

ILLINOIS CIVIL SERVICE COMMISSION

ANNUAL REPORT FOR

FISCAL YEAR 2010



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

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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 98th Annual Report and covers the period of July 1, 2009 through June 30, 2010. 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 Raymond W. Ewell in black ink.

Raymond W. Ewell, Commissioner

Handwritten signature of Barbara J. Peterson in black ink.

Barbara J. Peterson, Commissioner

Handwritten signature of Betty A. Bukraba in black ink.

Betty A. Bukraba, Commissioner

Handwritten signature of Ares G. Dalianis in black ink.

Ares G. Dalianis, 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
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 \$388,700. This represented a 10% decrease from the previous year's appropriation. However, most of that is attributable to the removal of the retirement line item from the Commission's budget. In addition, the State's fiscal condition mandated each of the Commission's four full-time employees take 12 unpaid furlough days during the year. Though there were operational hardships at times, the Commission continued to meet its statutory responsibilities.

The Commission's comprehensive amendments to its Rules of Practice were approved by the Joint Committee on Administrative Rules and became effective on March 3, 2010. These amendments touch virtually all practice areas of the Commission and are the first amendments in 14 years. In accordance with House Resolution 0140, the Auditor General undertook a Management Audit of Exemptions Granted by the Civil Service Commission on July 1, 2009. After months of work, the Auditor General issued its report in June, 2010. The Auditor General tested 50 positions and concluded that for all 50, the granting of exemption was consistent with State law. While the report noted that 20 of these positions did not meet the reporting condition of the previous Commission Rules, it was modified in the new Rules that took effect March 3, 2010. The report also contained six recommendations that the Commission agreed with.

There was additional legislation that impacted the Commission. SB54 expanded the authority and responsibility of the Executive Ethics Commission (EEC). It provided that for Personnel Code-covered employees who are disciplined for violations of the State Officials and Employees Ethics Act, the disciplinary hearings for these offenses would be heard and determined by the EEC and not the Civil Service Commission. Commission staff assisted the EEC to prepare for this added responsibility.

The Commission considered and approved two Staff reports during the year. The first addressed how administrative law judges are to consider prior discipline which remains in the appeal process at the time of a Commission disciplinary hearing. The second addressed the use of "Additional/Identical" designations with respect to principal policy exempt positions.

The Auditor General also conducted its bi-annual compliance audit for fiscal years 2008 and 2009. The Commission is again pleased to report that there were no findings – material or otherwise – as a result of their extensive review. The Commission noted the good work of departing Chief Fiscal Officer Sandy Guppy who resigned effective June 30, 2010 in achieving this succession of exemplary compliance audits.

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 2010, 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 2010, the Director of Central Management Services submitted nine proposed amendments to the Personnel Rules as follows:

- Section 303.120 Furlough Program
- Section 302.514 Notice of Temporary Layoff
- Section 302.520 Indeterminate Layoff Procedure
- Section 302.530 Order of Layoff
- Section 302.540 Effective Date of Layoff
- Section 302.545 Filling of Vacancies by Merit Compensation System/Broad-Banded Employees Subject to Layoff via Transfer
- Section 302.550 Employee Opportunity to Seek Voluntary Reduction or Lateral Transfer
- Section 302.560 Order of Preference in Voluntary Reduction or Lateral Transfer
- Section 302.570 Reemployment Lists
- Section 302.590 Removal of Names From Reemployment List
- Section 305.270 Extends Jurisdiction A, B and C (December 30, 2009)

After consideration, the Commission concurred with these amendments.

(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 2010, the Commission reviewed and acted on 39 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 Approved: 12

Revised Classes Approved: 27

(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.

The Commission acts by approving or denying exemption requests recommended by the Director. 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 36 exemption requests in fiscal year 2010. Of those, 30 were granted exemption (two of those were granted for a period of 12 months, and two were granted for a period of 24 months), four were submitted and later withdrawn, and the remaining two requests were continued to fiscal year 2011. During this period, 19 exempt positions were abolished and two temporary term exemptions expired.

