

March 18, 2021

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
March 18, 2021

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:01 A.M. AT 607 E. ADAMS STREET, SUITE 801, SPRINGFIELD, IL

II. ROLL CALL AND CONFIRMATION OF A QUORUM

Timothy D. Sickmeyer (by telephone), Chairman; G.A. Finch (by video), David Luechtefeld (by telephone), and Vivian Robinson (by telephone), Commissioners; Thomas Klein, Executive Director, Andrew Barris (by video), Assistant Executive Director, Sabrina Johnson (by telephone), Exemption Monitor, and Alexandra Myers (by telephone), Executive Secretary; Sarah Kerley (by video), Sheila Tapscott (by telephone), Chris Nickols (by telephone), and John Logsdon (by telephone) Central Management Services; Amanda Thomet (by telephone), and Keshia Wrightsell (by telephone) Office of Executive Inspector General; Scott Viniard (by telephone), Illinois Department of Human Services.

Executive Director Klein confirmed there was a quorum in light of the Governor's Emergency Declaration and Chairman Sickmeyer's determination that it is neither practical nor prudent to have an in-person meeting. Executive Director Klein also noted that Commissioner Teresa Smith was an excused absence due to a medical procedure.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD FEBRUARY 18, 2021

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER LUECHTEFELD, AND BY ROLL CALL VOTE THE MOTION ADOPTED 4-0, TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD FEBRUARY 18, 2021.

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

In accordance with the Open Meetings Act and the Rules of the Civil Service Commission, Executive Director Thomas Klein offered an opportunity for any person to address members of the Commission.

Hearing no response, the meeting proceeded to the next agenda item.

V. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Governing Rule – Section 1.142 Jurisdiction B Exemptions

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
 - 1) The amount and scope of principal policy making authority;
 - 2) The amount and scope of principal policy administering authority;
 - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
 - 4) The capability to bind the agency, board or commission to a course of action;
 - 5) The nature of the program for which the position has principal policy responsibility;
 - 6) The placement of the position on the organizational chart of the agency, board or commission;
 - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days' notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

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B. Request for 4d(3) Exemption

Exemption Monitor Sabrina Johnson indicated that Items B1 and B2 are positions within the Department of Human Services (DHS). Both positions report to the Director of Developmental Disabilities, who reports to the Assistant Secretary, who reports to the Secretary.

Item B1 was a request for a Deputy Director of Community Services Program. This position serves as a policy-making official by determining policies that impact community-based service providers and grant funded entities, has authority to make policy, and interprets new legislation. This position represents the Director with Division staff, other agencies, advisory groups, working committees and councils along with identifying federal and state human service funding opportunities. Staff recommended this exemption request be granted.

Item B2 was a request for a Deputy Director of Ligas Consent Decree. This position formulates and implements policy for the process of Ligas Consent Decree, which has a statewide impact, has policy-making authority, interprets new legislation, and is a spokesperson relative to Ligas Consent Decree. This position is responsible for the administrative oversight of Ligas Consent Decree operations, annual budget projections, monitors program expenditures, and directs management studies, reports, and program analysis for existing and proposed changes to Ligas Consent Decree. Staff recommended this exemption request be granted.

Chairman Timothy Sickmeyer inquired how many Deputy Directors DHS currently has. Mr. Scott Viniard, Director of Human Resources with DHS, indicated there are currently two Deputy Directors to the Secretary and, in addition, each Division has one or two Deputy Director positions. Ms. Sarah Kerley, Senior Policy Advisor with the Department of Central Management Services, indicated when DHS was developed in the 1990s, many agencies were made divisions of DHS. Ms. Kerley added that the Division of Developmental Disabilities has fewer exempt positions than any other Division within DHS and the Division of Developmental Disabilities is responsible for more employees than any other Division within DHS.

