

ILLINOIS CIVIL SERVICE COMMISSION

ANNUAL REPORT FOR

FISCAL YEAR 2009



Chris Kolker, Chairman
Raymond W. Ewell, Commissioner
Barbara J. Peterson, Commissioner
Betty A. Bukraba, Commissioner
Ares G. Dalianis, Commissioner

Daniel Stralka
Executive Director



Daniel Stralka
EXECUTIVE DIRECTOR

State of Illinois
CIVIL SERVICE COMMISSION
400 W. Monroe Street, Suite 306
Springfield, Illinois 62704
PHONE (217) 782-7373
FAX (217) 524-3706
TTY (888) 261-2819
www.icsc.il.gov

Chris Kolker
CHAIRMAN

COMMISSIONERS
Raymond W. Ewell
Barbara J. Peterson
Betty A. Bukraba
Ares G. Dalianis

Governor Patrick J. Quinn
State of Illinois
Springfield, Illinois 62706

Dear Governor Quinn:

We submit this report to you, to the members of the General Assembly, and to the citizens of Illinois. It is the Commission's 97th Annual Report and covers the period of July 1, 2008 through June 30, 2009. 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

Raymond W. Ewell, Commissioner
Barbara J. Peterson, Commissioner
Ares G. Dalianis, Commissioner
Betty A. Bukraba, Commissioner

TABLE OF CONTENTS

	<u>Page Number</u>
Members of the Commission	4-5
Overview	6
Duties of the Commission.....	7
Review of Personnel Rules	8
Class Specifications	8
Exemptions of Principal Policy Positions.....	9
Report on Exempt Positions as of June 30, 2009.....	10
Exemption Activity by Agency	11
Technical Actions by the Commission	12
Rule Violation and Compliance Activity.....	13-14
Appeals of Discharge, Suspension and Demotion	14
Charges for Discharge and Suspension.....	15
Appeals of Geographical Transfer and Allocation	15
Appeals of Layoff	15
Declaratory Ruling.....	16
Administrative Reviews.....	16
Decisions of the Commission in Appeals	17
Appeals Filed by Type	18
Commission Workload and Average Processing Time	19
Grievance Committee	20
Training.....	20
Interagency Committee on Employees with Disabilities.....	20
State Hispanic and Bilingual Employment Plans	20
Report on Green Governments Illinois Act	20

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
Raymond W. Ewell, Commissioner	March 1, 2011
Barbara J. Peterson, Commissioner	March 1, 2011
Betty A. Bukraba, Commissioner	March 1, 2009
Ares G. Dalianis, Commissioner	March 1, 2013

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.

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 U.S. 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.

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.

Ares G. Dalianis

Ares G. Dalianis is a partner at the law firm of Franczek Radelet P.C. in Chicago where he practices in the areas of education law, real property taxation and assessment appeals, employment and personnel law, real estate, and general corporate representation for school districts and other units of local government. Ares is AV Peer Review Rated, Martindale-Hubbell's highest peer recognition for ethical standards and legal ability.

Ares has previously served as the Deputy Supervisor of the Cook County State's Attorney's Office Real Estate Tax Section and as an Assistant State's Attorney in Lake County, Illinois. He was a member of his local Board of Education. He earned both his undergraduate and law degrees from the University of Illinois at Urbana-Champaign and has completed the Chicago Management Institute at the University of Chicago Booth School of Business. Ares was appointed to the Commission in March of 2007.

OVERVIEW

The Civil Service Commission began the year with an approved budget of \$448,050. This represented a 2% decrease from the previous year's appropriation when the Commission Springfield office was relocated, thereby incurring one-time moving expenses. As with other agencies, our Retirement line item was not fully funded for the fiscal year. In May, the Commission received a continuing appropriation for this line item to cover the remaining two months of the fiscal year. The Commission continues to meet its statutory responsibilities while operating with an historic low of four full-time employees.

The Commission considered many proactive and creative steps to reduce expenditures in light of the State's financial condition. One of these was to change the days and times of its meetings. Starting January 1, 2009 meetings were moved to the third Friday of each month. Chicago meetings now start at 11:00 a.m. while Springfield meetings start at 1:00 p.m. This was done after reviewing train and airline schedules to not only reduce Commission travel expenses, but to allow State agency staff to make "same day" travel arrangements when the need arises for them to attend Commission meetings.

