

# ILLINOIS CIVIL SERVICE COMMISSION

## ANNUAL REPORT FOR

## FISCAL YEAR 2015



Fredrick H. Bates, Chairman  
Anita M. Cummings, Commissioner  
Susan Moylan Krey, Commissioner  
Casey Urlacher, Commissioner

Daniel Stralka  
Executive Director



**Daniel Stralka**  
**EXECUTIVE DIRECTOR**

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**Fredrick H. Bates**  
**CHAIRMAN**  
**COMMISSIONERS**  
Anita M. Cummings  
Susan Moylan Krey  
William A. Schroeder  
Casey Urlacher

September 18, 2015

Governor Bruce Rauner  
State of Illinois  
Springfield, Illinois 62706

Dear Governor Rauner:

We submit this report to you, to the members of the General Assembly, and to the citizens of Illinois. It is the Commission's 103rd Annual Report and covers the period of July 1, 2014 through June 30, 2015. 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,

A large, stylized blue ink signature of Fredrick H. Bates, written over a horizontal line.

Fredrick H. Bates, Chairman

A blue ink signature of Anita M. Cummings, written over a horizontal line.

Anita M. Cummings, Commissioner

A blue ink signature of Susan Moylan Krey, written over a horizontal line.

Susan Moylan Krey, Commissioner

A blue ink signature of William A. Schroeder, written over a horizontal line.

William A. Schroeder, Commissioner

A blue ink signature of Casey Urlacher, written over a horizontal line.

Casey Urlacher, 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>
Fredrick H. Bates, Chairman	March 1, 2021
Anita M. Cummings, Commissioner	March 1, 2017
Susan Moylan Krey, Commissioner	March 1, 2017
Casey Urlacher, Commissioner	March 1, 2017

### **Fredrick H. Bates**

Fredrick H. Bates currently serves as an Administrative Law Judge for the Chicago Department of Administrative Hearings and conducts disciplinary hearings for the Chicago Police Board. Judge Bates also presides over a variety of other administrative hearings including school principal termination, student expulsions, school closings, housing choice voucher denials and election matters for other units of government. He is a member of the National & Illinois Associations of Administrative Law Judiciary, and the National Association of Hearing Officials. He has studied through the National Judicial College, and American Bar Association's National Conference of the Administrative Law Judiciary, of which he is also a member. He is also a member of the Illinois Judicial Council—the association of African-American Judges. Finally, he serves as outside General Counsel for Henry Booth House (“HBH”), a position he has held since 1987.

Judge Bates' legal employment background includes being an equity partner at Wildman, Harrold, Allen & Dixon (8/97–11/99) and vice-chair of the Labor & Employment Group; President of a mid-sized minority-owned corporate law firm, Albert, Bates, Whitehead & McGaugh, P.C. (8/92–8/97) directing the Labor & Employment practice and handling all aspects of the Human Resources function at the firm; and an equity partner at Bell, Boyd, and Lloyd (9/88–8/92). Before becoming a partner at a major Chicago law firm, he was an associate at the nation's largest labor & employment law firm, Seyfarth, Shaw, Fairweather & Geraldson (5/85-9/88). Prior to joining law firm practice in 1985, Judge. Bates worked as a judicial law clerk for the Hon. Donald R. Ross on the United States Court of Appeals for the Eighth Circuit from 1983 to 1985. He is a Past President of the Cook County Bar Association and the founder and past Chairperson of the Chicago Committee on Minorities in Large Law Firms. Judge Bates current serves on the Illinois Supreme Court's Character and Fitness Committee, and as a Hearing Panel Member on the Court's Attorney Registration & Disciplinary Commission. Judge Bates attended Creighton University School of Law, JD (*Magna Cum Laude*) 1983, and Marquette University, BSBA (Marketing) 1979.

### **Anita M. Cummings**

Anita Cummings is the owner of A M Consulting, Inc. an independent consulting practice specializing in professional management assistance since 1984. While her present work concentrates on economic development projects, her career began in the area of human resources. In that capacity, she coordinated and implemented the recruiting, testing, and staffing of Midway Airlines' first 350 employees, as well as the start-up of several other Airlines based at the growing Midway Airport, continuously focusing on personnel issues.