There were a total of 87 4d(3) exempt positions that were considered for rescission of exemption for various reasons, including extended vacancies, and agency responses to the Auditor General's survey (circulated as part of its Management Audit) that indicated exempt positions were either no longer needed or no longer met the requirements for exemption. Of those 87 positions, 46 had their exemptions rescinded (three of which were subsequently retroactively reversed) and 41 of the rescissions were denied (not rescinded).

The Commission's new rules of practice effective March 3, 2010 included a wholesale revision of the criteria guiding its Staff in making recommendations, the first in 50 years. These new rules better reflect actual Commission practice since the inception of the Personnel Code. The revision process started in 2003 and involved a comprehensive review of decades of exemption decisions, practices in neighboring states, and other written materials as well as conferring with Central Management Services, the other major stakeholder in this process.

REPORT ON EXEMPT POSITIONS AS OF JUNE 30, 2010¹

<u>Agency</u>	<u>Total Employees</u>	<u>No. of Exempt Positions</u>
Aging	143.....	11
Agriculture	424.....	16
Arts Council	19.....	2
Capitol Development Board.....	45.....	0
Central Management Services.....	1,479.....	115
Children and Family Services	3,001.....	48
Civil Service Commission	4.....	0
Commerce & Economic Opportunity	422.....	67
Commerce Commission	71.....	0
Corrections	11,181.....	104
Criminal Justice Authority	60.....	5
Deaf and Hard of Hearing Comm.	7.....	1
Developmental Disabilities Council.....	10.....	1
Emergency Management Agency	93.....	7
Employment Security.....	1,952.....	29
Environmental Protection Agency	917.....	17
Financial & Professional Regulation.....	491.....	41
Gaming Board	79.....	5
Guardianship and Advocacy	111.....	7
Healthcare and Family Services.....	2,284.....	25
Historic Preservation Agency	196.....	9
Human Rights Commission	14.....	2
Human Rights Department.....	146.....	8
Human Services	13,503.....	75
Insurance	231.....	11
Investment Board	3.....	1
Juvenile Justice	1,232.....	19
Labor	78.....	7
Labor Relations Board Educational	12.....	2
Labor Relations Board State	18.....	2
Law Enforcement Training & Standards Board.....	17.....	2
Medical District Commission	2.....	0
Military Affairs	121.....	3
Natural Resources	1,254.....	24
Pollution Control Board	20.....	1
Prisoner Review Board	20.....	0
Property Tax Appeal Board	23.....	1
Public Health.....	1,075.....	43
Racing Board	2.....	0
Revenue	2,011.....	57
State Fire Marshal	137.....	12
State Police.....	1,320.....	5
State Police Merit Board	6.....	1
State Retirement Systems.....	79.....	2
Transportation	2,282.....	0
Veterans' Affairs.....	1,177.....	7
Workers' Compensation Commission	172.....	8
TOTALS	47,944.....	803

¹ This report is generated by Central Management Services.

EXEMPTION ACTIVITY BY AGENCY

Aging	2 exemptions granted
Agriculture	1 exemption request withdrawn 1 exemption rescinded 2 exemption rescissions denied
Central Management Services	1 exemption granted 1 exemption request withdrawn 5 exemptions rescinded 7 exemption rescissions denied
Children and Family Services	1 exemption rescinded 1 exemption rescission denied
Commerce and Economic Opportunity	1 exemption granted 1 exemption granted for 24 months 4 exemptions rescinded 5 exemption rescissions denied
Corrections	11 exemptions abolished 4 exemptions granted 1 exemption request withdrawn 3 exemptions rescinded 8 exemption rescissions denied
Criminal Justice Information Authority	1 exemption rescinded
Emergency Management Agency	1 exemption granted 2 exemptions granted for 12 months
Employment Security	5 exemptions granted 1 exemption withdrawn 1 exemption rescinded
Environmental Protection Agency	1 exemption rescinded but later reversed ²
Financial and Professional Regulation	1 exemption granted 2 exemptions rescinded 2 exemption rescissions denied
Gaming Board	2 exemptions abolished
Healthcare and Family Services	1 exemption granted 4 exemptions rescinded 1 exemption rescission denied