IT WAS MOVED BY COMMISSIONER ROBINSON, SECONDED BY COMMISSIONER FINCH, AND BY ROLL CALL VOTE THE MOTION ADOPTED 4-0 TO GRANT THE 4d(3) EXEMPTION REQUEST FOR THE FOLLOWING POSITIONS:

B1: Deputy Director of Community Services Program (DHS)

B2: Deputy Director of Ligas Consent Decree (DHS)

B1. Illinois Department of Human Services

Position Number	40070-10-66-050-00-01
Functional Title	Deputy Director of Community Services Program
Incumbent	Vacant
Supervisor	Director of Developmental Disabilities, who reports to the Assistant Secretary, who reports to the Secretary
Location	Sangamon County

B2. Illinois Department of Human Services

Position Number	40070-10-66-600-00-01
Functional Title	Deputy Director of Ligas Consent Decree
Incumbent	Vacant
Supervisor	Director of Developmental Disabilities, who reports to the Assistant Secretary, who reports to the Secretary
Location	Cook County

VI. CLASS SPECIFICATIONS

A. Governing Rule – Section 1.45 Classification Plan

The Commission will review the class specifications requiring Commission approval under the Classification Plan and will approve those that meet the requirements of the Personnel Code and Personnel Rules and conform to the following accepted principles of position classification:

- a) The specifications are descriptive of the work being done or that will be done;
- b) Identifiable differentials are set forth among classes that are sufficiently significant to permit the assignment of individual positions to the appropriate class;
- c) Reasonable career promotional opportunities are provided;
- d) The specifications provide a reasonable and valid basis for selection screening by merit examinations;
- e) All requirements of the positions are consistent with classes similar in difficulty, complexity and nature of work; and
- f) The relation of the class specifications to any applicable collective bargaining agreement.

B. 61 Class Titles as described in Appendix A

Regarding the proposed 61 new class titles at DOT, Chris Nickols from CMS Technical Services confirmed that the Definitions of the Levels of Supervision Received in the CMS Classifications Manual used in 1995 were still in effect and applied to the proposed classes. Sarah Kerley responded to the Commission staff's questions about the proposed DOT classifications. Kerley confirmed that the proposed classes were created by CMS technical staff in consultation with the OEIG HEM unit and Special Master. Kerley confirmed that, other than Teamsters, AFSCME was the only other union that was consulted or required to sign off on the proposed classes.

As to why the Transportation Executive 3 was created when only 1 and 2 currently exist under the Code, Kerley explained that the Executive 3 has existed historically, and DOT also had that as a historical title. Regarding a number of miscellaneous titles, Kerley explained that because there is already a history of the positions being converted, things like the existing bargaining unit structure, time-in-title promotions, and other operational factors at DOT were taken into consideration in the development of the proposed classifications.

As to the necessity and basis for Transportation Management Assistant I and II classes, as there is no equivalency in the Code and/or there seem to be other "assistant" classes (e.g., Office Assistant), Kerley explained that upon review, CMS staff determined that the work of the positions mapped to Transportation Management Assistant were distinguishable from the Transportation Office series.

As to the basis under the Code for the Transportation Operations Communications Specialist Trainee 1 and 2 as there is no equivalency in the Code and there are other "communications" classes, Kerley explained that the other "communications" titles are AFSCME titles. DOT's communications employees perform somewhat similar, but also distinguishable work, while being represented by the Teamsters, and including them in the AFSCME titles would erode the Teamsters' bargaining unit. Kerley explained at the meeting that this consideration existed for many of the proposed classes as well as the PSA class and the exclusion of bargaining unit members.

As to the basis under the Code for the Transportation Reproduction Service Technician II and III classes, Kerley explained that the review of the duties performed and the history of the Teamsters' bargaining unit revealed the need for multiple levels of classifications to align with the multiple levels of work.

As to whether the Transportation Student Intern class took into consideration recent legislation to include people with disabilities in internships at large agencies, Kerley explained that the plan for the internships for persons with disabilities utilized an existing Code title called the Public Administration Intern.