Ms. Cummings was a Commissioner of the Chicago Park District for almost ten years, serving as the Chair of its Personnel Committee. Other prior significant Board appointments include: Metropolitan Pier and Exposition Authority, Interim Board; Southwest Home Equity Assurance Program, Chairman of the Board and Personnel Committee Chair; Midway Airport Terminal Development Program (Community Hiring Initiative Board); Neighborspace, Board of Directors.

Ms. Cummings has held numerous leadership positions in the Southwest community. As a founder of the United Business Association of Midway, she has promoted economic growth and job development in the Midway Airport area since 1979. She is presently the Executive Director of both the United Business Association of Midway and the Chicago/Midway-Clearing Main Street project. Ms. Cummings is a graduate of DePaul University, a former Chicago Public school teacher, and a longtime resident of the southwest side of Chicago.

### **Susan Moylan Krey**

Susan was born in Chicago and attended Northeastern Illinois University. Attending Oakton Community College to obtain her real estate license, she has been a Realtor/Broker since 1989. She was elected Maine Township Collector in 2005, appointed Maine Township Trustee in 2007, and elected Township Trustee in 2009 and again in 2013. She was appointed as Maine Township Assessor in May 2014. From 2009 through 2013 she has served on the Des Plaines Library Board of Trustees as Vice-President. While in these positions, Susan has participated in numerous personnel matters impacting public employees.

Active in the community, Susan has been the Coordinator for her Township's National Night Out Against Crime and a liaison to the Township's Neighborhood Watch. She helped establish the Sgt. Karen Ladar Memorial Good Citizen Award in 2010. Along with her husband, Kevin, she now resides in Des Plaines. They have five children and thirteen grandchildren, all of whom live in the State of Illinois.

### **Casey Urlacher**

Casey Urlacher was born in the State of Washington but spent most of his childhood in New Mexico. He attended New Mexico Military Institute where he began his collegiate football career. He later transferred to Lake Forest College where he earned a Bachelor of Arts in Economics and Business. In 2013 Lake Forest College elected Casey to its Sports Hall of Fame for his athletic success and co-curricular activities.

After graduating from Lake Forest College, Casey was a professional football player from 2003 to 2006. He played for the NFL Chicago Bears as well as a number of other professional teams. Upon retiring from football in 2006, he became a successful businessman in excavating/construction, real estate, restaurants and nightclubs. In 2013 Casey was elected Mayor of Mettawa, Illinois, where he has lived for the past ten years. As a result of these ventures, he came to understand how a merit-based workforce is essential to the success of both private and public enterprises.

Casey is actively involved in many charity and community organizations including the Lake County Chamber of Commerce, Preservation Foundation of the Lake County Forest Preserve, and St. Jude Children's Research Hospital. He is a member of the Citizens Utility Board and an Illinois Sierra Club Supporter.

## OVERVIEW

The Civil Service Commission began the year with an approved budget of \$379,000 which was essentially flat with the previous two years. A 2.25% across-the-board reduction was enacted in March 2015 which reduced the Commission's appropriation to \$370,500. Even with this reduction, the Commission lapsed \$57,980 back to the State in fiscal year 2015. This significant amount was primarily due to the continued vacancy in the Chief Fiscal Officer position vacated back on January 31, 2014. Most fiscal duties remain temporarily assumed by the Executive Director.

On January 13, 2015 the term of Commissioner James Anderson concluded when his appointment, which had yet to be confirmed by the Senate, was withdrawn. Then on March 9, 2015 Fredrick H. Bates was appointed as Chairman of the Commission, replacing Garrett P. FitzGerald. Commissioner FitzGerald was also reappointed at that time as a Commissioner, but sadly passed away on May 9, 2015 after a battle with brain cancer.

Shortly after Chairman Bates' appointment, he and the Executive Director met with the new Director of Central Management Services and his Assistant Director. A number of items were discussed and it was agreed that the Commission would participate in any discussion of Personnel Code changes by the new Administration.

