

ILLINOIS CIVIL SERVICE COMMISSION

REPORT FOR FISCAL YEAR 2006



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

Daniel Stralka
Executive Director



Daniel Stralka
EXECUTIVE DIRECTOR

State of Illinois
CIVIL SERVICE COMMISSION
425 ½ South Fourth Street
Springfield, Illinois 62701

PHONE (217) 782-7373
FAX (217) 524-3706
TTY (888) 261-2819
www.icsc.il.gov

Chris Kolker
CHAIRMAN

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

Governor Rod R. 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 94th Annual Report and covers the period of July 1, 2005 through June 30, 2006. 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,

Chris Kolker, Chairman

George E. Richards, Commissioner

Betty A. Bukraba, Commissioner

Raymond W. Ewell, Commissioner

Barbara J. Peterson, Commissioner

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MEMBERS OF THE 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, 2011
George E. Richards, DVM, Commissioner	March 1, 2007
Raymond W. Ewell, Commissioner	March 1, 2011
Barbara J. Peterson, Commissioner	March 1, 2011
Betty A. 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 the Belleville area.

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. He serves on the Danville Area Community College Foundation; Director and Past President of Vermillion Advantage Economic Development Corporation; and Advisory Board member of Old National Bank-Northwest Region. 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 (AVMA) and as Vice-Chair of the AVMA Political Action Committee Policy Board. He is involved in numerous community activities in Danville.

Betty A. Bukraba

Betty Bukraba was appointed a Commissioner effective October 6, 2003. 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 2,300 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 was first appointed as a Commissioner on the Illinois Civil Service Commission on August 1, 2000.

She previously 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. Bobbie Peterson is a long-time 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 nine grandchildren.

OVERVIEW

The Civil Service Commission began the year with an approved budget of \$370,400. This represented a 5.4% decrease from the previous year's appropriation, and an 18.1% decrease from the Commission's all-time high appropriation of \$452,400 in fiscal year 2002. The Commission continues to meet its statutory responsibilities while operating with an historic low of four full-time employees.

Commissioners Ray Ewell and Barbara Peterson entered the year serving on an interim basis as their appointments had expired on March 1, 2005. However, Governor Rod R. Blagojevich reappointed Commissioner Ewell on July 15, 2005 and did likewise with Commissioner Peterson on July 22, 2005. Both appointments were confirmed by the Senate on November 3, 2005. Their current terms expire on March 1, 2011.

The highlight of the Commission's year occurred November 17, 2005 as it commemorated 100 years of service to the agencies, employees and citizens of the State of Illinois with a small reception at its Springfield office. Commissioners, current and former employees, representatives from other agencies within the state, practitioners and others gathered to mark the occasion. Assistant Executive Director Andrew Barris presented a brief history of the Commission, noting many of its defining moments through the years. His research led to the creation of a "History" link on the Commission's website to allow visitors to learn how it evolved over the last 100 years.

Linda Fleming, who was responsible for many of the Commission's administrative duties, left the Commission for a position with the Administrative Office of the Illinois Courts. Her contributions to the office will be missed. On October 17, 2005 Beckie Daniken was hired as her replacement. Beckie has already made a positive impact with the Commission by tightening up many internal processes and participating in a significant audit and reorganization of Commission 4d(3) exempt positions records. Other operational highlights during the year were the reorganization of the class specifications, including the implementation of an automated reference table, and the agreement with Central Management Services of a notification process for submitting Personnel Rule amendments to the Commission.

The Illinois Auditor General completed its bi-annual compliance audit for fiscal years 2004 and 2005. The Commission was pleased to report that there were no material findings as a result of their extensive review.

DUTIES OF THE COMMISSION

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

1. To approve or 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.
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 2006 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 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. During fiscal year 2006, the Director of Central Management Services submitted three proposed amendments to the Personnel Rules as follows:

- Section 302.150 Appointment and Status (Interim Assignment)
- Section 303.175 Disaster Service Leave with Pay
- Section 303.112 Sick Leave Bank

After consideration, the Commission concurred with these amendments.

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 carry 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 2006 the Commission reviewed and acted on 43 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>	Submitted Classes <u>Denied</u>
8	32	3	0

(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 for 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 Jurisdiction B of 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 these 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 received a total of 67 exemption requests in fiscal year 2006. Of those, 56 were approved and two were denied. Nine were submitted and later withdrawn. In addition, the Commission received nine requests to rescind previously granted exemptions, all of which were approved. 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 2006 follows on the succeeding pages.