As to the possibility of supervising employees making less money than those whom they supervise due to a collective bargaining agreement, Kerley explained that the vast majority of converted positions are Teamsters' positions. The salary treatment of Teamsters positions and supervisory, non-union positions is significantly less egregious than in the rest of the State.

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IT WAS MOVED BY COMMISSIONER ROBINSON, SECONDED BY COMMISSIONER FINCH, AND BY ROLL CALL VOTE THE MOTION ADOPTED 4-0 TO APPROVE THE CREATION OF THE FOLLOWING CLASS SPECIFICATIONS TO BE EFFECTIVE APRIL 1, 2021:

B. 61 Class Titles as described in Appendix A

IT WAS MOVED BY COMMISSIONER LUECHTEFELD, SECONDED BY COMMISSIONER FINCH, AND BY ROLL CALL VOTE THE MOTION ADOPTED 4-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS AGENDA TO ALLOW ADEQUATE STUDY.

VII. PERSONNEL RULES

A. Civil Service Commission Governing Rule – Section 1.310 Personnel Rules

The Commission has power to disapprove new rules or amendments to existing rules submitted by the Director of Central Management Services. Such proposed new rules or amendments of existing rules submitted to the Commission shall be accompanied by a report of proceedings attending the prior public hearing required by law with respect to them.

If the Commission does not disapprove new rules or any amendment to existing rules within 30 days following the receipt from the Director of Central Management Services, the new rules or amendments have the force and effect of law after filing by the Director with the Secretary of State.

B. None submitted

IT WAS MOVED BY COMMISSIONER LUECHTEFELD, SECONDED BY COMMISSIONER FINCH, AND BY ROLL CALL VOTE THE MOTION ADOPTED 4-0 TO DISAPPROVE ANY AMENDMENTS TO PERSONNEL RULES RECEIVED BY THE COMMISSION STAFF BUT NOT CONTAINED IN THIS AGENDA TO ALLOW ADEQUATE STUDY.

VIII. MOTION TO CLOSE A PORTION OF THE MEETING

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER LUECHTEFELD, AND BY ROLL CALL VOTE THE MOTION ADOPTED 4-0 TO CLOSE A PORTION OF THE MEETING PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT.

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	ROBINSON	YES

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IX. RECONVENE THE OPEN MEETING

Upon due and proper notice, the regular open meeting of the Illinois Civil Service Commission was reconvened at 607 E. Adams Street, Suite 801, Springfield, IL at 11:47 a.m.

ROLL CALL AND CONFIRMATION OF A QUORUM

Chairman Timothy D. Sickmeyer (by telephone); G.A. Finch (by video), David Luechtefeld (by telephone), and Vivian Robinson (by telephone), Commissioners; Thomas Klein, Executive Director, Andrew Barris (by video), Assistant Executive Director, Sabrina Johnson (by telephone), Exemption Monitor, and Alexandra Myers, Executive Secretary.

X. INTERLOCUTORY APPEAL

DA-11-21

Employee	Raquel Richards	Appeal Date	12/17/2020
Agency	Human & Family Services	Decision Date	3/5/21
Appeal Type	Demotion	Proposal for Decision	Grant Motion to Dismiss for no jurisdiction
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER ROBINSON, AND BY ROLL CALL VOTE THE MOTION ADOPTED 4-0 TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE TO DISMISS THE APPEAL FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION.

**SICKMEYER YES FINCH YES
LUECHTEFELD YES ROBINSON YES**

XI. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL

DA-41-20

Employee	Winona Buckner	Appeal Date	06/03/2020
Agency	Human Services	Decision Date	3/5/21
Appeal Type	Discharge	Proposal for Decision	30-day suspension
ALJ	Thomas Klein		

IT WAS MOVED BY COMMISSIONER ROBINSON, SECONDED BY COMMISSIONER LUECHTEFELD, AND BY ROLL CALL VOTE OF 4-0 THE

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MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION.