Early in the fiscal year, the Office of the Executive Inspector General released its Final Report Summary on the administration of Staff Assistant positions at the Illinois Department of Transportation. A corollary of this report that was of interest to the Commission was the manner in which the Illinois Department of Transportation determined these positions were to be exempt from the Personnel Code and its proposed solutions going forward. After discussion among the Commissioners, it was agreed that the Commission needed to interject itself in the ongoing dialogue to ensure the strictures of the Personnel Code were honored. On October 28, 2014 formal notice to this effect was provided to all the affected State entities. Staff continues to monitor these proceedings.

Section 4d(1) of the Personnel Code allows certain State agencies, boards and commissions partial exemptions for Private Secretary and Confidential Assistant positions. In March 2015 Commission staff began collecting information for a report on the use of these exemptions by these State entities. The report was completed and accepted by the Commission at its June 19, 2015 meeting. The report found substantial compliance with this provision. Staff was directed to follow up with those agencies that appeared out of compliance and report back to the Commission.

P.A. 97-1172 legislatively removed a group of approximately 1500 State employees from collective bargaining units they had been delegated to. There was a concern that these employees may not be aware that even though they had lost the coverage of the collective bargaining agreements they were under, they still retained the employment protections set forth in the Personnel Code. After consulting with the Commissioners, a form notice to this effect was drafted to be provided to these employees. Working with Central Management Services, Commission staff sent out 1216 notices to affected employees in June 2015. These notices prompted numerous follow-up inquiries by the recipients.

In fiscal year 2015 the Commission staff and Commissioners participated in the annual SECA (State and University Employees Combined Appeal) drive for charitable giving. The Commission won the Division 7 title for the 2014 campaign for the highest percentage of participation in agencies with less than 50 employees.

## **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 2015, 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 2015, the Director of Central Management Services did not submit any proposed amendments to the Personnel 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 2015, the Commission reviewed and acted on 122 amendments to the classification plan. Of the 122 total, 65 class specifications were revised to clean up antiquated language.

New classes approved	31
Revised classes approved	87
Abolished classes approved	<u>4</u>
	<u>122</u>

### **(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 35 exemption requests in fiscal year 2015. Of those, 27 were granted exemption (two of those were granted for either 12 months or 24 months) three were denied and five were withdrawn.

There were a total of 11 4d(3) exempt positions that were considered for rescission of exemption for various reasons, including extended vacancies. Of those 11 positions, two had their exemptions rescinded and nine of the proposed rescissions were denied (not rescinded). An additional two exempt positions were abolished, thereby terminating their exemptions.

## REPORT ON EXEMPT POSITIONS AT JUNE 30, 2015<sup>1</sup>

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	140.....	18
Agriculture .....	326.....	20
Arts Council .....	13.....	2
Capitol Development Board.....	47.....	0
Central Management Services .....	1,345.....	115
Children and Family Services.....	2,583.....	49
Civil Service Commission .....	4.....	0
Commerce & Economic Opportunity .....	314.....	69
Commerce Commission .....	63.....	0
Corrections .....	11,230.....	98
Criminal Justice Authority.....	56.....	6
Deaf and Hard of Hearing Comm.....	7.....	1
Developmental Disabilities Council .....	9.....	1
Emergency Management Agency.....	78.....	6
Employment Security .....	1,198.....	32
Environmental Protection Agency.....	754.....	18
Financial & Professional Regulation .....	443.....	49
Gaming Board .....	163.....	6
Guardianship and Advocacy .....	101.....	8
Healthcare and Family Services .....	2,010.....	26
Historic Preservation Agency.....	137.....	14
Human Rights Commission.....	13.....	2
Human Rights Department .....	134.....	9
Human Services.....	13,126.....	76
Illinois Torture Inquiry Relief Commission .....	3.....	1
Independent Tax Tribunal .....	1.....	0
Insurance .....	242.....	16
Investment Board .....	4.....	2
Juvenile Justice.....	1,023.....	25
Labor .....	102.....	11
Labor Relations Board Educational.....	10.....	2
Labor Relations Board State.....	15.....	2
Law Enforcement Training & Standards Bd. ....	18.....	2
Lottery .....	128.....	7
Military Affairs.....	121.....	3
Natural Resources.....	1,199.....	31
Pollution Control Board .....	19.....	2
Prisoner Review Board.....	16.....	0
Property Tax Appeal Board.....	30.....	1
Public Health .....	1,159.....	41
Racing Board.....	2.....	1
Revenue.....	1,683.....	54
State Fire Marshal .....	124.....	12
State Police.....	1,093.....	9
State Police Merit Board .....	5.....	2
State Retirement Systems .....	108.....	3
Transportation .....	2,253.....	0
Veterans' Affairs .....	1,352.....	9
Workers' Compensation Commission .....	125.....	11
 TOTALS.....	 45,129.....	 872