The Commission submitted comprehensive amendments to its Rules of Practice to the Joint Committee on Administrative Rules (JCAR) in January 2009. These amendments touch virtually all practice areas of the Commission and are the first amendments in 14 years. JCAR suggested several changes in structure, grammar, and formatting. After consideration, the Commission concurred with the vast majority of these suggestions. The amendments were then submitted to and approved by the Index Department of the Secretary of State. The amendments were then published for first notice in April 2009. It is anticipated that JCAR will conduct hearings on these amendments early in calendar 2010.

Chairman Chris Kolker and Executive Director Daniel Stralka initiated a meeting with executive staff of the Illinois State Labor Relations Board to discuss issues that may arise from the unionization of positions that the Commission has previously found to qualify for principal policy exemption. However, no resolution was reached.

Executive Director Daniel Stralka participated in a number of initiatives of the new administration including providing information for the Governor's "appointments.illinois.gov" website and the Illinois Transparency and Accountability Portal.

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 2009, the Commission was active in these areas as the following detailed report indicates.

(1) REVIEW OF PERSONNEL RULES

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 2009, the Director of Central Management Services submitted nine proposed amendments to the Personnel Rules as follows:

- Section 305.260 Extensions of Jurisdiction A, B and C
- Section 302.220 Veterans Continuous Service
- Section 303.90 Sick Leave
- Section 303.112 Sick Leave Bank
- Section 303.115 Veterans Hospital Leave
- Section 303.125 Leave for Personal Business
- Section 303.130 Maternity/Paternity and Adoption Leave
- Section 303.131 Leave in the Event of a Stillborn Child
- Section 303.250 Vacation Eligibility

After consideration, the Commission concurred with these amendments which were made in response to negotiated provisions of collective bargaining agreements, with the exception of the Maternity/Paternity and Adoption Leave which was made in response to an adverse ruling by the Human Rights Commission addressing the rights of unmarried parents.

(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 2009, the Commission reviewed and acted on 30 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>
9	15	6	0

3) EXEMPTIONS OF PRINCIPAL POLICY POSITIONS

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. Clarifications of these positions are evaluated to ensure that only positions that continue to qualify for exemption remain exempt. The Commission received a total of 39 exemption requests in fiscal year 2009. Of those, 30 were granted (two were granted for a period of 12 months, nine were granted for a period of 24 months and the remaining 19 positions were granted normal exemptions), one was denied, and eight were submitted and later withdrawn. There was also one request continued from fiscal year 2008 that was granted in fiscal year 2009.

**REPORT ON EXEMPT POSITIONS
AS OF JUNE 30, 2009**

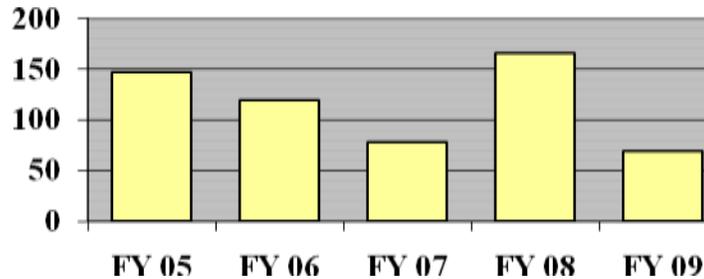
<u>Agency</u>	<u>Total Employees</u>	<u>No. of Exempt Positions</u>
Aging.....	159.....	9
Agriculture	442.....	17
Arts Council	21.....	2
Capitol Development Board.....	44.....	0
Central Management Services.....	1,492.....	119
Children and Family Services	3,125.....	49
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	434.....	70
Commerce Commission	72.....	0
Corrections	11,520.....	116
Criminal Justice Authority	56.....	6
Deaf and Hard of Hearing Comm.	7.....	1
Developmental Disabilities Council.....	11.....	1
Emergency Management Agency	95.....	6
Employment Security.....	1,814.....	25
Environmental Protection Agency	961.....	19
Financial & Professional Regulation.....	740.....	50
Guardianship and Advocacy	109.....	8
Healthcare and Family Services	2,412.....	28
Historic Preservation Agency.....	189.....	12
Human Rights Commission	14.....	2
Human Rights Department.....	148.....	10
Human Services	14,076.....	77
Investment Board	3.....	2
Juvenile Justice.....	1,177.....	20
Labor	80.....	7
Labor Relations Board Educational	12.....	2
Labor Relations Board State	19.....	2
Law Enforcement Training & Standards Bd.	21.....	1
Medical District Commission.....	2.....	0
Military Affairs	126.....	3
Natural Resources	1,382.....	24
Pollution Control Board	19.....	2
Prisoner Review Board	20.....	0
Property Tax Appeal Board.....	25.....	1
Public Health.....	1,136.....	44
Revenue.....	2,096.....	70
State Fire Marshal	145.....	13
State Police.....	1,396.....	6
State Police Merit Board	6.....	1
State Retirement Systems.....	80.....	2
Transportation	2,352.....	0
Veterans' Affairs.....	1,132.....	7
Workers' Compensation Commission.....	168.....	10
TOTALS	49,342.....	844

