

ILLINOIS CIVIL SERVICE COMMISSION

REPORT
FOR FISCAL YEAR
2004



Chris Kolker, Chairman
George Richards, Commissioner
Raymond W. Ewell, Commissioner
Betty Bukraba, Commissioner
Barbara J. Peterson, Commissioner

Daniel Stralka
Executive Director



Daniel Stralka
EXECUTIVE DIRECTOR

State of Illinois
CIVIL SERVICE COMMISSION
425 ½ South Fourth Street
Springfield, Illinois 62701
(217) 782-7373
FAX (217) 524-3706
www.icsc.il.gov

Chris Kolker
CHAIRMAN

COMMISSIONERS
George E. Richards
Raymond W. Ewell
Barbara J. Peterson
Betty Bukraba

Governor Rod Blagojevich
State of Illinois
Springfield, Illinois 62706

Dear Governor Blagojevich:

We submit this report to you, to the members of the General Assembly and to the citizens of Illinois. It is the Commission's 92nd Annual Report and covers the period of July 1, 2003 through June 30, 2004. In this report we have set forth both our responsibilities and accomplishments.

We appreciate the support and encouragement you have given us as we endeavor to carry out the requirements of the Illinois Personnel Code with the goal of providing the citizens of Illinois with a system of personnel administration based on merit principles and scientific method.

Respectfully submitted,

Handwritten signature of Chris Kolker in black ink.

Chris Kolker, Chairman

Handwritten signature of George E. Richards in black ink.
George E. Richards, CommissionerHandwritten signature of Raymond W. Ewell in black ink.
Raymond W. Ewell, CommissionerHandwritten signature of Betty Bukraba in black ink.
Betty Bukraba, CommissionerHandwritten signature of Barbara J. Peterson in black ink.
Barbara J. Peterson, Commissioner

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MEMBERS OF THE ILLINOIS CIVIL SERVICE COMMISSION

The members of the Civil Service Commission are appointed for a period of six years.

| <u>Name</u> | <u>Term Expires</u> |
|---------------------------------------|---------------------|
| Chris Kolker, Chairman | March 1, 2005 |
| George E. Richards, DVM, Commissioner | March 1, 2007 |
| Raymond W. Ewell, Commissioner | March 1, 2005 |
| Barbara J. Peterson, Commissioner | March 1, 2005 |
| Betty Bukraba, Commissioner | March 1, 2009 |

Chris Kolker

Chris Kolker, appointed as Chairman in March of 2004, graduated from Arizona State University in 1989 with a B.A. in political science. From 1990 to 1995 he worked as a legislative and political aide for Illinois House Speaker Michael J. Madigan. During those years, he also worked with legislators, as well as state and local officials, on a wide variety of governmental issues. In 1995 Chris entered law school at Southern Illinois University and graduated magna cum laude in 1998. He has worked in labor and personnel law since law school for both employers and employees.

Originally from East St. Louis, Chris currently resides in Fairview Heights with his wife and two daughters.

George E. Richards, DVM

Dr. Richards received his Bachelor and Doctorate degrees from the University of Illinois College of Veterinary Medicine. He practices Small Animal Medicine and Surgery in Danville, where he is an owner of three veterinary hospitals. He serves as Chairman of Danville Area Community College Foundation, Director and Past President of Vermillion Advantage Economic Development Corporation, Secretary and Executive Committee member of Old National Bank-Danville. He is Chairperson and Treasurer of the Illinois Veterinary Medical Political Action Committee and serves on the Illinois State Veterinary Medical Association Board of Directors as Delegate to the American Veterinary Medical Association and as Chairperson of the Legislative Committee. He is involved in numerous community activities in Danville.

Betty Bukraba

Betty Bukraba was appointed a Commissioner effective October 6, 2004. She retired from the office of the Clerk of the Circuit Court of Cook County, having served as the Director of Personnel Services for 14 years. As Director, she had responsibilities for all aspects of employee relations in the 2300 employee agency from applicant testing to retirement planning. While serving in this capacity, she was a recipient of the Cook County Distinguished Public Service award in 1999. She is the widow of a Chicago firefighter and raised their two children while operating a small business. Betty remains active in numerous neighborhood and civic organizations and causes.