REPORT ON EXEMPT POSITIONS
As of June 30, 2006

Agency	<u>Total Employees</u>	<u>No. of Exempt Positions</u>
Aging.....	143.....	9
Agriculture	604.....	17
Arts Council	18.....	1
Capitol Development Board.....	32.....	0
Central Management Services.....	1,656.....	112
Children and Family Services	3,308.....	41
Civil Service Commission.....	4.....	0
Commerce & Econ. Opportunity.....	446.....	61
Commerce Commission	42.....	0
Corrections	13,779.....	117
Criminal Justice Authority	75.....	6
Deaf and Hard of Hearing Comm.	6.....	1
Developmental Disabilities Council.....	11.....	1
Emergency Management Agency.....	107.....	1
Employment Security	1,792.....	26
Environmental Protect. Agency.....	1,063.....	17
Financial & Professional Regulation.....	813.....	42
Guardianship and Advocacy	113.....	6
Healthcare and Family Services.....	2,343.....	29
Historic Preservation Agency.....	334.....	12
Human Rights Commission.....	11.....	2
Human Rights Department.....	134.....	8
Human Services.....	14,930.....	62
Investment Board	5.....	2
Labor	76.....	7
Labor Relations Board Educational.....	17.....	2
Labor Relations Board Local	1.....	0
Labor Relations Board State.....	17.....	2
Law Enforcement Training & Standards Board	23.....	1
Medical District Comm.	2.....	0
Military Affairs	142.....	3
Natural Resources	1,744.....	27
Pollution Control Board	26.....	3
Prisoner Review Board.....	22.....	0
Property Tax Appeal Board.....	20.....	2
Public Health	1,129.....	35
Revenue.....	2,026.....	54
State Fire Marshal	150.....	9
State Police.....	1,475.....	6
State Police Merit Board	5.....	1
State Retirement Systems.....	83.....	1
Transportation	2,831.....	1
Veterans Affairs	1,171.....	5
Workers' Compensation Commission.....	171.....	10
TOTALS	52,900.....	742

EXEMPTION REQUESTS SUBMITTED

Aging	1 AA exemption granted 2 SPSA exemptions granted
Central Management Services	5 SPSA exemptions granted 7 SPSA exemptions rescinded 1 SPSA exemption request withdrawn
Criminal Justice	1 SPSA exemption granted
Commerce and Economic Opportunity	2 SPSA exemptions granted 1 SPSA exemption rescinded
Corrections	1 SPSA exemption granted 1 PSA exemption granted ¹
Environmental Protection Agency	1 PSA exemption granted
Financial and Professional Regulation	1 AA exemption request denied 10 SPSA exemptions granted 1 SPSA exemption extended until 10/31/05 2 PSA exemptions granted 4 SPSA exemption requests withdrawn
Guardianship & Advocacy Commission	1 SPSA exemption granted
Healthcare and Family Services	1 SPSA exemption request denied 3 SPSA exemptions granted 1 SPSA exemption request withdrawn
Historic Preservation	4 SPSA exemptions granted
Human Rights Commission	2 SPSA exemptions granted
Human Services	4 SPSA exemptions granted 1 Mental Health Administrator exemption granted
Natural Resources	1 PSA exemption granted 1 SPSA exemption granted
Public Health	2 SPSA exemptions granted
Revenue	3 SPSA exemptions granted 1 SPSA exemption request withdrawn

¹ This exemption request was received June 29, 2006 but the exemption was granted at the first meeting of FY 2007.

State Board of Investment	1 SPSA exemption granted
State Fire Marshal	1 PSA exemption granted 1 PSA exemption request withdrawn
Veterans' Affairs	2 SPSA exemptions granted 1 SPSA exemption extended until 11/30/05
Workers' Compensation Commission	1 SPSA exemption request withdrawn 2 SPSA exemptions granted 1 AA exemption rescinded

(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 ensuring that 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 historically 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 statutes and/or its implementing rules. There were eleven appeals of Personnel Code and/or Rule violation allegations filed in fiscal year 2006. Four of the appeals were dismissed for failure to provide information requested by the Commission to conduct the investigation; one was withdrawn; one was dismissed because the Commission lacked jurisdiction; two appeals resulted in a finding of no violation; and three of the appeals are presently being investigated at this time.

