

April 18, 2014

REGULAR MEETING MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
April 18, 2014

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:00 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Garrett P. FitzGerald, Chairman; James B. Anderson, Susan Moylan Krey, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director (by telephone); Justin Cajindos (by telephone), Governor's Office; Elizabeth Whitehorn, Roneta Taylor (by telephone), and Mark Magill (by telephone), Illinois Department of Central Management Services; and Brent Eggleston (by telephone), Cheryl Bluhm (by telephone), and Jared Thornley (by telephone), Illinois Department of Agriculture.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD ON MARCH 21, 2014

**IT WAS MOVED BY COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0 TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD ON MARCH 21, 2014.**

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

At this time, in accordance with the Open Meetings Act and the Rules of the Civil Service Commission, Executive Director Daniel Stralka offered an opportunity for any person to address members of the Commission. Hearing no response, the meeting proceeded to the next agenda item.

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

**A. Report on Exempt Positions from Illinois Dept. of Central Management Services**

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	135.....	18
Agriculture.....	338.....	19
Arts Council.....	18.....	2
Capitol Development Board.....	45.....	0
Central Management Services.....	1,452.....	114
Children and Family Services.....	2,666.....	51
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	364.....	67
Commerce Commission.....	72.....	0
Corrections.....	11,044.....	99
Criminal Justice Authority.....	55.....	5
Deaf and Hard of Hearing Comm.....	7.....	1
Developmental Disabilities Council.....	8.....	1
Emergency Management Agency.....	84.....	5
Employment Security.....	1,349.....	30
Environmental Protection Agency.....	791.....	17
Financial & Professional Regulation.....	441.....	45
Gaming Board.....	153.....	6
Guardianship and Advocacy.....	104.....	7
Healthcare and Family Services.....	2,105.....	25
Historic Preservation Agency.....	157.....	16
Human Rights Commission.....	14.....	2
Human Rights Department.....	139.....	9
Human Services.....	11,769.....	76
Illinois Torture Inquiry Relief Commission.....	6.....	1
Insurance.....	230.....	16
Investment Board.....	3.....	2
Juvenile Justice.....	1,027.....	21
Labor.....	85.....	11
Labor Relations Board Educational.....	9.....	2
Labor Relations Board State.....	18.....	2
Law Enforcement Training & Standards Bd.....	18.....	2
Lottery.....	144.....	6
Military Affairs.....	121.....	3
Natural Resources.....	1,147.....	30
Pollution Control Board.....	21.....	2
Prisoner Review Board.....	16.....	0
Property Tax Appeal Board.....	31.....	1
Public Health.....	1,124.....	42
Racing Board.....	2.....	1
Revenue.....	1,772.....	53
State Fire Marshal.....	134.....	12
State Police.....	1,110.....	6
State Police Merit Board.....	5.....	1
State Retirement Systems.....	98.....	2
Transportation.....	3,834.....	0
Veterans' Affairs.....	1,315.....	9
Workers' Compensation Commission.....	134.....	11
<b>TOTALS.....</b>	<b>45,718.....</b>	<b>851</b>

**B. 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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**C. Requests for 4d(3) Exemption**

Executive Director Daniel Stralka reported the following:

- As to Item C, this request is from the Department of Agriculture and was continued for the third time last month when the Commission was unable to obtain to reach a consensus. It is for an Assistant State Fair Manager, a position that reports to the State Fair Manager who reports to the Assistant Director who reports to the Director. The substance has been presented at previous Commission meetings.

Executive Director Stralka stated that there have been no further communications between the Staff and the agency since the March meeting other than a reminder email that it would be on this agenda.

Chairman FitzGerald inquired if this was going to be a permanent or seasonal position. Executive Director Stralka indicated it was a permanent position.

Jared Thornley, Illinois Department of Agriculture, then asked to speak to the request again. He pointed out how this is a unique position related to the presentation of the State Fair, a large and important event. The agency needs someone with independent authority to make decisions with regard to the entertainment portion. The State Fair is primarily an agricultural event, and the State Fair Manager has significant other responsibilities in that area to attend to. Jared Thornley went through a number of these that require the State Fair Manager's attention. In addition, the State Fair Manager has expanded responsibilities securing business partners for the State Fair which assists in keeping costs down. He noted how people travel from across the State to attend and participate in Fair activities.