Raymond W. Ewell

Raymond W. Ewell was born on December 29, 1928 in Chicago, Illinois. He earned a Bachelor of Arts degree at the University of Illinois (1949), a Master's degree from the University of Illinois (1951), and a Juris Doctor degree from the University of Chicago (1954). He was a State Representative in the Illinois General Assembly for eight terms from 1967 to 1983, where he served as chairman of the Higher Education Committee, the Illinois Legislative Black Caucus, and the National Society of State Legislators (1969). He served in the United States Army from 1954 to 1955.

In addition to being an attorney at law for 50 years, Mr. Ewell has been a teacher in the Chicago public schools, a gas station operator, a partner in a brokerage firm, bond counsel for the Cook County Board of Commissioners (1992), and a lobbyist for the City of Chicago, the Chicago Teacher's Pension Fund, the Illinois Trial Lawyers Association, and Cook County. While in the legislature he served as minority spokesman on the Elections, Agriculture, Conservation, Registration and Regulation, and Executive Committees. He also served on the committees for County and Township, Higher Education, Primary and Secondary Education, Judiciary, Public Utilities, Human Resources, and Motor Vehicles.

Mr. Ewell served as senior advisor to United States Senator Carol Moseley Braun and to John H. Stroger, President of the Cook County Board. He is a member of the Fourth Ward Young Democrats, an independent precinct captain for the Seventeenth Ward, a Seventeenth Ward Regular Democratic organization supervisor and instructor, and campaign manager for State Representative Charles Morrow, III. He is president of the Perry Avenue Block Club, a member of the N.A.A.C.P., the Cook County Bar Association, the Southtown Y.M.C.A., the Urban League, P.U.S.H., Southtown Y.M.C.A. Businessmen's Association, and Director of St. Carthage Grooming School for Boys.

Barbara J. Peterson

Barbara J. “Bobbie” Peterson is in her first term as a Commissioner on the Illinois Civil Service Commission.

Previously tapped by Governor Jim Edgar, she sat on the Governor's State University Board of Trustees. There she chaired the Personnel Committee, which oversees collective bargaining contracts, faculty and civil service salaries and employee benefits. She also represented GSU on the State University Civil Service System and was the university's founding member trustee for the Monsignor Ignatius D. McDermott Endowed Scholarship. She is currently on the Governor's State University Foundation Board of Directors.

Commissioner Peterson serves as a member of the Will/Kankakee Regional Development Authority. She also serves as secretary of the Will County Planning and Zoning Commission and had a leadership role in regional planning that led to the development of a comprehensive general plan for the six-county northeastern Illinois region.

A longtime community activist and volunteer, Commissioner Peterson is in her fourth term as the elected state central committee member of the 11th Congressional District. She is also involved in numerous special political projects and public relations activities.

Bobbie Peterson is a longtime resident of Will County. With her husband Charles, Bobbie spent 35 years as owner of a union plumbing and heating corporation and is still engaged in agriculture. Born and educated in Chicago, she is a graduate of Gregg Business College. The Petersons have four sons and eight grandchildren.

Overview

The Civil Service Commission began the year with the introduction of its website, the first for the Commission. Agendas and minutes are posted on the website as well as basic information regarding the Commission and useful links to other websites. A fillable Discipline Appeal form was developed and posted on the website for employees to use. As the year progressed, the website was updated to include practical information for visitors on filing appeals. Additional updates are planned for the future.

The Commission entered the fiscal year with an approved budget of \$418,000. This represented a 4% decrease from the previous fiscal year's appropriation. Two unanticipated accrued vacation lump sum payments during the year totaling \$67,542, or 24% of the Commission's *entire* adjusted personal services appropriation for the year, presented a challenge to Commission staff to stay within its allocated funds. The diligence of the Commission staff along with the assistance of the Governor's Office of Management and Budget allowed the Commission to meet its fiscal obligations without resorting to a supplemental appropriation.

On March 16, 2004 Chris Kolker was appointed as Chairman of the Civil Service Commission. His appointment was quickly confirmed by the Senate on April 2, 2004. He replaced George Richards who continues to serve as a Commissioner. Also, on May 20, 2004 Daniel Stralka was appointed Executive Director. He has been performing those duties in an acting capacity since June 1, 2003.