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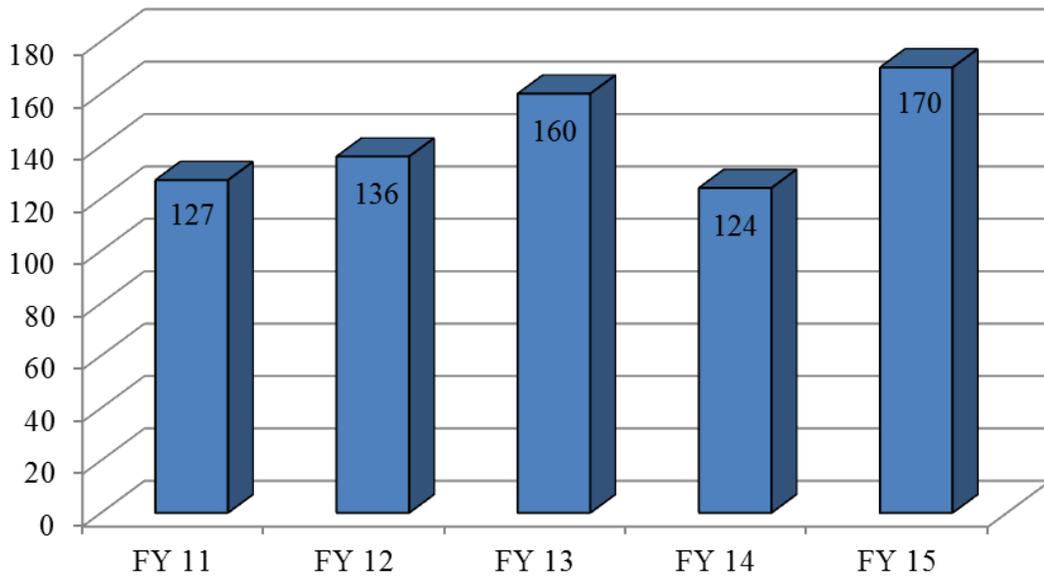
<sup>1</sup> This report is generated by the Illinois Department of Central Management Services.

## EXEMPTION ACTIVITY BY AGENCY

Central Management Services	3 exemption rescissions denied
Commerce and Economic Opportunity	2 exemption requests denied 2 exemptions granted 1 exemption rescinded
Corrections	1 exemption rescinded
Criminal Justice Information Authority	1 exemption granted
Emergency Management	1 exemption granted
Employment Security	2 exemptions granted
Environmental Protection	1 exemption request denied 1 exemption granted
Financial and Professional Regulation	4 exemptions granted
Guardianship and Advocacy	1 exemption granted
Historic Preservation Agency	2 exemption rescissions denied
Human Services	2 exempt positions abolished 4 exemptions granted 1 exemption request withdrawn
Insurance	1 exemption rescission denied
Juvenile Justice	3 exemptions granted 1 exemption request withdrawn
Lottery	1 exemption granted
Natural Resources	1 exemption granted
Public Health	1 exemption rescission denied
Revenue	2 exemptions granted 2 exemption requests withdrawn 2 exemption rescissions denied
State Police	3 exemptions granted 1 exemption request withdrawn
State Retirement Systems	1 exemption granted