Chairman FitzGerald asked about this year's State Fair dates. Jared Thornley indicated August 7 through 17. Chairman FitzGerald then inquired about the effect on planning for this year's State Fair if this matter was continued for another month. Jared Thornley responded that this position was critical to the State Fair activities as it would free up other agency staff from having to address entertainment matters. The agency had concerns that planning for other activities would suffer without this position. Jared Thornley reiterated how the agency is seeking to increase attendance, a goal it has concentrated on in recent years.

Commissioner Krey asked if the agency has hired into this position. Jared Thornley indicated it had not, though it was looking at candidates. The agency was waiting for the Civil Service Commission process to be completed. Chairman Urlacher asked how the agency was able to get by in the past without this exempt position. Jared Thornley replied that the State Fair has changed in recent years. It now has to compete with different entertainment options than it had to 10 to 20 years ago.

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- As to Item D, this request is from the Department of Healthcare and Family Services and is for a Deputy Director for New Initiatives, a position that reports to the Director. Staff had a concern because the position description did not appear to match up with the actual responsibilities. This general issue was brought up in the 2010 management audit of exempt positions. The agency agreed and asked for a continuance to clarify the position description. Staff had no objection to this request.
- As to Item E, the Department of Juvenile Justice indicated it wished to withdraw this request.

**IT WAS MOVED BY COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 4-0, TO GRANT THE REQUEST FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITION:**

**C: Assistant Illinois State Fair Manager, Agriculture**

**IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0 TO CONTINUE TO MAY 16, 2014 THE REQUEST FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITION:**

**D: Deputy Director for New Initiatives, Healthcare & Family Services**

**IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0 TO ACCEPT THE WITHDRAWAL OF THE REQUEST FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITION:**

**E: Deputy Director of Quality Assurance & Monitoring Programs /Senior Policy Advisor, Juvenile Justice**

**The following 4d(3) exemption request was granted on April 18, 2014:**

**C. Illinois Department of Agriculture**

Position Number	40070-11-12-000-00-02
Position Title	Senior Public Service Administrator
Bureau/Division	Illinois State Fair
Functional Title	Assistant Illinois State Fair Manager
Incumbent	Vacant
Supervisor	Illinois State Fair Manager who reports to the Assistant Director, who in turn reports to the Director
Location	Sangamon County

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**The following 4d(3) exemption request was continued to the May 16, 2014 meeting on April 18, 2014:**

**D. Illinois Department of Healthcare and Family Services**

Position Number	40070-33-00-900-00-21
Position Title	Senior Public Service Administrator
Bureau/Division	Office of the Director
Functional Title	Deputy Director for New Initiatives
Incumbent	Vacant
Supervisor	Director
Location	Cook County

**The following 4d(3) exemption request was withdrawn on April 18, 2014:**

**E. Illinois Department of Juvenile Justice**

Position Number	40070-27-00-000-10-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Deputy Director of Quality Assurance & Monitoring Programs / Senior Policy Advisor
Incumbent	Vacant
Supervisor	Director
Location	Cook County

**VI. EXEMPTION REQUEST ANALYSIS PRESENTATIONS TO COMMISSIONERS**

Illinois Department of Central Management Services (CMS) presentation: Elizabeth Whitehorn, Deputy Director of Personnel for Central Management Services, appeared on behalf of the agency to explain the CMS process with regard to Section 4d(3) requests for exemption.

Agencies submit requests for exemption to CMS. Bureau of Personnel staff then examine each request for the following:

1. The position description form (104) is reviewed to ensure that the position is properly allocated. The job title should be the same for all positions with similar responsibilities.
2. The size and scope of the program is then considered. Is it a program created by legislation?
3. The staff considers whether there is a need for the position.

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4. The staff reviews the 104 to analyze what it sets forth about the authority of the position, the heart of the matter.
  - How much independent authority does the position have?
  - Can it bind the agency to a course of action?
5. The position's placement in the organizational structure of the agency is examined.
6. Other exempt positions are reviewed to determine if there are any overlapping responsibilities.

Once CMS concludes its analysis, there is usually some "back-and-forth" between the Bureau of Personnel and the agency before a final determination is made. Elizabeth Whitehorn noted how CMS does reject requests before they get to the Civil Service Commission.

Commissioner Krey asked if she could provide a percentage of requests that CMS rejects before they get to the Civil Service Commission. Elizabeth Whitehorn indicated that she did not have that information before her. Commissioner Krey then asked if CMS assists the agencies with the wording that goes into the 104s. Elizabeth Whitehorn responded affirmatively. Bureau of Personnel staff often ask for more details regarding a position's functions to ensure it is properly allocated. A conversation with the agency usually ensues in which this information is obtained, though CMS does not draft the 104s for the agencies.