Barbara Hayes, who served the Commission for over 30 years, retired on December 31, 2003. Her historical knowledge of the Commission's practices will be missed. Moving up to Fiscal Officer was Sandy Guppy. The Commission also welcomed Linda Fleming to the administrative staff on December 29, 2003 and Andrew Barris as Assistant Executive Director on March 1, 2004.

On February 1, 2004 – in accordance with the State Officials and Employees Ethics Act – the Commission instituted its first Personnel Policy for Commission employees. A timesheet policy and procedure was also simultaneously developed and established.

Through the year, the Commission staff has made numerous changes to internal forms and processes to simplify and streamline its operations. For example, the agenda format has been improved to make it easier to follow and understand by creating summaries of 4d(3) exemption requests and "boxing" appeal summaries. Form letters are constantly being reviewed for clarity, conciseness and accuracy. Information sharing has been enhanced among Commission employees. These initiatives continue, and this ongoing critical examination of Commission functions is rapidly becoming part of the culture of the Commission.

DUTIES OF THE COMMISSION

Guided by merit philosophy, the members of the Commission and its staff carry out the following statutory responsibilities:

1. To disapprove personnel rules, or their amendments, promulgated and submitted by the Director of Central Management Services.
2. To approve the classification plan submitted by the Director of Central Management Services, and approve proposals for new or amended class specifications and for the abolition of existing classes under the classification plan.
3. Upon recommendation of the Director of Central Management Services, the Commission approves the exemption from Jurisdiction B of those positions which, in its judgment, bear principal administrative responsibility for the determination or implementation of policy.
4. Upon identification of instances of noncompliance, the Commission is responsible for ensuring the enforcement of the Personnel Code and Rules through the issuance of directives for compliance. In ensuring compliance with the Personnel Code and Rules, the Commission is authorized to conduct an audit program of personnel activities, actions, and programs.
5. For certified employees who are discharged, suspended for more than 30 days in a twelve-month period, or demoted, the Commission hears and determines the written charges and renders decisions which are binding upon the employing agency.
6. The Commission hears appeals by certified employees who are involuntarily transferred from one geographical area to another, or who question the allocation of their position under the classification plan.
7. The Commission hears or conducts an investigation of layoff appeals by certified employees where the basis of the appeal is that provisions of the Personnel Code or Rules have been violated.

During Fiscal Year 2004, the Commission was active in these areas as the following detailed report indicates.

(1) REVIEW OF PERSONNEL RULES AND LEGISLATION

The drafters of the Personnel Code envisioned broad enabling statutes giving the Director of Central Management Services extensive discretion to implement the broad provisions of the Code through the promulgation of rules. As a check and balance to this power, the Director is to submit proposed rules and/or amendments to the Commission, and the Commission has the authority to disapprove them.

To ensure the Personnel Rules promulgated by the Department of Central Management Services accurately implement the authority outlined in the Personnel Code, and to assure the Code continues to adhere to the principles of merit employment, the Civil Service Commission monitors legislative action for changes to the Personnel Code or Rules.

(2) CLASS SPECIFICATIONS

A sound system of position classification is essential to carrying out the objectives of a merit personnel system. The classification plan establishes the basis for ensuring that employees performing work of the same nature, level of difficulty and complexity are paid within the same salary range, dependent on length of service and excellence of performance. The specifications further set forth the legal requirements for selection of those who desire to enter State service and the promotion of present employees who seek advancement within the career system. So that personnel decisions can be based upon the factual basis of existing assignments, the position classification system identifies the duties performed and responsibilities assigned by individual employees. The Commission has the responsibility of approving all amendments to the classification plan including class specifications.

During Fiscal Year 2004 the Commission reviewed and acted on 54 amendments to the classification plan. Because of their cooperative working relationship, the staffs of the Commission and the Department of Central Management Services resolved all problems identified in the amendments submitted. Consequently, all issues which could have resulted in a recommendation for the Commission's disapproval were resolved.

| New Classes <u>Approved</u> | Revised Classes <u>Approved</u> | Abolished Classes <u>Approved</u> |
|--------------------------------|------------------------------------|--------------------------------------|
| 5 | 42 | 7 |