EXEMPTION ACTIVITY BY AGENCY

Agriculture	1 SPSA exemption granted
Central Management Services	4 SPSA exemptions granted 9 SPSA exemptions granted for 24 months
Children and Family Services	1 SPSA exemption withdrawn
Commerce and Economic Opportunity	2 SPSA exemptions granted
Corrections	1 SPSA exemption granted
Emergency Management Agency	1 SPSA exemption granted 2 PSA exemptions granted for 12 months
Financial and Professional Regulation	1 SPSA exemption granted 1 SPSA exemption withdrawn 1 PSA exemption withdrawn
Human Services	1 SPSA exemption granted 1 SPSA exemption withdrawn
Juvenile Justice	1 SPSA exemption granted
Natural Resources	1 SPSA exemption granted 3 SPSA exemptions withdrawn
Public Health	4 SPSA exemptions granted 1 PSA exemption withdrawn
Revenue	1 SPSA exemption denied 1 SPSA exemption granted
State Fire Marshal	1 SPSA exemption granted

TECHNICAL ACTIONS BY THE COMMISSION

	<u>FY 05</u>	<u>FY 06</u>	<u>FY 07</u>	<u>FY 08</u>	<u>FY 09</u>
<u>Class Specifications</u>					
Revisions Denied	0	0	0	0	0
New Classes Approved	15	8	2	24	9
Revised Classes Approved	15	32	8	12	15
Abolished Classes Approved	18	3	5	6	6
TOTALS	<u>48</u>	<u>43</u>	<u>15</u>	<u>42</u>	<u>30</u>
<u>4d(3) Exemptions</u>					
Exemptions Granted	87	56	44	65	30
Exemptions Denied	3	2	6	8	1
Exemptions Rescinded	1	9	1	22	0
Exemption Rescissions Denied	0	0	0	24	0
Exemption Requests Withdrawn	8	9	12	5	8
TOTALS	<u>99</u>	<u>76</u>	<u>63</u>	<u>124</u>	<u>39</u>
TOTAL TECHNICAL ACTIONS	<u>147</u>	<u>119</u>	<u>78</u>	<u>166</u>	<u>69</u>



(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 two decisions rendered on appeals of Personnel Code and/or Rule violation allegations in fiscal year 2009. One appeal resulted in a finding of a violation of Section 310.450(b) (1) and the other appeal was dismissed as being moot.

The Commission has the authority to conduct reviews and audits of personnel activities as carried out by the Department of Central Management Services and other operating agencies and has done so in the past. It has been the practice of the Commission to conduct such audits sporadically and only with the resources remaining after it completes its other statutorily mandated responsibilities. These include hearing employee allocation and discharge appeals, investigating layoff appeals, and reviewing proposals made by the Director of Central Management Services for amendments to the Classification Plan or for exemption of principal policy positions. Given the Commission's existing resources, level of informal communication with Central Management Services, and the capacity for duplication that audits oftentimes accomplished, continuation of the agency audit program has not been a priority of the Commission over the past several years. With that in mind, the Commission did not conduct any audits in fiscal year 2009.

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 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 twelve month period.

The following are the numbers of consecutive non-merit appointments reported by the Commission in the monthly minutes. The minutes provide the number by agency.