Chairman FitzGerald inquired whether the collective bargaining status of a requested position is checked by CMS. Elizabeth Whitehorn responded that until recently, no exempt positions were in a union. However some were included and those were oddities. The Bureau of Personnel analysis is focused on the requirements of the Personnel Code. The recent management bill included by definition that no Section 4d(3) exempt position can be in a union so this should not be an issue going forward.

Commissioner Anderson asked which specific factors the Bureau of Personnel believes are important in its analysis and which are not. Does it consider whether the position is full-time or part-time, or whether a candidate has been identified? Elizabeth Whitehorn replied by noting that their analysis focuses on positions, not people. She noted that the extended vacancy of an exempt position may have more to do with budgetary issues or obtaining the necessary approvals to fill a vacancy than a position's qualifications for exemption. Additionally, the Civil Service Commission should not be considering whether the position is full-time or part-time because that falls under conditions of employment. The Civil Service Commission should also focus on the duties of the position and not basing its decision on whether someone is in the position or not.

Civil Service Commission Presentation: Executive Director Daniel Stralka then explained the process Commission Staff utilizes in reviewing exemption requests. He started by reciting the main provision of Section 4d(3). "The Civil Service Commission, upon written recommendation of the Director of Central Management Services (CMS),

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shall exempt from Jurisdiction B other positions which, in the judgment of the Commission, involve either principal administrative responsibility for the determination of policy or principal administrative responsibility for the way in which policies are carried out.” Executive Director Stralka then broke this down into its individual components and provided further analysis.

- “Written recommendation of the Director of CMS” – The recommendation can be for or against, but must be transmitted to the CSC in writing.
- “Shall exempt” – This is mandatory language. If the Commissioners find that a requested position meets these responsibilities, it must grant the exemption request.
- “Jurisdiction B” – the merit and fitness requirements of the Personnel Code. This includes testing, Veterans’ preference, and right to a hearing before substantial discipline may be imposed.
- “In the judgment of the Commission” – this indicates that the Commissioners are to form a conclusion based on the evidence and argument presented to them. Importantly, there is also an implication that reasonable persons may come to differing conclusions when exercising this judgment.
- “Principal administrative responsibility” – Principal is the key word here. Traditional dictionary definitions include “first or highest in rank, importance or value” and “most important.” Synonyms include “prime,” “paramount,” “leading,” and “main.”
  - This is what differentiates Section 4d(3) from *Rutan* exempt. *Rutan* addresses policy-makers. Section 4d(3) adds a “principal” requirement. This is a legislatively created requirement which is more stringent than *Rutan*. That is why there are more *Rutan*-exempt positions than Section 4d(3) exempt positions.
  - The judicial *Rutan* standard references those with the opportunity for meaningful input into policy-making decisions. Commissioners may read in position descriptions and hear from agency presentations how positions have meaningful input or significant input into policy matters, but technically that is not part of our statutory criteria. However, it is clear over the decades that the Commission has considered that when making determinations.
- There are two substantive requirements, though the language of Section 4d(3) sets forth that it may be one or the other:
  - “For the determination of policy” – This has been considered to be policy formulation.
  - “For the way in which policies are carried out” – This has been considered to be policy implementation.

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Executive Director Stralka then addressed Civil Service Commission Rule 1.142 which addresses exemption criteria. It sets forth that the Commission will consider the following factors and any other factors deemed relevant to the request. The idea was to grant the Commission a great deal of latitude since historically these requests are highly unique.

The listed factors include the amount and scope of principal policy authority as well as the following:

- The amount of independent authority to represent the agency. Are the position's decisions subject to reversal and by whom?
- The capacity to bind the agency to a course of action. Can the position make commitments on behalf of the agency.
- The nature of the program the position is responsible for. How mission critical is its underlying program.
- The organizational chart placement of the position. How many organizational layers exist between it and the Director.
- The mission, size and geographical scope of the agency. The Department of Human Services with its 12,000 employees will be treated differently than the Property Tax Appeal Board and its 20 employees.

It is noteworthy that the Civil Service Commission's own Rules are not binding on the Commissioners. Rules cannot limit or extend a statute so the Commissioners are free to disregard the Rules so long as the requested position meets the statutory standard. The Rules are to be considered guidelines.