(3) EXEMPTIONS OF POSITIONS BEARING PRINCIPAL ADMINISTRATIVE RESPONSIBILITY FOR POLICY

A long-standing significant issue in merit systems is the determination of those positions which should be subject to appointment and dismissal at the discretion of the administration. In the Personnel Code, the legislature specifically provided for most major exemptions, such as those of all positions in the legislative and judicial branches, of directors and assistant directors of executive agencies, and of members of boards and commissions. In positions below the director, assistant director, board or commission level, the legislature chose to grant the Director of Central Management Services and the Civil Service Commission joint authority to exempt positions from the Personnel Code. Under this provision, agencies request, and the Director of Central Management Services issues, a recommendation as to whether positions that bear principal administrative responsibility for the determination of policy or principal responsibility for the implementation of policy should be exempted. This recommendation is then submitted to the Civil Service Commission for approval. The impact upon the merit system of decisions made with respect to the exemption of positions from the provisions of the Personnel Code is obvious.

In carrying out this function, the Commission not only acts to approve exemptions recommended by the Director, but also monitors all positions that have been approved for exemption to ensure that they are used as presented at the time of approval. Amendments to these positions are evaluated to ensure that only positions that continue to qualify for exemption remain exempt. The Commission considered granting 4d(3) exemption to a total of 264 positions in Fiscal Year 2004. Of those 264 exemptions considered, 199 were approved, 30 were denied and 35 were submitted and then later withdrawn. Set forth on the following page is a listing of the number of exemptions for each agency. A breakdown of the Commission's actions for Fiscal Year 2004 follows on the succeeding pages.

REPORT ON EXEMPT POSITIONS

| <u>Agency</u> | <u>Total Employees</u> | <u>Number of Exempt Positions</u> |
|--|----------------------------|---------------------------------------|
| Aging | 154..... | 5 |
| Agriculture..... | 649..... | 18 |
| Arts Council..... | 20..... | 1 |
| Banks and Real Estate | 254..... | 8 |
| Capitol Development Board | 16..... | 0 |
| Central Management Services | 1207..... | 84 |
| Children and Family Services..... | 3512..... | 41 |
| Civil Service Commission | 5..... | 0 |
| Commerce & Econ. Opportunity | 504..... | 59 |
| Commerce Commission..... | 58..... | 0 |
| Corrections..... | 14,476..... | 110 |
| Criminal Justice Authority..... | 73..... | 3 |
| Deaf and Hard of Hearing Comm. | 7..... | 1 |
| Developmental Disabilities Council | 13..... | 1 |
| Elections Board..... | 53..... | 1 |
| Emergency Management Agency | 110..... | 2 |
| Employment Security | 2017..... | 26 |
| Environmental Protect. Agency | 1160..... | 12 |
| Fin. & Prof. Regulation..... | 902..... | 22 |
| Guardianship and Advocacy | 111..... | 6 |
| Historic Preservation Agency | 266..... | 5 |
| Human Rights Commission..... | 12..... | 2 |
| Human Rights Department | 150..... | 7 |
| Human Services | 15,767..... | 61 |
| Industrial Commission..... | 163..... | 7 |
| Insurance..... | 319..... | 8 |
| Investment Board..... | 4..... | 1 |
| Labor..... | 79..... | 7 |
| Labor Relations Board Educational | 16..... | 2 |
| Labor Relations Board Local..... | 2..... | 0 |
| Labor Relations Board State | 19..... | 2 |
| Law Enforce. Trng. & Standard Bd. | 25..... | 1 |
| Medical District Comm. | 2..... | 0 |
| Military Affairs..... | 147..... | 3 |
| Natural Resources..... | 1954..... | 28 |
| Pollution Control Board..... | 26..... | 3 |
| Prisoner Review Board | 24..... | 0 |
| Property Tax Appeal Board | 23..... | 2 |
| Public Aid | 2375..... | 21 |
| Public Health | 1154..... | 27 |
| Revenue | 2185..... | 51 |
| State Fire Marshal..... | 135..... | 7 |
| State Police | 1547..... | 7 |
| State Police Merit Board..... | 5..... | 1 |
| State Retirement System..... | 80..... | 1 |
| Transportation..... | 2989..... | 1 |
| Veterans Affairs..... | 1181..... | 3 |
| TOTALS | 55,377..... | 642 |