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	ROBINSON	YES

XII. STAFF REPORT

Assistant Executive Director Andrew Barris reminded Commissioners to complete Statements of Economic Interests.

Executive Director Thomas Klein reported that he testified before the Senate Appropriation Committee and that Senator Harris asked him to report on the race of the State employees that file disciplinary appeals. Staff is compiling that information.

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held at 11:00 a.m. on Thursday, April 15, 2021 in the Springfield office of the Commission.

XIV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER ROBINSON, SECONDED BY COMMISSIONER FINCH, AND BY ROLL CALL VOTE THE MOTION ADOPTED 4-0 TO ADJOURN THE MEETING AT 11: 52 A.M.

Appendix A

Classification Analysis from the Classification Plan Review Proposal/Change Reports (CMS Form 112) Submitted for Consideration at the March 2021 Meeting of the Civil Service Commission

All of the titles specified below are being submitted to be established as new class specifications under the Personnel Code. The 61 titles are spread across several study documents, but they are all a part of one large project for the Department of Transportation.

- Transportation Account Clerk I
- Transportation Account Clerk II
- Transportation Account Technician I
- Transportation Account Technician II
- Transportation Accountant
- Transportation Accountant Advanced
- Transportation Accountant Supervisor
- Transportation Executive I
- Transportation Executive II
- Transportation Executive III
- Transportation Graphic Arts Designer
- Transportation Graphic Arts Designer Advanced
- Transportation Graphic Arts Designer Supervisor
- Transportation Graphic Arts Technician
- Transportation Human Resources Assistant
- Transportation Human Resources Associate
- Transportation Human Resources Representative
- Transportation Human Resources Specialist
- Transportation Human Resources Trainee
- Transportation Internal Auditor I
- Transportation Library Associate
- Transportation Staff Development Specialist
- Transportation Public Information Officer III
- Transportation Internal Security Investigator I
- Transportation Liability Claims Adjuster I
- Transportation Paralegal Assistant
- Transportation Technical Advisor I
- Transportation Telecommunications System Technician II
- Transportation Information Services Intern
- Transportation Information Services Specialist I
- Transportation Information Services Specialist II
- Transportation Information Systems Analyst I

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- Transportation Information Systems Analyst II
- Transportation Information Systems Analyst III
- Transportation Information Technology/Communications Systems Specialist 1
- Transportation Management Assistant I
- Transportation Management Assistant II
- Transportation Office Aide
- Transportation Office Clerk
- Transportation Office Assistant
- Transportation Office Associate
- Transportation Office Coordinator
- Transportation Office Administrator I
- Transportation Office Administrator II
- Transportation Office Administrator III
- Transportation Office Administrator IV
- Transportation Office Administrator V
- Transportation Operations Communications Specialist Trainee
- Transportation Operations Communications Specialist 1
- Transportation Operations Communications Specialist 2
- Transportation Public Service Administrator
- Transportation Reproduction Service Technician II
- Transportation Reproduction Service Technician III
- Transportation Statistical Research Specialist I
- Transportation Statistical Research Supervisor
- Transportation Property & Supply Clerk I
- Transportation Storekeeper III
- Transportation Stores Clerk
- Transportation Student Intern
- Transportation Vehicle Compliance Inspector
- Transportation Vehicle Emission Compliance Inspector

The following classification analysis is common to all of the submitted studies and relevant to all proposed classes.