## TECHNICAL ACTIONS BY THE COMMISSION

	<u>FY 11</u>	<u>FY 12</u>	<u>FY 13</u>	<u>FY 14</u>	<u>FY 15</u>
<b><u>Class Specifications</u></b>					
Revisions or New Classes Not Approved	1	0	0	1	0
New Classes Approved	5	10	8	10	31
Revised Classes Approved	8	7	16	15	87
Abolished Classes Approved	<u>0</u>	<u>2</u>	<u>4</u>	<u>0</u>	<u>4</u>
<b>TOTALS</b>	<b><u>14</u></b>	<b><u>19</u></b>	<b><u>28</u></b>	<b><u>26</u></b>	<b><u>122</u></b>
<b><u>4d(3) Exemptions</u></b>					
Exemption Requests Granted	52	40	55	39	27
Exemption Requests Denied	8	2	7	2	3
Exemption Requests Withdrawn	0	4	13	6	5
Exemptions Rescinded	18	12	19	22	2
Exemption Rescissions Denied	30	39	35	20	9
Exempt Positions Abolished <sup>2</sup>	<u>5</u>	<u>20</u>	<u>3</u>	<u>9</u>	<u>2</u>
<b>TOTALS</b>	<b><u>113</u></b>	<b><u>117</u></b>	<b><u>132</u></b>	<b><u>98</u></b>	<b><u>48</u></b>
<b>TOTAL TECHNICAL ACTIONS</b>	<b><u>127</u></b>	<b><u>136</u></b>	<b><u>160</u></b>	<b><u>124</u></b>	<b><u>170</u></b>



<sup>2</sup> 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 investigates all allegations of noncompliance furnished to the Commission or brought to the attention of its staff to determine whether there was a violation of the statute and/or its implementing rules. There were three rule violation appeals filed and four decisions rendered on appeals of Personnel Code and/or Rule Violation allegations in fiscal year 2015. All four decisions on appeals resulted in a finding of no violation. There was one rule violation appeal pending at June 30, 2015.

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 where examinations are not feasible so in order to provide flexibility, the Code provides for three types of appointments which can be made without formal competitive examination. They 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 Commission's monthly Minutes provide the number by agency.

July	58	January	31
August	46	February	28
September	13	March	13
October	18	April	22
November	11	May	29
December	42	June	22

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 by Central Management Services 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 the employee committed the alleged infractions and that discharge is the appropriate discipline.

In fiscal year 2015, there were 41 discharge appeals filed and the Commission rendered decisions in 36 appeals. The Commission imposed a suspension instead of discharge in seven appeals and denied eight appeals (upheld the discharge). Five appeals were dismissed for default for failure to appear at hearing or to file requested responses. Two appeals were dismissed due to no jurisdiction, and 14 appeals were withdrawn or settled. There were 22 pending discharge appeals at June 30, 2015.

There were eight suspension appeals filed during fiscal year 2015 and seven decisions rendered by the Commission. Two appeals were dismissed for no jurisdiction, two appeals were withdrawn, one appeal was dismissed for default for failure to respond, one suspension appeal was upheld (suspension to be removed from administrative records), and one suspension was reduced. There were four pending suspension appeals at June 30, 2015.

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 demotion appeal filed during fiscal year 2015 and the appeal is pending at June 30, 2015.

## **CHARGES FOR DISCHARGE AND SUSPENSION<sup>3</sup>**

Conduct unbecoming a State employee .....	24
Exempt/probationary employee discharge; suspension pending discharge .....	6
Failure to follow procedures, regulations, rules or supervisory directives .....	17
Falsification of documents or providing false information.....	9
Misuse of e-mail, state computer or other state property.....	3
Unauthorized absences, failure to return from leave, tardiness .....	19
Workplace violence or harassment .....	7
Physical or mental abuse or neglect.....	2
Violation of drug or alcohol policy.....	<u>1</u>
Total Charges	<u>88</u>

### **(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. No geographical transfer appeals were filed during fiscal year 2015. There were no geographic 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. No allocation appeals were filed during fiscal year 2015; however, the Commission rendered one decision in an allocation appeal that resulted in a dismissal for no jurisdiction. There were no pending allocation appeals at June 30, 2015.

### **(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 proposal for decision 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 no layoff appeals filed and no decisions rendered during fiscal year 2015. No layoff appeals were pending at June 30, 2015.