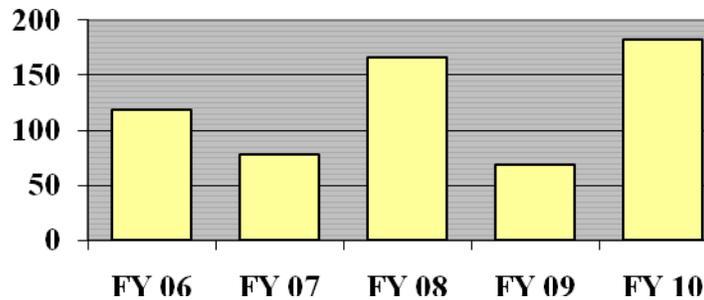
² This rescission was retroactively reversed and is not included in the total of Technical Actions on Page 13.

Historic Preservation	3 exemptions rescinded
Human Rights	2 exemptions rescinded
Human Services	3 exemptions abolished 4 exemptions granted 1 exemption rescinded 4 exemption rescissions denied
Illinois Law Enforcement Training	1 exemption granted
Illinois State Labor Relations Board	1 exemption granted
Insurance	1 exemption granted 1 exemption granted for 24 months 1 exemption rescission denied
Investment Board	1 exemption rescinded
Juvenile Justice	1 exemption rescinded 3 exemption rescissions denied
Natural Resources	1 exemption abolished 1 exemption granted 2 exemption rescissions denied
Pollution Control Board	1 exemption rescinded
Public Health	1 exemption granted 1 exemption rescinded 1 exemption rescission denied
Revenue	7 exemptions rescinded; 2 were reversed ³ 3 exemption rescissions denied
Shared Services Centers	2 exemptions abolished 1 exemption rescinded
State Fire Marshal	1 exemption rescinded 1 exemption rescission denied
State Police	1 exemption granted 2 exemptions rescinded
Workers' Compensation Commission	2 exemptions rescinded

³ Two of the seven rescissions were retroactively reversed and are not included in the total of Technical Actions on Page 13.

TECHNICAL ACTIONS BY THE COMMISSION

	<u>FY 06</u>	<u>FY 07</u>	<u>FY 08</u>	<u>FY 09</u>	<u>FY 10</u>
<u>Class Specifications</u>					
Revisions Denied	0	0	0	0	0
New Classes Approved	8	2	24	9	12
Revised Classes Approved	32	8	12	15	27
Abolished Classes Approved	3	5	6	6	0
TOTALS	<u>43</u>	<u>15</u>	<u>42</u>	<u>30</u>	<u>39</u>
<u>4d(3) Exemptions</u>					
Exemption Requests Granted	56	44	65	30	30
Exemption Requests Denied	2	6	8	1	0
Exemption Requests Withdrawn	9	12	5	8	4
Exemptions Rescinded ⁴	9	1	22	0	46
Exemption Rescissions Denied	0	0	24	0	41
Exempt Positions Abolished ⁵					19
TOTALS	<u>76</u>	<u>63</u>	<u>124</u>	<u>39</u>	<u>140</u>
TOTAL TECHNICAL ACTIONS	<u>119</u>	<u>78</u>	<u>166</u>	<u>69</u>	<u>179</u>



⁴ Three of these 46 rescissions were later retroactively reversed.

⁵ This statistic was added to the annual report as recommended in the Auditor General's Management Audit of Exemptions Granted by the Civil Service Commission.

(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 ten decisions rendered on appeals of Personnel Code and/or Rule violation allegations in fiscal year 2010. One appeal resulted in a finding of a violation of 20 ILCS 415/13 (3); one appeal resulted in a finding of a violation on the employee's continuous service date; four appeals resulted in a finding of no violation; three appeals were withdrawn; and one appeal was dismissed because of failure to file requested materials. As of June 30, 2010 there were six rule violation appeals pending.

While the Commission has the authority to conduct reviews and audits of personnel activities as carried out by Central Management Services and other operating agencies and has done so in the past, the Commission's existing resources have precluded it from doing so for over eight years. Given the demand the Commission's statutory priorities place on these resources, the audit program has been effectively discontinued.

