

April 19, 2013

REGULAR MEETING MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
April 19, 2013

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 10:30 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Anita M. Cummings, Ares G. Dalianis, Garrett P. FitzGerald, and Susan Moylan Krey, Commissioners; Daniel Stralka, Executive Director; Andrew Barris (by telephone), Assistant Executive Director; Roneta Taylor (by telephone) and Mark Magill (by telephone), Illinois Department of Central Management Services; and Todd Main (by telephone), Illinois Department of Natural Resources.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD MARCH 15, 2013

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 4-0 TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD MARCH 15, 2013.**

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.....	129.....	14
Agriculture.....	322.....	16
Arts Council.....	17.....	2
Capitol Development Board.....	47.....	0
Central Management Services.....	1,522.....	111
Children and Family Services.....	2,760.....	50
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	374.....	69
Commerce Commission.....	77.....	0
Corrections.....	10,921.....	105
Criminal Justice Authority.....	56.....	5
Deaf and Hard of Hearing Comm.....	6.....	1
Developmental Disabilities Council.....	8.....	1
Emergency Management Agency.....	86.....	5
Employment Security.....	1,655.....	31
Environmental Protection Agency.....	810.....	16
Financial & Professional Regulation.....	427.....	43
Gaming Board.....	142.....	6
Guardianship and Advocacy.....	102.....	7
Healthcare and Family Services.....	2,055.....	25
Historic Preservation Agency.....	162.....	14
Human Rights Commission.....	13.....	2
Human Rights Department.....	134.....	9
Human Services.....	11,382.....	77
Illinois Sentencing Policy Advisory Council.....	2.....	2
Insurance.....	236.....	17
Investment Board.....	3.....	2
Juvenile Justice.....	1,083.....	24
Labor.....	88.....	11
Labor Relations Board Educational.....	10.....	2
Labor Relations Board State.....	18.....	2
Law Enforcement Training & Standards Bd.....	16.....	2
Lottery.....	141.....	7
Military Affairs.....	117.....	3
Natural Resources.....	1,074.....	27
Pollution Control Board.....	19.....	2
Prisoner Review Board.....	16.....	0
Property Tax Appeal Board.....	25.....	1
Public Health.....	1,071.....	40
Racing Board.....	3.....	1
Revenue.....	1,669.....	51
State Fire Marshal.....	129.....	12
State Police.....	1,092.....	7
State Police Merit Board.....	4.....	1
State Retirement Systems.....	98.....	2
Transportation.....	2,722.....	0
Veterans' Affairs.....	1,286.....	9
Workers' Compensation Commission.....	130.....	8
<b>TOTALS.....</b>	<b>44,263.....</b>	<b>842</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:

- As to Item C1, the agency requested that this be continued to the May 17, 2013 meeting.
- As to Item C2, this request is for the Millennium Reserve Program Manager at the Department of Natural Resources, a position that reports to the Chief of Staff who reports to the Director. This position was created as a result of Executive Order 13-03 creating a Millennium Reserve Steering Committee and Task Force. In general, these entities were created to develop and manage initiatives related to the varying land use needs, opportunities and pressures – ecological and recreational as well as those related to economic development and transportation – of the Millennium Reserve. This is the area encompassing the Lake Calumet area of Greater Chicago. This position will have principal policy responsibility for implementing the policies and decisions of these entities while serving as the administrative head of the Millennium Reserve Program. For these reasons, Staff recommended approval of this request.
- As to Item C3, this request is for the Chief Information Officer at the Department of Natural Resources, a position that reports to the Director. This position has principal policy responsibility for all information technology requirements of the agency. As the Commission has approved exemptions for several similar positions in other agencies in the past, Staff recommended approval of this request. Commissioner FitzGerald inquired whether this position was in a collective bargaining unit. Todd Main, Chief of Staff, Illinois Department of Natural Resources, responded it was not.

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

**C1: Office Director, Office of Conservation Resource Marketing (DNR)**

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

**C2: Millennium Reserve Program Manager (DNR)**

**C3: Chief Information Officer (DNR)**

**The following 4d(3) exemption request was continued on April 19, 2013:**

**C1. Illinois Department of Natural Resources**

Position Number	40070-12-00-010-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Conservation Resource Marketing
Functional Title	Office Director, Office of Conservation Resource Marketing
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

**The following 4d(3) exemption requests were granted on April 19, 2013:**

**C2. Illinois Department of Natural Resources**

Position Number	40070-12-03-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Millennium Reserve
Functional Title	Millennium Reserve Program Manager
Incumbent	Vacant
Supervisor	Chief of Staff, who reports to the Director
Location	Cook County

**C3. Illinois Department of Natural Resources**

Position Number	40070-12-08-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Information Services
Functional Title	Chief Information Officer
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

**VI. CLASS SPECIFICATIONS**

- None submitted.

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

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VII. MOTION TO CLOSE A PORTION OF THE MEETING

**IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER DALIANIS, 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), 2(c)(5), AND 2(c)(11) OF THE OPEN MEETINGS ACT.**

<b>CUMMINGS</b>	<b>YES</b>	<b>DALIANIS</b>	<b>YES</b>
<b>FITZGERALD</b>	<b>YES</b>	<b>KREY</b>	<b>YES</b>

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VIII. 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 10:50 a.m.

PRESENT

Anita M. Cummings, Ares G. Dalianis, Garrett P. FitzGerald, and Susan Moylan Krey, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris, Assistant Executive Director (by telephone).