July	87	January	41
August	85	February	33
September	76	March	28
October	48	April	41
November	66	May	43
December	58	June	63

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 OF 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 2009, the Commission rendered decisions in 36 discharge appeals. The Commission imposed a suspension instead of discharge in nine appeals, reinstated three employees without suspension, and denied seven appeals (upheld the discharge). Three appeals were dismissed when the employee failed to appear at a scheduled hearing or in-person status conference, three appeals were dismissed because they were settled, six appeals were dismissed due to no jurisdiction, and five appeals were withdrawn.

There was one decision in appeals of suspension over thirty days in a twelve-month period during fiscal year 2009. This suspension appeal was denied (suspension was upheld).

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. There was one decision on a demotion appeal during fiscal year 2009 which resulted in the appeal being dismissed as the employee failed to submit requested information.

CHARGES FOR DISCHARGE AND SUSPENSION¹

Conduct unbecoming a State employee	14
Exempt/probationary employee discharge.....	5
Failure to follow procedures, regulations, rules or supervisory directives	18
Falsification of documents, records or other information.....	8
Insubordination	2
Misuse of e-mail, state computer or other state property.....	3
Unauthorized absences/tardiness	10
Workplace violence or threats of violence.....	4
TOTAL CHARGES	64

(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. There was one decision made during fiscal year 2009 which resulted in the appeal being dismissed as the employee withdrew it.

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 improperly allocated. 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 made decisions on four allocation appeals in fiscal year 2009. Four appeals were denied as the employees did not prove by a preponderance of the evidence that their position classifications were improperly allocated.

(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. No decisions on layoff appeals were made during fiscal year 2009.

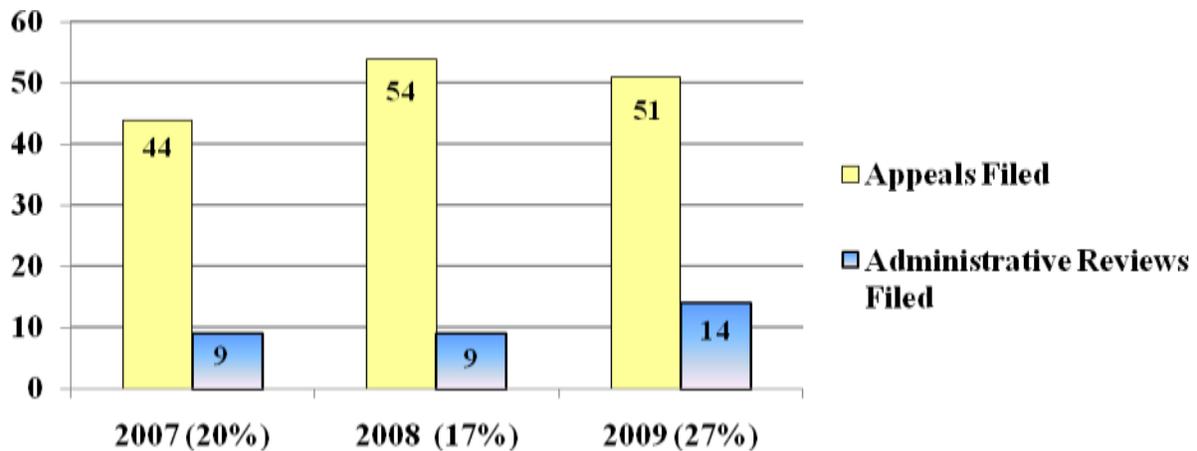
¹ The total exceeds the number of employees discharged and suspended because multiple charges were made against some employees.

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 received one such request in fiscal year 2009 that is pending. There was one decision rendered in fiscal year 2009 that resulted in a finding that the employee was entitled to make a back wage claim upon reinstatement.

ADMINISTRATIVE REVIEWS

Parties that wish to appeal decisions of the Commission may do so in accordance with the provisions of the Administrative Review Law (735 ILCS 5/Art. III). The following table displays the status of Administrative Review complaints of Commission decisions by fiscal year for the past three years.