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. 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 Commission did not conduct any audits in fiscal year 2006.

The Personnel Code also provides for appointments to state service in accordance with the principal 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 Personnel 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 twelve-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 by the Commission in the monthly agendas. The agendas provide the number by agency.

July	99	January	60
August	98	February	67
September	111	March	104
October	86	April	88
November	71	May	108
December	92	June	117

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 or 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 demotion. 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. 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 2006 the Commission rendered decisions in 34 discharge appeals. The Commission sustained four discharges. In nine appeals the Commission imposed a suspension instead of discharge, and in two appeals the employee was returned to work with no penalty. Two discharge appeals were dismissed for no jurisdiction; one for refusal to testify; eleven appeals were dismissed because they were settled; and five appeals were withdrawn.

There were seven decisions in appeals of suspension over thirty days in a twelve-month period during fiscal year 2006. Two were withdrawn; two were dismissed because the Commission had no jurisdiction; one was dismissed for failure to appear at the scheduled hearing; one was partially upheld, but the term was reduced; and one was overturned.

The Commission is also responsible for hearing appeals of employees who have been demoted in their positions. Although this is not an 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 or render a decision in any demotion appeals during fiscal year 2006.

(6) APPEALS OF GEOGRAPHICAL TRANSFER AND ALLOCATION

Employees who are involuntarily transferred from one geographic area of the state to another may appeal such transfers to the Commission. The Commission did not receive or render a decision in any geographical transfer appeals during fiscal year 2006.

The Commission is also responsible for hearing employees' 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. The Commission rendered one such decision during fiscal year 2006.

(7) APPEALS OF LAYOFF

The Personnel Rules allow the layoff of certified employees due to lack of funds, material change in duties or organization, lack of work, and the abolition of a position or 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 to 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 substantial issues of fact or law remain unresolved. When the investigation is complete, a proposed finding is issued by staff and submitted to the employee and agency. If adopted by the Commission, the decision becomes a final administrative decision.

A total of 34 layoff appeals were decided by the Commission in fiscal year 2006, the bulk of them being eleven consolidated appeals filed by employees of the Department of Natural Resources and twelve consolidated appeals filed by employees of the Department of Central Management Services. The Commission denied all but one of these appeals. As a whole, the Commission denied 27 layoff appeals and granted two layoff appeals. Four others were dismissed because the Commission had no jurisdiction and one was dismissed pursuant to settlement.

DECLARATORY RULING

The Rules of the Civil Service Commission allow for Declaratory Rulings as to material questions involving the interpretation of the Personnel Code, Personnel Rules or final orders of the Commission upon petition by interested or effected parties. Declaratory Rulings are only advisory. This is an infrequent action and the Commission did not receive any petitions in fiscal year 2006.

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 2006.

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. Numerous informal discussions on related issues occurred throughout the year between Commission staff and Agency administrators. 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 2,734 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 2006, five decisions were appealed to the Circuit Court under the Administrative Review Act. As of June 30, 2006 four cases were pending and the Circuit Court had affirmed the Civil Service Commission's decision on the Elizabeth Biondi appeal, Case Number 05-CH-12283.

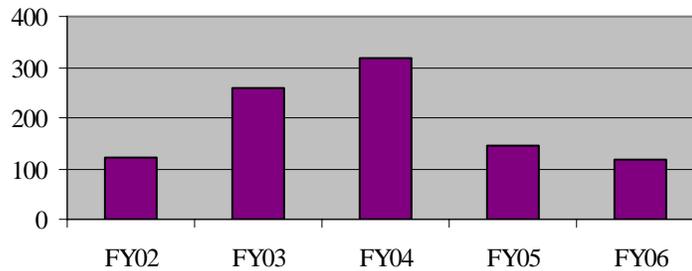
IMPLEMENTATION OF STATE HISPANIC AND BILINGUAL EMPLOYMENT PLANS

The Civil Service Commission does not discriminate on the basis of religion, race, national origin, sex, age, handicap or any other non-merit factor in providing employment opportunities. Due to the small size of the Commission, there is no formal Hispanic or Bilingual Employment Plan.

