**

DA-12-19

Employee	William A. Marks	Appeal Date	12/17/18
Agency	Transportation	Decision Date	02/11/19
Appeal Type	Discharge	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn.
ALJ	Andrew Barris		

**IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL OF THE ADMINISTRATIVE LAW JUDGE TO DISMISS THE APPEAL.**

February 21, 2019

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

XIII. STAFF REPORT

Former Commissioner Jane Ryan was recognized for her years of service with the Civil Service Commission. By unanimous consent Staff was directed to prepare a formal certificate acknowledging her contributions.

Executive Director Stralka reported that travel reimbursements must be made by direct deposit or else a \$2.50 charge will be deducted for a paper warrant. The Commissioners indicated that they had been receiving paper warrants and would make the switch to direct deposit. Executive Director Stralka will provide instructions to do so.

Assistant Executive Director Barris informed the Commissioners that they could do their 2019 Ethics Training and Sexual Harassment Training online and he would inquire about their online identifications to complete the training, or they could continue to do the training using the paper forms as they had in the past. The Commissioners indicated they wanted to continue to do the training on paper.

Barris reported to the Commissioners that the Illinois Supreme Court issued a decision in Gregg v. Rauner in November 2018 in which it held that the removal of a member of a board or commission was not judicially reviewable if the board or commission was not intended to be independent of the executive branch.

Barris reported that Commission staff was monitoring pending legislation that might be of interest to the Commission and would continue to do so as such legislation advanced through the legislative process.

XIV. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held at 11:00 a.m. on Thursday, March 21, 2019 in the Chicago and Springfield offices of the Commission by interactive video conference.

XV. MOTION TO ADJOURN

**IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER FINCH, AND THE MOTION ADOPTED 4-0 TO ADJOURN THE MEETING AT 12:10 P.M.**