CLASSIFICATION ANALYSIS:

Positions subject to the Personnel Code (20 ILCS 415) may not be hired based upon political affiliation. In contrast, a position exempted from the Personnel Code may be selected on the basis of political patronage. The Personnel Code in Section 4c. General exemptions, identifies positions which are exempt from jurisdictions A (classification and compensation), B (merit and fitness), and C (conditions of employment) of the Personnel Code. The language in Item (12) within Section 4c of the Code specifically describes some positions which are exempt: "The technical and engineering staffs of the Department of Transportation "

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The Shakman decrees are a series of federal court orders concerning hiring city governmental employees using political patronage as a means of selection in the City of Chicago. Due to the extension of Shakman to encompass State of Illinois governmental positions, Director of Central Management Services, her designees and external partners including OEIG's Hiring and Employment Monitoring Division and the Shakman Special Master, conducted a review of non-Code positions employed at the Department of Transportation to determine if the non-Code positions meet the criteria of "technical and engineering" staff as stated in Section 4c. (12) of the Personnel Code. As a result of the review, it was determined that some of the subject positions do not meet the criteria of being either technical or engineering in nature and thus should not be exempt from the protections of the Personnel Code. It was thus determined by the Director that the positions should instead be moved under the purview of the Personnel Code.

All the non-Code Department of Transportation positions in question are represented by the Teamsters' NR-916 (Pro-Tech) unit; no current Code classes performing similar work and represented by NR-916 exist. Therefore, new classes have been created to reflect the functions performed by extant non-Code positions represented by NR-916. The non-Code classes in Transportation are broad in nature, while the recommended Code classes are more narrowly defined. Therefore, position work from several different non-Code classes may be accurately depicted in one or more Code classes.

Outline of study groupings (16)

Accounting titles

- Transportation Account Clerk I
- Transportation Account Clerk II
- Transportation Account Technician I
- Transportation Account Technician II
- Transportation Accountant
- Transportation Accountant Advanced
- Transportation Accountant Supervisor

Executive titles

- Transportation Executive I
- Transportation Executive II
- Transportation Executive III

Graphic Arts titles

- Transportation Graphic Arts Designer
- Transportation Graphic Arts Designer Advanced
- Transportation Graphic Arts Designer Supervisor
- Transportation Graphic Arts Technician

Human Resources titles

- Transportation Human Resources Assistant

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- Transportation Human Resources Associate
- Transportation Human Resources Representative
- Transportation Human Resources Specialist
- Transportation Human Resources Trainee

Miscellaneous single titles

- Transportation Internal Auditor I
- Transportation Library Associate
- Transportation Staff Development Specialist
- Transportation Public Information Officer III
- Transportation Internal Security Investigator I
- Transportation Liability Claims Adjuster I
- Transportation Paralegal Assistant
- Transportation Technical Advisor I
- Transportation Telecommunications System Technician II

Information Services titles

- Transportation Information Services Intern
- Transportation Information Services Specialist I
- Transportation Information Services Specialist II
- Transportation Information Systems Analyst I
- Transportation Information Systems Analyst II
- Transportation Information Systems Analyst III
- Transportation Information Technology/Communications Systems Specialist 1

Management Assistant titles

- Transportation Management Assistant I
- Transportation Management Assistant II

Office Clerical titles

- Transportation Office Aide
- Transportation Office Clerk
- Transportation Office Assistant
- Transportation Office Associate
- Transportation Office Coordinator

Office Administrator titles

- Transportation Office Administrator I
- Transportation Office Administrator II
- Transportation Office Administrator III
- Transportation Office Administrator IV
- Transportation Office Administrator V

Operations Communications titles

- Transportation Operations Communications Specialist Trainee

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- Transportation Operations Communications Specialist 1
- Transportation Operations Communications Specialist 2

Public Service Administrator

- Transportation Public Service Administrator

Reproduction Services titles

- Transportation Reproduction Service Technician II
- Transportation Reproduction Service Technician III

Statistical Research titles

- Transportation Statistical Research Specialist I
- Transportation Statistical Research Supervisor

Storekeeper titles

- Transportation Property & Supply Clerk I
- Transportation Storekeeper III
- Transportation Stores Clerk

Student Intern

- Transportation Student Intern

Vehicle Compliance titles

- Transportation Vehicle Compliance Inspector
- Transportation Vehicle Emission Compliance Inspector