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<sup>3</sup> The total exceeds the number of employees discharged and suspended because multiple charges were made against several 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. No requests for Declaratory Ruling were filed during fiscal year 2015 and the one ruling during fiscal year 2015 indicated that agencies are entitled to correct an employee's salary if they are mistakenly overpaid. No requests for declaratory ruling are pending at June 30, 2015.

### **APPEALS FILED BY TYPE FOR THE FIVE-YEAR PERIOD ENDED JUNE 30, 2015**

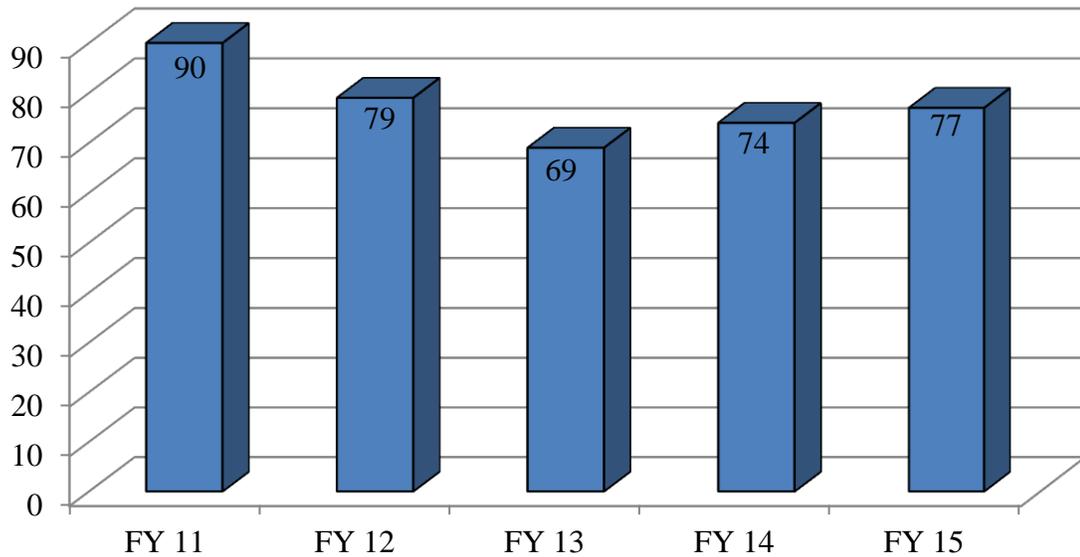
	2011	2012	2013	2014	2015	TOTAL
Discharge	39	40	31	34	41	185
Suspension	3	6	6	9	8	32
Demotion	1	2	0	0	1	4
Rule Violation	12	4	7	4	3	30
Geographical Transfer	0	1	0	0	0	1
Allocation	0	2	0	1	0	3
Layoff	0	1	3	0	0	4
Declaratory Ruling	0	0	1	1	0	2
	55	56	48	49	53	261

## DECISIONS OF THE COMMISSION

A. <u>Substantive Actions by the Commission</u>	<u>FY 11</u>	<u>FY 12</u>	<u>FY 13</u>	<u>FY 14</u>	<u>FY 15</u>
Appeals granted:					
Employees reinstated with suspension	9	10	1	8	7
Employees reinstated with no suspension	2	1	3	3	0
Layoff appeal granted	0	0	0	0	0
Rule Violation appeal granted	2	1	1	1	0
Declaratory Ruling request granted	0	0	1	0	0
Allocation appeal granted	0	0	2	0	0
Suspension appeal granted	0	0	1	2	2
<b><u>Subtotal</u></b>	<b><u>13</u></b>	<b><u>12</u></b>	<b><u>9</u></b>	<b><u>14</u></b>	<b><u>9</u></b>
Appeals denied:					
Discharge appeal denied	20	11	8	2	8
Position Allocation denied	0	0	0	0	0
Layoff appeal denied	1	0	0	2	0
Geographical Transfer appeal denied	0	0	0	0	0
Suspension appeal denied	0	1	0	3	0
Rule Violation appeal denied	3	5	4	3	4
Declaratory Ruling request denied	0	0	0	0	1
<b><u>Subtotal</u></b>	<b><u>24</u></b>	<b><u>17</u></b>	<b><u>12</u></b>	<b><u>10</u></b>	<b><u>13</u></b>
<b>Total Substantive Actions</b>	<b><u>37</u></b>	<b><u>29</u></b>	<b><u>21</u></b>	<b><u>24</u></b>	<b><u>22</u></b>
B. <u>Appeals dismissed with no decision on the Merits or interlocutory appeals</u> <sup>4</sup>					
Discharges	17	21	17	16	21
Demotions	1	1	1	0	0
Allocations	0	0	0	0	1
Layoff appeals	2	0	1	1	0
Geographical Transfers	2	0	1	0	0
Suspensions	4	4	3	6	5
Rule Violations	4	3	0	3	0
<b>Total Non-Substantive Actions</b>	<b><u>30</u></b>	<b><u>29</u></b>	<b><u>23</u></b>	<b><u>26</u></b>	<b><u>27</u></b>
C. <u>Appeals Pending at end of Fiscal Year</u>	23	21	25	24	28
D. <u>Total Appeals Closed or Pending at end of Fiscal Year</u>	90	79	69	74	77