	2007	2008	2009
Commission upheld in Circuit Court	3	4	3
Commission reversed in Circuit Court	0	1	0
Commission upheld in Appellate Court	1	1	0
Commission reversed in Appellate Court	0	0	0
Remanded to Civil Service Commission	2	0	0
Pending as of June 30, 2009	3	3	11

DECISIONS OF THE COMMISSION IN APPEALS

A. <u>Substantive Actions by the Commission</u>	<u>FY 05</u>	<u>FY 06</u>	<u>FY 07</u>	<u>FY 08</u>	<u>FY 09</u>
Appeals granted:					
Employees reinstated with suspension	7	9	2	5	9
Employees reinstated without suspension	2	2	2	0	3
Layoff appeal granted	2	2	0	0	0
Suspension invalidated in part	1	1	1	0	0
Rule Violation appeal granted	1	0	1	1	1
Declaratory Ruling granted	0	0	0	0	1
<u>Total</u>	<u>13</u>	<u>14</u>	<u>6</u>	<u>6</u>	<u>14</u>
Appeals denied:					
Discharge appeal denied	14	4	10	9	7
Position Allocation denied	0	1	1	1	4
Layoff appeal denied	50	27	0	0	0
Geographical Transfer appeal denied	0	0	1	0	0
Suspension appeal denied	1	1	1	1	1
Rule Violation appeal denied	1	2	3	2	0
Declaratory Ruling	1	0	0	0	0
<u>Total</u>	<u>67</u>	<u>35</u>	<u>16</u>	<u>13</u>	<u>12</u>
Total Substantive Actions by the Commission	80	49	22	19	26
B. <u>Appeals Dismissed Without Decision</u> ²					
Discharges	28	19	19	18	17
Demotions	0	0	2	1	1
Position allocations	1	0	0	1	0
Layoff appeals	6	5	1	0	0
Geographical Transfers	0	0	0	0	1
Suspensions	1	5	3	4	0
Rule Violations	0	6	2	3	1
<u>Total</u>	<u>36</u>	<u>35</u>	<u>27</u>	<u>27</u>	<u>20</u>
C. <u>Appeals Pending at end of Fiscal Year</u>	55	26	21	29	35
D. <u>Total Appeals Closed or Pending at end of Fiscal Year</u>	171	110	70	75	81

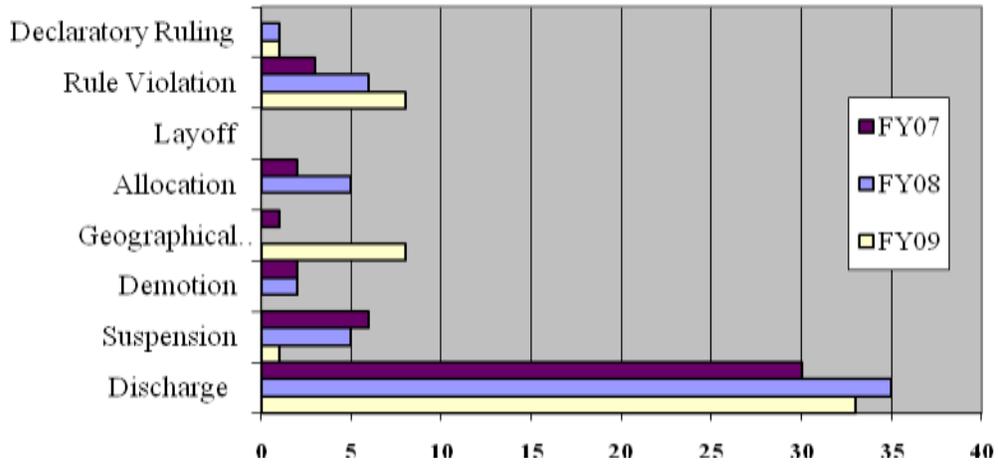
² Includes appeals dismissed due to granting of Motions to Dismiss, settlement, withdrawal, default (failure to appear or failure to respond to Commission inquiry) or lack of jurisdiction.