EXEMPTIONS ACTED UPON DURING FY 2004

| | |
|---|--|
| Aging | 1 SPSA exemption granted |
| Agriculture | 6 SPSA exemptions granted 1 PSA exemption granted |
| Banks & Real Estate | 6 SPSA exemptions granted 10 SPSA exemptions submitted and withdrawn |
| Central Management Systems | 57 SPSA exemptions granted 1 SPSA submitted and withdrawn |
| Children & Family Services | 6 SPSA exemptions granted 5 PSA exemptions granted 2 SPSA exemptions denied 1 PSA exemption submitted and withdrawn |
| Commerce & Economic Opportunity | 16 SPSA exemptions granted |
| Corrections | 10 SPSA exemptions granted 1 PSA exemption denied |
| Employment Security | 10 SPSA exemptions granted 1 PSA exemption granted 1 SPSA exemption denied |
| Environmental Protection Agency | 7 SPSA exemptions granted |
| Financial Institutions | 2 SPSA exemptions granted |
| Human Rights Department | 1 SPSA exemption granted |
| Human Services | 10 SPSA exemptions granted 1 Medical Administrator V granted 1 SPSA exemption submitted and withdrawn 7 SPSA exemptions denied 2 PSA exemptions denied |
| Historic Preservation | 3 SPSA exemptions granted |
| Illinois Criminal Justice Authority | 3 SPSA exemptions granted |
| Illinois Emergency Management Agency | 1 SPSA exemption granted |
| Insurance | 1 SPSA exemption granted 1 PSA exemption granted |
| Military Affairs | 1 PSA exemption granted |

| | |
|--------------------------------|---|
| Natural Resources | 1 SPSA exemption granted 1 Administrative Ass't. exemption granted |
| Professional Regulation | 8 SPSA exemptions granted 2 PSA exemptions granted |
| Public Aid | 5 SPSA exemptions granted |
| Public Health | 11 SPSA exemptions granted 2 PSA exemptions granted 1 Administrative Ass't. II exemption granted 13 SPSA exemptions denied 20 SPSA exemptions submitted and withdrawn |
| Revenue | 8 SPSA exemptions granted 1 PSA exemption granted 2 SPSA exemptions denied 2 SPSA exemptions submitted and withdrawn |
| State Fire Marshal | 2 SPSA exemptions granted 1 PSA exemption granted |
| State Police | 3 SPSA exemptions granted 2 SPSA exemptions denied |
| Transportation | 1 SPSA exemption granted |
| Veterans' Affairs | 1 SPSA exemption granted 1 PSA exemption granted |

(4) RULE VIOLATION AND COMPLIANCE ACTIVITY

A merit system can only be as effective as the people who administer it will permit. Recognizing that pressures exist to circumvent the merit system and to provide a bulwark against the erosion of merit system standards, the legislature placed in the Civil Service Commission the responsibility for determining whether personnel activities are carried out in compliance with the Personnel Code and Personnel Rules along with the authority to direct compliance where it finds violations. In carrying out this mandate, the Commission has utilized two basic approaches.

First, it investigates all allegations of noncompliance furnished to the Commission or brought to the attention of its staff to determine whether there was a violation of the statute and/or its implementing rules. There were two appeals of Personnel Code and/or Rule violations acted upon in Fiscal Year 2004, one ending in an employee's appeal being granted and one appeal being dismissed. Where the Commission finds a possible violation, it works with the Department of Central Management Services and the agencies involved to effect compliance. Where compliance is not an issue, the Commission assists employees with complaints by referring them to other resources available to them.

Second, the Commission staff conducts reviews and audits of personnel activities as carried out by the Department of Central Management Services and the operating agencies. The Commission interprets its legislative grant of authority as allowing it to take the initiative in determining compliance and not simply to investigate those matters reported to it. It has been the practice of the Commission to audit compliance activities with the resources remaining after it completes its other statutory responsibilities, including hearing employee allocation and discharge appeals, investigating layoff appeals, and reviewing proposals made by the Director of Central Management Services for amendments in the Classification Plan or for exemption of policy-making positions.

The audit program examines several areas of agency personnel operations, including:

- Assignment of positions to classes (including position descriptions).
- Payment of employees at rates authorized in the Pay Plan, as approved by the Department of Central Management Services.
- Administration of exempt appointments as approved by the Commission in accordance with Section 4d(3) of the Personnel Code.