TECHNICAL ACTIONS BY THE COMMISSION

	<u>FY02</u>	<u>FY03</u>	<u>FY04</u>	<u>FY05</u>	<u>FY06</u>
<u>Class Specifications</u>					
Requests Denied	0	0	0	0	0
New Classes Approved	5	12	5	15	8
Revised Classes Approved	83	127	42	15	32
Abolished Classes Approved	6	13	7	18	3
TOTALS	<u>94</u>	<u>152</u>	<u>54</u>	<u>48</u>	<u>43</u>
<u>4d(3) Exemptions</u>					
Exemptions Granted	28	95	199	87	56
Exemptions Denied	0	0	30	3	2
Exemptions Rescinded	1	13	0	1	9
Exemption Requests Withdrawn	0	0	35	8	9
TOTALS	<u>29</u>	<u>108</u>	<u>264</u>	<u>99</u>	<u>76</u>
TOTAL TECHNICAL ACTIONS	<u>123</u>	<u>260</u>	<u>318</u>	<u>147</u>	<u>119</u>

TECHNICAL ACTIONS



CHARGES FOR DISCHARGE AND SUSPENSION²

Abuse of Patient or Service Recipient	3
Carrying Firearms in State Vehicle.....	1
Conduct Unbecoming a State Employee	7
Disorderly or Disruptive Conduct.....	1
Failure to Cooperate with an Investigation.....	2
Failure to Follow Rules and Regulations.....	8
Failure to Perform Duties or Follow Supervisory Directives.....	8
Failure to Provide Evidence of Continuing Disability while on Leave.....	1
Failure to Qualify for Required Firearms Training.....	1
Failure to Return from Leave of Absence	1
Falsification of Documents, Records or Other Information	8
Inappropriate Behavior	2
Insubordination	2
Negligent Performance of Duties/Incompetence	4
Personal Use of Business Computer for E-Mail.....	1
Suspension Pending Discharge.....	3
Suspension Pending Judicial Verdict on Perjury Charge	1
Theft, Misuse of or Damage to State Property	3
Unauthorized Absence.....	10
Violation of HIPAA/Confidentiality Agreement.....	1
Workplace Violence (Threats or Physical Altercations)	<u>3</u>
 TOTAL CHARGES.....	 71

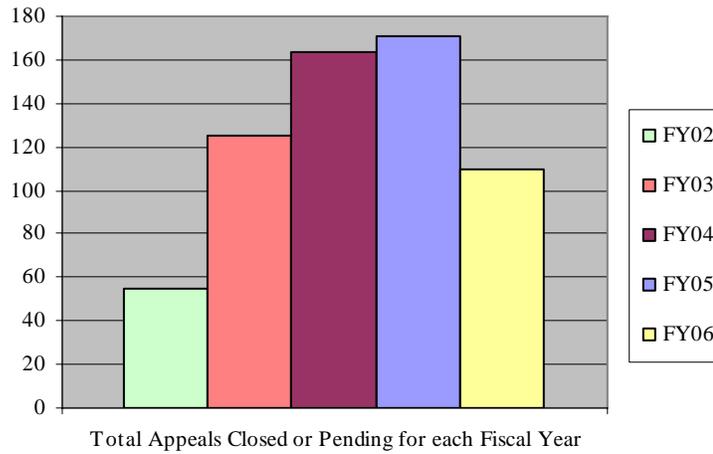
² The total exceeds the number of employees discharged and suspended because multiple charges were made against some employees.

DECISIONS OF THE COMMISSION IN APPEALS

<u>A. Substantive Actions by the Commission</u>	<u>FY02</u>	<u>FY03</u>	<u>FY04</u>	<u>FY05</u>	<u>FY06</u>
Appeals granted:					
Employees reinstated with suspension	4	6	8	7	9
Employees reinstated without suspension	2	3	34	2	2
Layoff appeal granted	0	0	0	2	2
Suspension invalidated in part	1	0	0	1	1
Rule Violation appeal granted	0	0	1	1	0
<u>Total</u>	<u>7</u>	<u>9</u>	<u>43</u>	<u>13</u>	<u>14</u>
Appeals denied:					
Discharge appeal denied	10	5	11	14	4
Position Allocation denied	1	0	1	0	1
Layoff appeal denied	0	4	5	50	27
Geographical Transfer appeal denied	0	0	1	0	0
Suspension appeal denied	0	0	0	1	1
Rule Violation appeal denied	2	5	1	1	2
Declaratory Ruling	0	0	0	1	0
<u>Total</u>	<u>13</u>	<u>14</u>	<u>19</u>	<u>67</u>	<u>35</u>
Total Substantive Actions by the Commission	20	23	62	80	49
<u>B. Appeals Dismissed Without Decision</u> ³					
Discharges	16	33	23	28	19
Position allocations	1	0	0	1	0
Layoff appeals	0	0	0	6	5
Geographical Transfers	0	1	2	0	0
Suspensions	0	0	0	1	5
Rule Violations	1	0	0	0	6
<u>Total</u>	<u>18</u>	<u>34</u>	<u>25</u>	<u>36</u>	<u>35</u>
<u>C. Appeals Pending at end of Fiscal Year</u>	17	68	77	55	26
<u>D. Total Appeals Closed or Pending at end of Fiscal Year</u>	55	125	164	171	110