APPEALS FILED BY TYPE

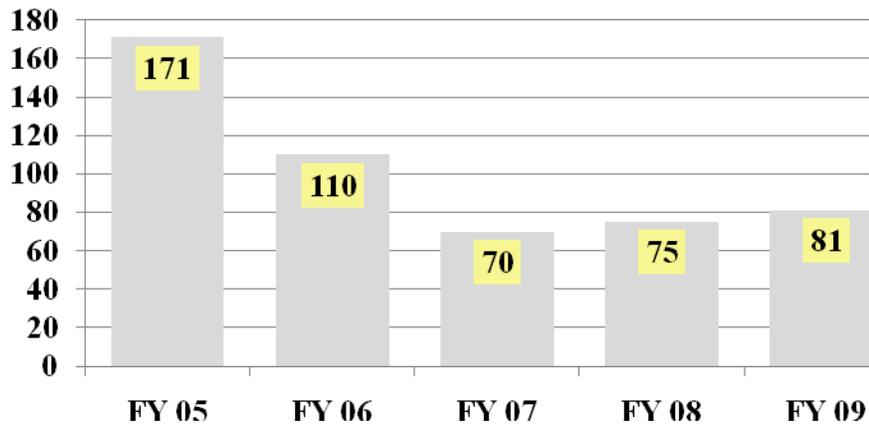
The following is a summary of appeals filed with the Commission by type during fiscal year 2009, along with a comparison chart for the past two fiscal years:

Discharge	33
Suspension	1
Demotion	0
Geographical Transfer	8
Allocation	0
Layoff	0
Rule Violation	8
Declaratory Ruling	1

APPEALS FILED BY TYPE: CHART

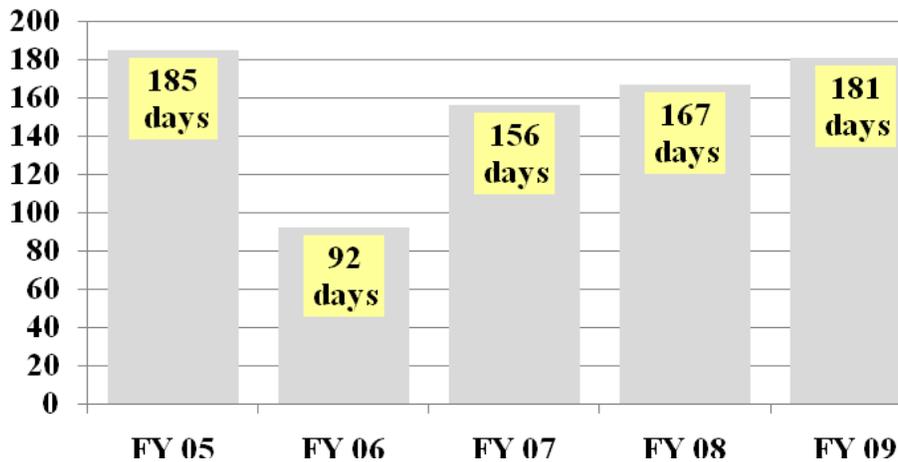


COMMISSION WORKLOAD Total Appeals Closed or Pending for each Fiscal Year



The chart below reflects the processing time for appeals that were concluded during fiscal year 2009. As of June 30, 2009 there were four appeals pending from previous years. The time is calculated from the date the appeal was filed (or remanded) to the date the recommended decision or proposed finding was filed.

AVERAGE PROCESSING TIME



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 Director of Central Management Services did not schedule grievance committee meetings during fiscal year 2009.

TRAINING

In order to administer the State's merit system, agency administrators must have knowledge and expertise in all areas of personnel. Dealing with problem employees is often the most intimidating and frustrating aspect of personnel administration. 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.

INTERAGENCY COMMITTEE ON EMPLOYEES WITH DISABILITIES

The Chairman of the Commission is an *ex officio* member of the Interagency Committee on Employees with Disabilities (ICED) that operates with no budget and no paid staff, and relies on the technical and financial support of its members and their respective agencies. The Chairman, through a representative of the Commission, participates in monthly meetings and many disability awareness events throughout the year to address the diverse issues and concerns of the 3,122 persons with disabilities employed by executive agencies of the State of Illinois. On May 19, 2009, the Interagency Committee on Employees with Disabilities sponsored a Legislative Reception and Conference to address the issues that confront employees with disabilities

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.

REPORT ON GREEN GOVERNMENTS ILLINOIS ACT

During fiscal year 2009, the Civil Service Commission made a sustainability progress report for purchasing and office operations. The Commission was successful in reaching the goals which included reducing paper usage and solid waste, purchasing recycled paper and recycled toner cartridges, and raising employee awareness of sustainability concepts and goals. Strategies used in reaching these goals included continuing the policy of printing and copying on both sides of paper, and utilizing scanned documents whenever possible.

Printed by authority of the State of Illinois on recycled paper
October 2009 – 60 copies @ \$1.52 each