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. These numbers clearly reflect a nexus between the State's declining fiscal condition and a corresponding reduction in non-merit appointments. The Commission's monthly Minutes provide the number by agency.

July	84	January	44
August	91	February	34
September	71	March	19
October	77	April	16
November	50	May	12
December	51	June	20

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 2010, the Commission rendered decisions in 35 discharge appeals. The Commission imposed a suspension instead of discharge in ten appeals, reinstated one employee without suspension, and denied eight appeals (upheld the discharge). Two appeals were dismissed when the employee failed to appear at a scheduled hearing or in-person status conference, two appeals were dismissed due to no jurisdiction, and twelve appeals were withdrawn or settled. At June 30, 2010 there were twenty-three pending discharge appeals.

There were two decisions in appeals of suspension over thirty days in a twelve-month period during fiscal year 2010. One suspension appeal was denied (the suspension was upheld) and the other appeal was withdrawn. At June 30, 2010 there were two pending suspension appeals.

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 were no decisions made on demotion appeals during fiscal year 2010.

CHARGES FOR DISCHARGE AND SUSPENSION⁶

Conduct unbecoming a State employee	21
Exempt/probationary employee discharge.....	1
Failure to follow procedures, regulations, rules or supervisory directives	16
Falsification of documents, records or other information.....	7
Misuse of e-mail, state computer or other state property.....	5
Refusal of mandatory overtime.....	2
Unauthorized absences, failure to return from leave, tardiness	17
Workplace violence, threats of violence, or physical abuse	3
TOTAL CHARGES	72

(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 were six decisions made during fiscal year 2010. Four appeals were withdrawn; two appeals were dismissed when the employee did not appear at the scheduled hearing date or failed to respond to a Motion to Dismiss. As of June 30, 2010 there were two Geographical Transfer appeals pending.

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. There were no open allocation appeals, so the Commission made no decision on allocation appeals in fiscal year 2010.

(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. There were three pending layoff appeals as of June 30, 2010, but the Commission made no decision on them in fiscal year 2010.

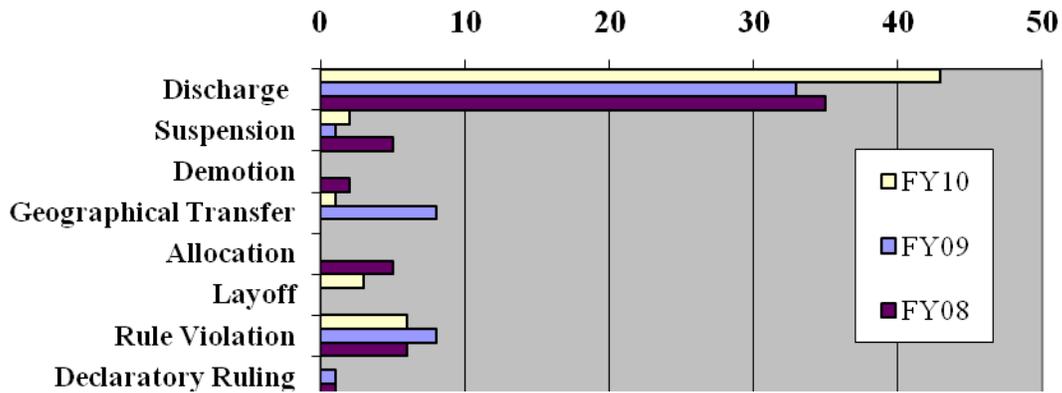
⁶ The total exceeds the number of employees discharged and suspended because multiple charges were made against some employees.

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. No requests for Declaratory Ruling were received in fiscal year 2010 and the Commission made one decision in the time period that resulted in the request being denied because no specific rule was cited.