- Employment and separation procedures, including the use of eligible lists and the certification of employees.
- Evaluation of personnel administration programs, including affirmative action, veterans' preference, and disabled employment and advancement opportunities.
- Review of personal service contracts in relation to providing staff through appointments under the Personnel Code.

Additionally, the audit explores areas of innovation or approaches in personnel programs which can be shared with other operating agencies for the benefit of all involved in the state personnel function. The Commission did not conduct any audits in Fiscal Year 2004.

The Personnel Code also provides for appointments to State service in accordance with the principle of merit and fitness which is determined by the use of examination methods in areas of education, experience, cultural knowledge, capacity, knowledge, manual skill, linguistic ability, character, physical fitness, and psychological fitness. There are occasions, however, where examinations are not feasible and in order to provide flexibility the Code provides for three types of appointments, which can be made without formal competitive examination. These are emergency, temporary, and provisional appointments, all of which are limited by the Code.

Emergency appointments shall not exceed 60 days, shall not be renewed and may be made without regard to an eligible list. Notices of selections and terminations shall be reported immediately to the Director of Central Management Services. Temporary appointments may be utilized by persons in positions to perform temporary or seasonal work. No position shall be filled by temporary appointment for more than six months out of any 12-month period. Provisional appointments may be utilized by persons in positions when there is no appropriate eligible list available. No positions shall be filled by provisional appointment for more than six months out of any 12-month period.

The following are the numbers of consecutive non-merit appointments reported to the Commission in the monthly agendas. The agendas provide the number by agency and individual.¹

| | | | | | |
|-----------|---|----|----------|---|-----|
| July | - | 47 | January | - | 49 |
| August | - | 53 | February | - | 31 |
| September | - | 50 | March | - | 42 |
| October | - | 40 | April | - | 64 |
| November | - | 46 | May | - | 96 |
| December | - | 59 | June | - | 127 |

The incumbents have been appointed to temporary appointments for more than six months in a twelve-month period or have received a number of non-merit appointments. Although these appointments are not in violation of the Personnel Code and Rules, they are reported for the information of the members of the Commission for purposes of monitoring.

(5) APPEALS FROM DISCHARGE, SUSPENSION OVER 30 DAYS IN A TWELVE-MONTH PERIOD, AND DEMOTION

The Civil Service Commission is responsible for conducting hearings on appeals of discharge and suspensions totaling more than 30 days in any twelve-month period, and geographical transfers. The Commission has the power to administer oaths, subpoena witnesses, and compel the production of books and papers in accordance therewith.

When an employee receives a written notice of discharge, they may appeal the action to the Commission. The appeal must be filed within 15 days after service of the written notice of discharge. The Commission then schedules a hearing within 30 days after receiving the appeal. At the hearing, the employee has a right to counsel and may question the witnesses who testify against him under oath. The burden of proof is upon the agency to prove that cause for discharge of the employee exists, and that discharge is the appropriate discipline.

In Fiscal Year 2004, the Commission rendered decisions in 53 discharge appeals. The Commission sustained 11 discharges. In eight appeals the Commission imposed a suspension instead of discharge, and in 34 appeals the employee was returned to work with no penalty. Fifteen discharge appeals were terminated without decision, 10 by settlement agreement and five by withdrawal. There was one appeal of suspension over thirty days in a twelve-month period.

¹The numbers do not necessarily stand for new appointments, but can be the same appointment from the previous month.

The Commission is also responsible for hearing appeals of employees who have been demoted in their positions. Although this is not an extremely active area, it is important that employees have a right to appeal if they believe they have been unjustly demoted in their position. The Commission did not receive any demotion appeals during Fiscal Year 2004.

(6) APPEALS OF GEOGRAPHICAL TRANSFER AND ALLOCATION

Employees who are involuntarily transferred from one geographical area of the state to another may appeal such transfers with the Commission. The Commission heard three geographical transfer appeals in Fiscal Year 2004 with one appeal being denied and two appeals withdrawn.

The Commission is also responsible for hearing employee appeals from decisions of the Director of the Department of Central Management Services where an employee believes that their position is misclassified. In allocation appeals, the burden is on the employee to prove the Director of Central Management Services has not properly classified their position. In Fiscal Year 2004, the Commission decided one allocation appeal.