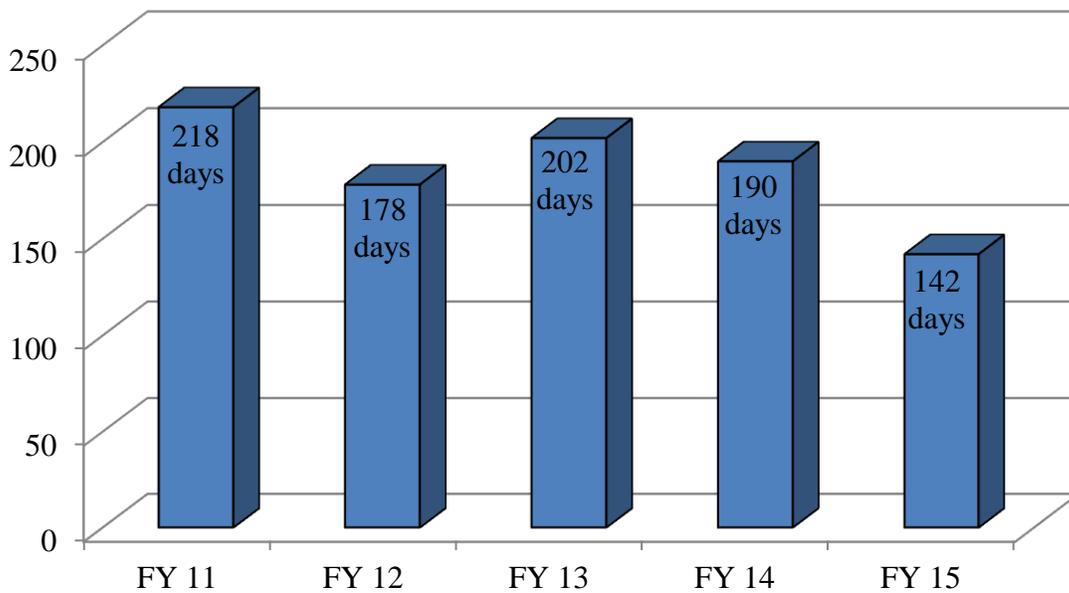
<sup>4</sup> Includes appeals dismissed due to settlement, withdrawal, default (failure to appear or failure to respond to Commission inquiry) or lack of jurisdiction.

## COMMISSION WORKLOAD Total Appeals Closed or Pending



At June 30, 2015 there were a total of 28 appeals pending, with three of those from previous fiscal years (2010, 2013 and 2014). The chart below reflects the processing time for appeals that were concluded during fiscal years ended June 30. The time is calculated from the date the appeal was filed to the date the final decision of the Commission was rendered. This calculation is consistent with that reported on the Public Accountability Report issued by the Office of the Comptroller.