IX. 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 Illinois Department of Central Management Services' Consecutive Non-Merit Report.

Agency	2/28/13	3/31/13	3/31/12
Aging	0	<b>0</b>	1
Central Management Services	0	<b>0</b>	0
Children and Family Services	3	<b>2</b>	2
Corrections	1	<b>1</b>	1
Employment Security	1	<b>1</b>	1
Healthcare and Family Services	2	<b>2</b>	3
Historic Preservation Agency	0	<b>0</b>	1
Human Services	0	<b>1</b>	1
Insurance	1	<b>1</b>	0
Natural Resources	1	<b>2</b>	8
Public Health	1	<b>1</b>	0
Revenue	5	<b>4</b>	0
State Fire Marshal	0	<b>0</b>	1
State Retirement Systems	1	<b>1</b>	0
Transportation	7	<b>10</b>	10
Veterans' Affairs	4	<b>3</b>	0
Totals	27	<b>29</b>	29

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X. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

**DA-1-13**

Employee	George Beaton	Appeal Date	07/10/12
Agency	Corrections	Decision Date	04/04/13
Appeal Type	Discharge	Proposal for Decision	Discharge upheld.
ALJ	Daniel Stralka		

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER CUMMINGS, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION TO UPHOLD THE DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED APRIL 4, 2013.**

**CUMMINGS YES DALIANIS YES  
FITZGERALD YES KREY YES**

**DA-25-13**

Employee	Rajesh Ojha	Appeal Date	01/02/13
Agency	Environmental Protection Agency	Decision Date	04/04/13
Appeal Type	Discharge	Proposal for Decision	Discharge upheld.
ALJ	Andrew Barris		

**IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER DALIANIS, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION TO UPHOLD THE DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED APRIL 4, 2013.**

**CUMMINGS YES DALIANIS YES  
FITZGERALD YES KREY YES**

**S-15-13**

Employee	Robin K. Reynolds	Appeal Date	10/22/12
Agency	Veterans' Affairs	Decision Date	04/04/13
Appeal Type	Suspension	Proposal for Decision	22-day suspension in lieu of 25-day suspension.
ALJ	Andrew Barris		

**IT WAS MOVED BY COMMISSIONER DALIANIS, 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 FOR DECISION THAT FOLLOWING THE THEORY OF PROGRESSIVE DISCIPLINE AND USING THE RECOMMENDATION FROM LASALLE VETERANS' HOME, THE PROVEN CHARGES WARRANT A 22-DAY SUSPENSION IN LIEU OF A 25-DAY SUSPENSION.**

**CUMMINGS YES DALIANIS YES  
FITZGERALD YES KREY YES**

**XI. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS**

**DA-34-13**

Employee	Marshall Chandler	Appeal Date	3/05/13
Agency	Human Services	Decision Date	3/22/13
Appeal Type	Discharge	Proposal for Decision	Dismissed subject to approval of the Commission; withdrawn to pursue grievance.
ALJ	Daniel Stralka		

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED TO NOT APPROVE THE DISMISSAL OF THE APPEAL. CHANDLER'S REQUEST TO REINSTATE HIS APPEAL FAILS TO SET FORTH WITH ANY SPECIFICITY A REASON WHY HE NOW WISHES TO RESCIND HIS PREVIOUS WITHDRAWAL. HOWEVER, TO ENSURE THAT CHANDLER HAS BEEN GIVEN AN OPPORTUNITY TO CONTEST HIS APPEAL, DISMISSAL IS NOT WARRANTED AT THIS TIME. THIS MATTER IS REFERRED BACK TO THE ADMINISTRATIVE LAW JUDGE TO PROCEED WITH A HEARING.**

**DA-35-13**

Employee	Shawn Wilcockson	Appeal Date	3/06/13
Agency	Natural Resources	Decision Date	4/04/13
Appeal Type	Discharge	Proposal for Decision	Dismissed subject to approval of the Commission; agency dismissed the written charges.
ALJ	Daniel Stralka		

**IT WAS MOVED BY COMMISSIONER DALIANIS, 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 FOR DECISION TO DISMISS THE APPEAL FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION.**

**CUMMINGS YES DALIANIS YES  
FITZGERALD YES KREY YES**

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XII. STAFF REPORT

Executive Director Daniel Stralka reported:

- He appeared before the House General Services Appropriation Committee with Brian Collins on March 20, 2013 to present the Commission's fiscal year 2014 budget request. There were just a few general questions. The Senate Appropriations Committee hearing is scheduled for April 25, 2013.
- Statements of Economic Interest are to be submitted to him so he may review them prior to filing.
- The Commission's bi-annual audit commenced on April 16, 2013.
- There will be a number of proposed rescissions of 4d(3) exempt positions on the upcoming May agenda. He noted that 215 out of 842 approved positions are currently vacant, or 26%. Commissioner Krey inquired as to any special reason for the large number of vacancies. Executive Director Stralka surmised it is because the current state of agencies' budgets preclude them from filling the positions, but they also do not want to let go of the positions in case funds become available in the future. A discussion of the vacant positions ensued in which all the Commissioners participated.

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held Friday, May 17, 2013 at 1:00 p.m. in the Commission's Springfield office.

XIV. MOTION TO ADJOURN

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 4-0 TO ADJOURN THE MEETING AT 11:05 A.M.**