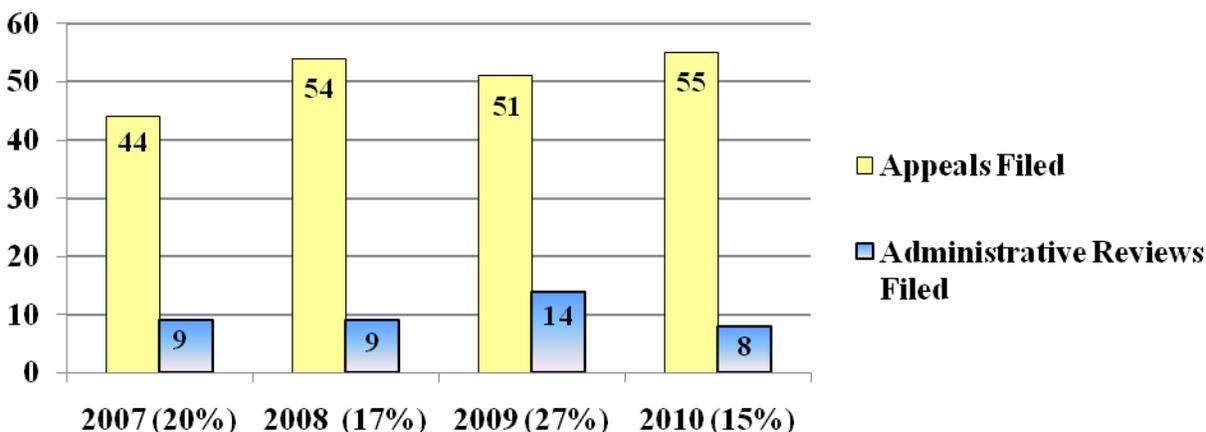
APPEALS FILED BY TYPE

	2008	2009	2010
Discharge	35	33	43
Suspension	5	1	2
Demotion	2	0	0
Geographical Transfer	0	8	1
Allocation	5	0	0
Layoff	0	0	3
Rule Violation	6	8	6
Declaratory Ruling	1	1	0
Totals	54	51	55



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 chart shows the percentage of Administrative Reviews the Commission received for fiscal years 2007 through 2010, compared to the number of appeals filed each year.



The following table shows the results and current status of Administrative Reviews that were filed for fiscal years 2007 through 2010. This table tracks Administrative Reviews by the year they were filed, not by the year a court decision is ultimately rendered.

	2007	2008	2009	2010
Commission upheld in Circuit Court	4	5	11	4
Commission reversed in Circuit Court	0	1	1	0
Commission upheld in Appellate Court	1	2	1	0
Commission reversed in Appellate Court	0	1	0	0
Remanded to Civil Service Commission	2	0	1	0
Pending as of June 30, 2010 ⁷	3	3	1	4

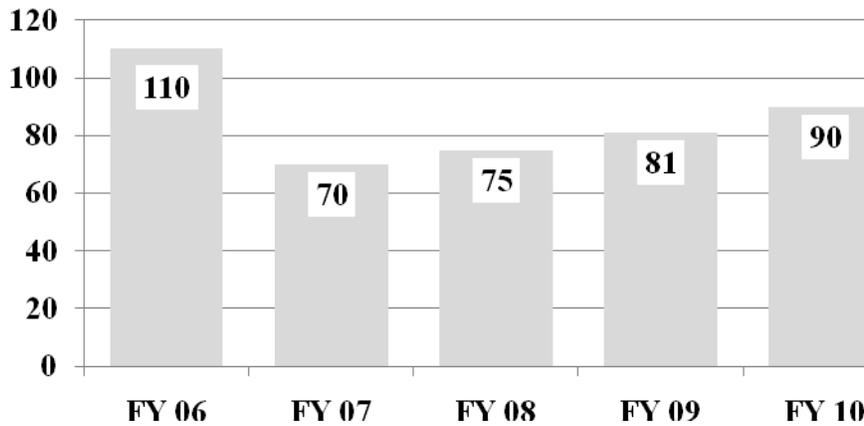
⁷ The number of decisions rendered by the courts for the cases filed in each year may exceed the total number of administrative reviews for each year because parties may appeal the decisions of the Circuit Court at the Appellate Court level.