(7) APPEALS OF LAYOFF

The Personnel Rules allow the layoff of certified employees due to lack of funds, material change in duties or organization, or lack of work or the abolition of a position for any of these reasons. Employees who feel that they have been laid off in violation of the Personnel Code or Rules may, within 15 days following the effective date of layoff, file a written appeal with the Civil Service Commission.

The Civil Service Commission is authorized to investigate the allegations made by the employee in the layoff appeal and may conduct a hearing if it is determined that issues of fact or law remain unresolved. When the investigation is complete, a preliminary decision is issued by staff and submitted to the employee and agency. If adopted by the Commission, the decision becomes a final administrative decision.

The Commission issued five decisions on layoff appeals in Fiscal Year 2004.

GRIEVANCE COMMITTEE

The Director of Central Management Services is required to appoint a grievance committee to hear step 4 grievances comprising two employees of Central Management Services and one Commission employee with experience and knowledge in personnel administration and employee relations. The Director is allowed to substitute another agency employee in the absence of a Commission employee. The Commission staff did not participate in any grievance committee meetings in Fiscal Year 2004.

TRAINING

In order to properly administer the State's merit system, agency administrators must have knowledge and expertise in all areas of personnel. Often the most intimidating and frustrating aspect of personnel lies in the area of dealing with problem employees. It is the Commission's belief that while regrettable, discipline up to and including discharge is a necessary component of a good personnel system. The Commission, in an effort to make administrators aware of the requirements of successfully dealing with the disciplinary process, has offered agencies instruction in the disciplinary process. The Executive Director made a presentation at the May 25, 2004 Personnel Manager's meeting on this topic. In addition, the Chairman met with representatives of the Illinois Department of Transportation on civil service issues. The Commission staff is available to employees and agency administrators to respond to a variety of procedural inquiries regarding the operation of the Commission.

OTHER DUTIES - CHAIRMAN'S EX OFFICIO POSITION

The Chairman of the Commission is an *ex officio* member of the Interagency Committee on Employees with Disabilities. This Committee provides a forum for the diverse issues and concerns of the 2,586 persons with disabilities employed by executive agencies of the State of Illinois. This Committee, which operates with no budget and no paid staff, relies on the technical and financial support of its members and their respective agencies.

COURT REVIEW

Final administrative decisions of the Commission are subject to judicial review brought either by the employee or the employing agency. In Fiscal Year 2004, 37 decisions were appealed to the Circuit Court under the Administrative Review Act.

TECHNICAL ACTIONS BY THE COMMISSION

| | <u>FY00</u> | <u>FY01</u> | <u>FY02</u> | <u>FY03</u> | <u>FY04</u> |
|------------------------------------|------------------|-------------------|------------------|-------------------|-------------------|
| <u>Class Specifications</u> | | | | | |
| New Classes Approved | 20 | 22 | 5 | 12 | 5 |
| Revised Classes Approved | 37 | 61 | 83 | 127 | 42 |
| Abolished Classes Approved | 39 | 27 | 6 | 13 | 7 |
| TOTALS | <u>96</u> | <u>110</u> | <u>94</u> | <u>152</u> | <u>54</u> |
| <u>Exemptions</u> | | | | | |
| Exemptions Approved | 32 | 20 | 28 | 95 | 199 |
| Exemptions Denied | 3 | 5 | 0 | 0 | 30 |
| Exemptions Rescinded | 0 | 2 | 1 | 13 | 0 |
| Exemptions Requests Withdrawn | | | | | 35 |
| TOTALS | <u>34</u> | <u>27</u> | <u>29</u> | <u>108</u> | <u>264</u> |
| TOTAL TECHNICAL ACTIONS | 130 | 137 | 123 | 260 | 318 |