He also noted that the Rules were changed in 2010 to better reflect Commission determinations over the first 50 years of this section of the Personnel Code. Prior to that, the Commission's Rules were more demanding, requiring that the position report to the Director or an Assistant Director or certain Deputy Director without exception and have programmatic responsibilities with statutory or executive order based origins. These concepts remain, but have lost their prior rigidity.

Executive Director Stralka then addressed the processing of individual requests. Commission staff will typically receive a packet of materials from CMS containing the following:

- a. CMS cover Letter – This is where the written recommendation of the Director of CMS can be found. It is a condition precedent to the Commission being able to make a determination.
- b. Agency cover letter – This should contain a brief recitation in plain English of what the position does and why the agency believes the position qualifies for exemption.

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- c. A copy of most recent Position Description form (104) – This is the most important document. It is the controlling document over any contrary representations made in emails, letters or other supporting documentation.
- d. A Copy of Organizational Chart – This shows the organizational standing of the position in relation to the Agency Director.

All these materials are provided to the Commissioners prior to the meeting.

The Commission staff will typically do the following after reviewing these materials.

- i. Check Box 1 of the 104 for the position title. The title given to a position provides some insight when weighing if it is a principal policy position. For example, if the word “Assistant” is present, that is cause for additional scrutiny.
- ii. Review Box 16 of the 104 (Essential Functions) for the following:
  - What is the agency program that the position is responsible for? How crucial is it to the agency’s mission? Is it an operational program, i.e. directly related to the agency’s mission or a support program like fiscal?
  - Where does the program originate? Legislation? Executive Order? Director’s whim? Legislative programs are given the most weight. Often the source document is checked to see if there are any limiting factors and that the requested position’s responsibilities are in line with it.
  - Check the action verbs to determine what this position does. This relates to the principal requirement. Words or phrases such as “makes decisions” or “manage” or “determines” indicate that the position has significant responsibility. Words or phrases such as “assists” or “researches” or “recommends” are cause for additional scrutiny.
  - Look at the percentage of time in the first column of Box 16 devoted to each function. Typically, functions after the first 50% are not highly scrutinized. In addition, many of these positions have a boilerplate supervisory responsibilities function. If that is one of the first two or three functions and takes up 25% of the position’s time, then it indicates that the position may be closer to a line supervisor than a principal policy position.
- iii. Check Box 15 of the 104 to make sure the position is not in a bargaining unit, though this is less of an issue with the passage of P.A. 97-1172.
- iv. Review organizational chart to determine how removed the position is from the Director. Ideally, principal policy positions report to the Director. The more superiors there are between the requested position and Director tends to indicate the position lacks the necessary “principal” requirement.

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- v. Commission Staff maintain a file on every exempt position. The Staff also maintain a Functional Title Chart to assist in the maintenance of exempt positions. This document contains a variety of information for each exempt position such as functional title and date of exemption. This document will be reviewed for the following:
  - If there is any overlap with other exempt positions, whether in this agency or another.
  - If an exemption was already granted to a position that performs the same or a similar function.

Both of these would indicate a position does NOT qualify for an exemption as it would lack the “principal” requirement. The latest position description of any potentially overlapping or similar position is reviewed prior to expressing any such concern.

- vi. The Commission’s past actions are considered in deliberating similar exemption requests.

When the Staff analysis is complete, an email is sent to the agency representative with a copy to CMS staff which notifies them that the position is on the agenda and sets forth the Staff concerns. Oftentimes these revolve around:

- Obtaining more information about the position’s program;
- Asking the agency to explain overlap with specific positions;
- Seeking elaboration on specific duties of the position; and/or
- Providing missing information.

These emails also routinely seek information about:

- The position’s collective bargaining unit status;
- If it will be full-time;
- If there has been a provisional appointment; and
- How many exempt vacancies the agency has.

The email concludes by providing a deadline for a response to the Staff concerns and notes how the Commission appreciates when agency representatives attend the Commission meeting to respond to any Commissioner questions. An exchange of information related to the Staff concerns typically follows, and ultimately the Staff will inform the agency that it will be recommending approval or denial of the request. This exchange of information is typically by email and is preserved and maintained in the Commission’s files.

The analysis is concluded by Staff making a detailed presentation at the Commission meeting so there is a public record of the reason the request was approved or denied. This is consistent with the recommendation in the 2010 management audit that exemption precedents be documented.