³ Includes appeals dismissed due to settlement, withdrawal, default (failure to appear, failure to respond to Commission inquiry or refusal to testify), and lack of jurisdiction.

COMMISSION WORKLOAD

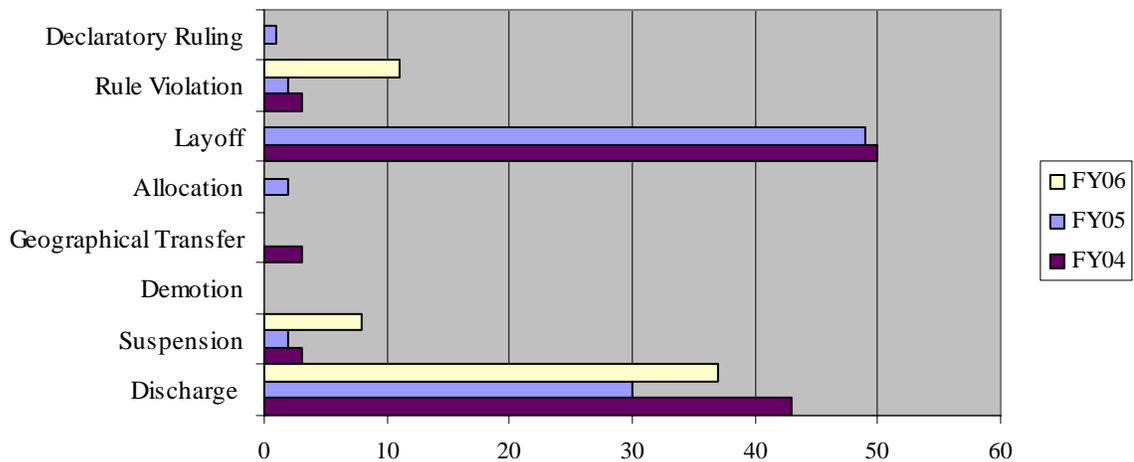


APPEALS FILED BY TYPE

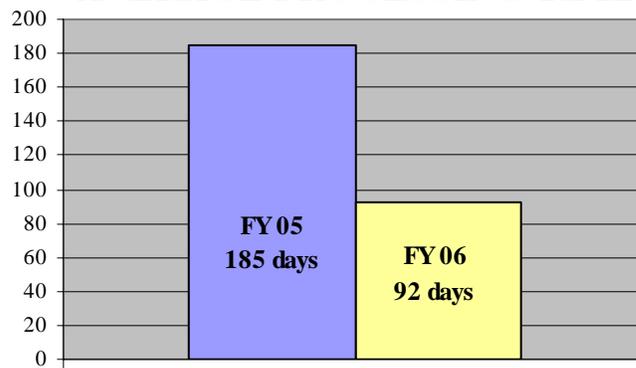
The following is a summary of appeals filed with the Commission by type during fiscal year 2006, along with a comparison chart for the past two fiscal years:

Discharge	37
Suspension	8
Demotion	0
Geographical Transfer	0
Allocation	0
Layoff	0
Rule Violation	11
Declaratory Ruling	0

APPEALS FILED BY TYPE: CHART



AVERAGE PROCESSING TIME



Time calculated from date filed to date of recommended decision/proposed finding.

This data reflects the processing time for appeals that were concluded by June 30, 2006. As of that date, there were still three fiscal year 2005 appeals pending and twenty fiscal year 2006 appeals pending.

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