DECISIONS OF THE COMMISSION IN APPEALS

A. <u>Substantive Actions by the Commission</u>	<u>FY 06</u>	<u>FY 07</u>	<u>FY 08</u>	<u>FY 09</u>	<u>FY 10</u>
Appeals granted:					
Employees reinstated with suspension	9	2	5	9	10
Employees reinstated without suspension	2	2	0	3	1
Layoff appeal granted	2	0	0	0	0
Suspension invalidated in part	1	1	0	0	0
Rule Violation appeal granted	0	1	1	1	2
Declaratory Ruling granted	0	0	0	1	0
<u>Total</u>	<u>14</u>	<u>6</u>	<u>6</u>	<u>14</u>	<u>13</u>
Appeals denied:					
Discharge appeal denied	4	10	9	7	8
Position Allocation denied	1	1	1	4	0
Layoff appeal denied	27	0	0	0	0
Geographical Transfer appeal denied	0	1	0	0	0
Suspension appeal denied	1	1	1	1	1
Rule Violation appeal denied	2	3	2	0	4
Declaratory Ruling	0	0	0	0	1
<u>Total</u>	<u>35</u>	<u>16</u>	<u>13</u>	<u>12</u>	<u>14</u>
Total Substantive Actions by the Commission	49	22	19	26	27
B. <u>Appeals Dismissed Without Decision</u> ⁸					
Discharges	19	19	18	17	16
Demotions	0	2	1	1	0
Position allocations	0	0	1	0	0
Layoff appeals	5	1	0	0	0
Geographical Transfers	0	0	0	1	6
Suspensions	5	3	4	0	1
Rule Violations	6	2	3	1	4
<u>Total</u>	<u>35</u>	<u>27</u>	<u>27</u>	<u>20</u>	<u>27</u>
C. <u>Appeals Pending at end of Fiscal Year</u>	26	21	29	35	36
D. <u>Total Appeals Closed or Pending at end of Fiscal Year</u>	110	70	75	81	90

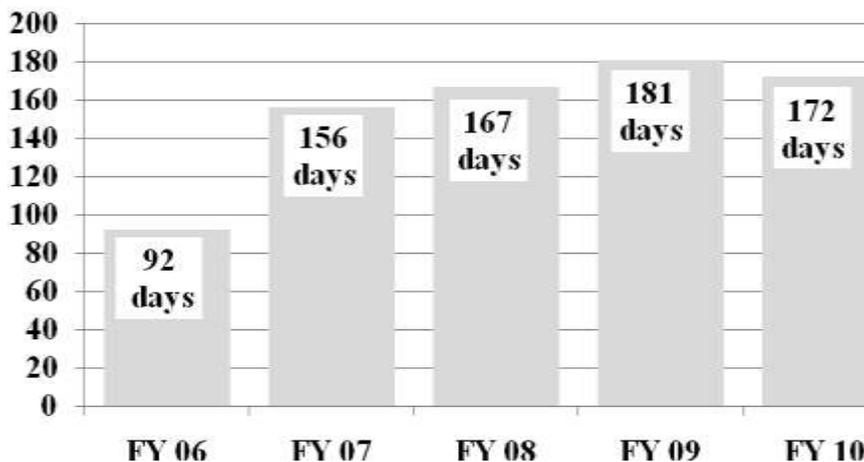
⁸ Includes appeals dismissed due to granting of Motions to Dismiss, settlement, withdrawal, default (failure to appear or failure to respond to Commission inquiry) or lack of jurisdiction.

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 2010. As of June 30, 2010 there were a total of thirty-six appeals pending, with four of those from previous years. The average processing time for the fiscal years 2006 through 2009 is calculated from the date the appeal was filed (or remanded) to the date the recommended decision or proposed finding was filed. Beginning in fiscal year 2010 the time is calculated from the date the appeal was filed (or remanded) to the date the final decision of the Commission was rendered. The calculation was changed so that the processing time reported in the annual report would be consistent with numbers reported by the Commission on the Public Accountability Report issued by the Office of the Comptroller.

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 2010.

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 persons with disabilities employed by executive agencies of the State of Illinois. On April 27, 2010, the Interagency Committee on Employees with Disabilities sponsored a reception 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

The Civil Service Commission continues to be successful in reducing paper usage and solid waste by printing on both sides of paper, recycling used paper, and utilizing e-mail and scanned documents wherever possible. We purchase paper with recycled content and use recycled toner cartridges. Sustainability ideas and recycling concepts are posted on the Commission's bulletin boards.

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