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Commissioner Krey inquired about what occurs if the CMS recommendation is to deny an exemption request. Executive Director Stralka responded that this became an issue many years ago when an agency sought to include an exemption request on the Commission's agenda even though it was not approved by the Director of CMS. It was determined that the statutory requirement was fulfilled by the recommendation and that it did not have to be in favor of approving the request. Elizabeth Whitehorn expressed concerns that this could occur. Executive Director Stralka explained that when this situation occurred, Staff obtained an informal opinion from the Attorney General's office to this effect.

Elizabeth Whitehorn then inquired about the expressed need for a position to ideally report to an agency Director before qualifying for an exemption. To do so would leave the Director little time to do anything but deal with exempt subordinates. Executive Director Stralka agreed, noting how the old Commission Rules were drafted in the 1950s when state government was much smaller. He noted how the new Commission Rules addressed this issue which better reflect Commission practice over the life of the Personnel Code to take into effect a variety of factors when making exemption decisions. He concluded by noting how frequently the Staff recommends approval of requests for positions that do not report directly to an agency director and cited past agency consolidations and reorganizations which make such a hard and fast rule impractical.

VII. CLASS SPECIFICATIONS

- None submitted

**IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER ANDERSON, AND THE MOTION ADOPTED 4-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.**

VIII. MOTION TO CLOSE A PORTION OF THE MEETING

**IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER KREY, 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.**

<b>FITZGERALD</b>	<b>YES</b>	<b>ANDERSON</b>	<b>YES</b>
<b>CUMMINGS</b>		<b>KREY</b>	<b>YES</b>
<b>URLACHER</b>	<b>YES</b>		

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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 160 North LaSalle Street, Suite S-901, Chicago, Illinois at 11:54 a.m.

PRESENT

Chairman Garrett P. FitzGerald; James B. Anderson, Susan Moylan Krey, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris, Assistant Executive Director (by telephone).

X. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Appointment Reports

<b>Agency</b>	<b>02/28/14</b>	<b>3/31/14</b>	<b>3/31/13</b>
Aging	0	1	0
Arts Council	0	1	0
Children and Family Services	0	1	2
Corrections	0	0	1
Employment Security	0	0	1
Healthcare and Family Services	0	3	2
Human Services	0	3	1
Insurance	0	0	1
Natural Resources	0	0	2
Public Health	0	0	1
Revenue	0	1	4
State Retirement Systems	0	4	1
Transportation	0	6	10
Veterans' Affairs	0	1	3
<b>Totals</b>	0	21	29

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XI. INTERLOCUTORY APPEAL

**DA-18-14**

Employee	Paul-Michael Wiggins	Appeal Date	01/13/14
Agency	Human Services	Decision Date	04/04/14
Appeal Type	Discharge	Proposal for Decision	Grant Motion to Dismiss for no jurisdiction (not certified).
ALJ	Andrew Barris		

**IT WAS MOVED BY COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KREY, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL TO GRANT THE MOTION TO DISMISS BECAUSE PAUL-MICHAEL WIGGINS WAS NOT A CERTIFIED EMPLOYEE UNDER JURISDICTION B WHEN HE WAS DISCHARGED. THEREFORE, THE COMMISSION HAS NO JURISDICTION OVER THIS MATTER.**

**FITZGERALD YES                      ANDERSON YES  
CUMMINGS                              KREY YES  
URLACHER YES**

XII. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL

**DA-22-14**

Employee	Dale P. Schaaff	Appeal Date	01/28/14
Agency	Human Services	Decision Date	04/02/14
Appeal Type	Discharge	Proposal for Decision	60-day suspension plus duration of suspension pending discharge.
ALJ	Andrew Barris		

**IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE THAT THE CHARGES HAVE BEEN PROVEN AND WARRANT A 60-DAY SUSPENSION PLUS THE DURATION OF HIS SUSPENSION PENDING DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED APRIL 2, 2014.**

**FITZGERALD YES                      ANDERSON YES  
CUMMINGS                              KREY YES  
URLACHER YES**

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XIII. STAFF REPORT

Executive Director Daniel Stralka reported that:

- The House appropriation hearing was April 2. The Senate appropriation hearing set for April 4 was cancelled and has been rescheduled for May 1.
- Statements of Economic Interest should be given to him so he can review them before filing with the Secretary of State's Office.

XIV. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held Friday, May 16, 2014 at 1:30 p.m. in the Commission's Springfield office.

XV. MOTION TO ADJOURN

**IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0 TO ADJOURN THE MEETING AT 11:57 A.M.**