CHARGES FOR DISCHARGE AND SUSPENSION²

| | |
|---|----|
| Abuse of Time..... | 4 |
| Absenteeism..... | 2 |
| Abuse of Service Recipients..... | 5 |
| Appointment Accomplished by Illegally Promulgated Rules..... | 41 |
| Conduct Unbecoming..... | 9 |
| Damage of State Property..... | 1 |
| Failure to Follow Supervisory Directive..... | 2 |
| Failure to Return from Leave of Absence..... | 3 |
| Failure to Follow Rules and Regulations..... | 3 |
| Failure to Have Drivers License Reinstated..... | 1 |
| Failure to Possess a Valid Drivers License..... | 1 |
| Failure to Notify Employer of No Valid Drivers License..... | 1 |
| Failure to Perform Duties..... | 1 |
| Falsification of Documents/Information..... | 7 |
| Inability to Perform Duties & Responsibilities of Position..... | 1 |
| Inappropriate Conduct of Sexual Nature in Workplace..... | 1 |
| Incompetence..... | 1 |
| Insubordination..... | 2 |
| Making Threats to Co-Workers..... | 1 |
| Misuse of State-Owned Equipment..... | 1 |
| Negligent Performance of Duties..... | 1 |
| Safety Violation..... | 1 |
| Unauthorized Absence..... | 3 |
| Violation of Drug Testing..... | 1 |
| Workplace Violence..... | 1 |
| TOTAL CHARGES..... | 95 |

²The total exceeds the number of employees discharged because multiple charges were at times made against some employees.

DECISIONS OF THE COMMISSION IN APPEALS

| <u>A. Actions by the Commission</u> | <u>FY00</u> | <u>FY01</u> | <u>FY02</u> | <u>FY03</u> | <u>FY04</u> |
|--|------------------|------------------|------------------|------------------|------------------|
| Appeals granted: | | | | | |
| Employees reinstated after discharge (w/ suspension) | 4 | 7 | 4 | 6 | 8 |
| Employees reinstated after discharge (w/o suspension) | 4 | 3 | 2 | 3 | 34 |
| Position allocation granted | 17 | 0 | 0 | 0 | 0 |
| Layoff appeal granted | 0 | 0 | 0 | 0 | 0 |
| Geographical Transfer invalidated | 0 | 0 | 0 | 0 | 0 |
| Demotion invalidated | 0 | 0 | 0 | 0 | 0 |
| Suspension invalidated in part | 0 | 0 | 1 | 0 | 0 |
| Rule Violation appeal granted | 0 | 1 | 0 | 0 | 1 |
| <u>Total</u> | <u>25</u> | <u>11</u> | <u>7</u> | <u>9</u> | <u>43</u> |
| Appeals denied: | | | | | |
| Employees discharged | 19 | 16 | 10 | 5 | 11 |
| Position allocation denied | 44 | 1 | 1 | 0 | 1 |
| Layoff appeal denied | 0 | 0 | 0 | 4 | 5 |
| Geographical Transfer | 0 | 0 | 0 | 0 | 1 |
| Demotion upheld | 3 | 1 | 0 | 0 | 0 |
| Suspension upheld | 0 | 2 | 0 | 0 | 0 |
| Rule Violation appeal denied | 7 | 5 | 2 | 5 | 1 |
| Dismissed by decision (failure to appear or no jurisdiction) | 7 | 2 | 3 | 6 | 6 |
| <u>Total</u> | <u>80</u> | <u>27</u> | <u>16</u> | <u>20</u> | <u>25</u> |
| Total Actions by the Commission | 105 | 38 | 23 | 29 | 68 |
| | | | | | |
| <u>B. Appeals Terminated Without Decision</u> | | | | | |
| Discharges | 13 | 17 | 10 | 19 | 15 |
| Demotions | 0 | 0 | 0 | 0 | 0 |
| Position allocations | 14 | 0 | 1 | 0 | 0 |
| Layoff appeals | 1 | 0 | 0 | 0 | 0 |
| Geographical Transfers | 0 | 0 | 0 | 1 | 2 |
| Suspensions | 3 | 0 | 0 | 0 | 0 |
| Rule Violations | 1 | 0 | 1 | 0 | 0 |
| <u>Total</u> | <u>32</u> | <u>17</u> | <u>12</u> | <u>20</u> | <u>17</u> |
| <u>C. Appeals Pending June 30, 2004</u> | 35 | 29 | 17 | 68 | 77 |
| <u>D. Appeals Dismissed-Commission</u> | 13 | 7 | 3 | 8 | 2 |
| <u>Without Jurisdiction to Accept Appeal</u> | | | | | |
| <u>E. Total Appeals Closed or Pending at End of Fiscal Year</u> | 185 | 91 | 55 | 125 | 164 |