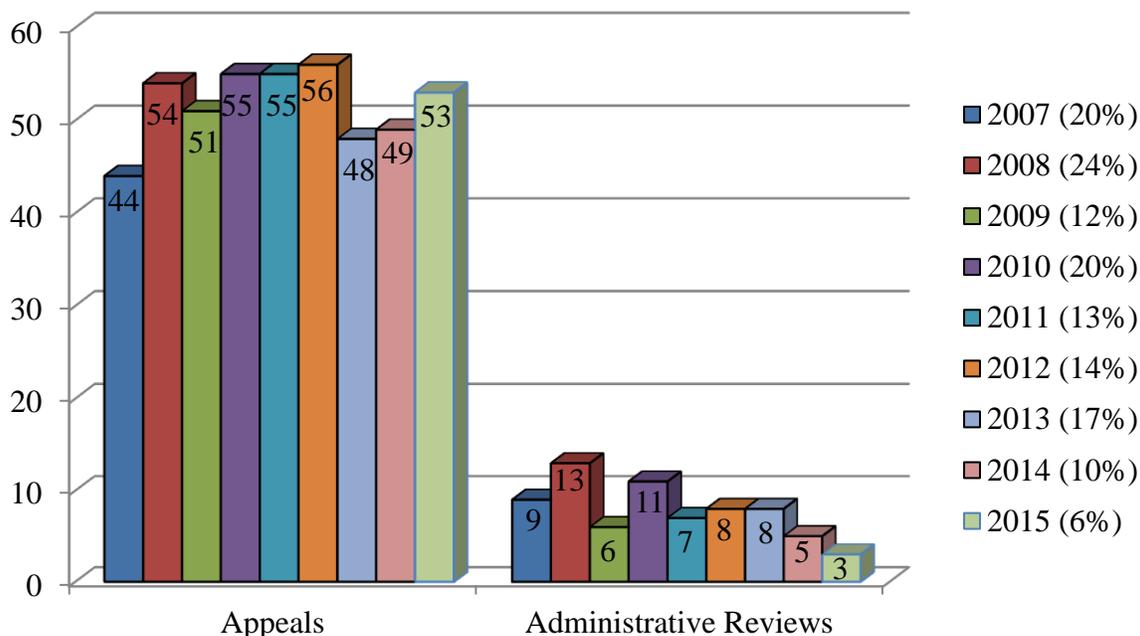
## AVERAGE PROCESSING TIME



The average processing time of 202 days for fiscal year 2013 would be 164 days if one large rule violation appeal was removed from the calculation. The average processing time of 190 days for fiscal year 2014 would be 175 days if one layoff appeal was removed from the calculation.

## ADMINISTRATIVE REVIEW

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/Article III). The following chart shows the administrative reviews and appeals filed for each fiscal year. If an appeal was filed during fiscal year 2007 and one of the parties filed for Administrative Review during fiscal year 2009, the statistic will be counted for fiscal year 2007.



The following table shows the results and current status of Administrative Reviews that were filed for fiscal years 2007 through 2015. This table shows Administrative Reviews by the year the appeal was filed, not by the year a court decision is ultimately rendered. The total of number of Administrative Review decisions can exceed the total number filed for the same year because decisions by both the Circuit Court and Appellate Court (if the Circuit Court decision was appealed) are counted separately.

	2007	2008	2009	2010	2011	2012	2013	2014	2015
Commission upheld Circuit Court	6	11	6	8	7	3	3	1	0
Commission reversed Circuit Court	1	1	0	2	0	2	1	0	0
Commission upheld Appellate Court	2	1	2	2	4	0	0	0	0
Commission reversed Appellate Court	1	1	0	1	1	0	0	0	0
Remanded	0	3	0	1	1	2	1	0	0
Pending at June 30	2	1	0	1	1	4	4	4	3

## **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. There were no scheduled meetings with Commission employees during fiscal year 2015.

In 2015 Commission Staff began an inquiry into the administration of the Rules Grievance program due to the lack of recent Grievance Committee meetings mandated by Section 303.30 of the Personnel Rules. It discovered that there were grievances over seven years old that had yet to receive their Grievance Committee meetings. The Commission then took steps to increase monitoring of the progress of these grievances.

## **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. On May 21, 2015 the Executive Director made a presentation to the Government Bar Association relating to presenting a successful disciplinary case before the Commission. 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 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 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.

## **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.

## **IN MEMORY OF**



## **REPORT ON GREEN GOVERNMENTS ILLINOIS ACT**

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