

May 16, 2019

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
May 16, 2019

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:00 A.M. AT 160 N. LASALLE STREET, SUITE S-901, CHICAGO, IL AND 607 E. ADAMS STREET, SUITE 801, SPRINGFIELD, IL BY INTERACTIVE VIDEO CONFERENCE

II. PRESENT

Chairman Timothy D. Sickmeyer; G.A. Finch, David Luechtefeld, Vivian Robinson, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director, Andrew Barris, Assistant Executive Director, and Sabrina Johnson, Exemption Monitor; Sarah Kerley and Chris Nickols, Illinois Department of Central Management Services; Kevin Moore, Illinois Emergency Management Agency; Pam Smith, Illinois Environmental Protection Agency; Brandon Purcell, Illinois Department of Financial and Professional Regulation; Betsey Madden and Alex Bautista, Illinois Department of Human Rights, Jayne Bethard, Illinois Department of Human Services; Christina Griffin and Beth Duesterhaus, Illinois Department of Innovation and Technology; Catherine Lacey, Illinois Department of Insurance; Julie Moscardelli and Lance Kaidell, Illinois Department of Revenue; Tom Schlenhardt and Chimaobi Enyia, Illinois Department of Revenue/Liquor Control Commission; Phil Kaufmann, Illinois Department of Transportation; Mark Sherbeyn, Illinois Department of Veterans' Affairs; Erin Bonales and Marina Bergamo, Office of the Executive Inspector General; Kristi Nelson, Counsel for Special Master; and Rixie Davis

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD APRIL 18, 2019

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0, TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD APRIL 18, 2019.

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 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.

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

A. Report on Exempt Positions from Department of Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Abraham Lincoln Presidential Library & Museum	73	11
Aging.....	133	18
Agriculture	334	17
Arts Council	14	2
Capitol Development Board.....	34	0
Central Management Services	888	49
Children and Family Services.....	2,685	53
Civil Service Commission	3	0
Commerce & Economic Opportunity	224	52
Commerce Commission	53	0
Corrections	12,892	107
Criminal Justice Authority.....	53	6
Deaf and Hard of Hearing Comm	4	1
Developmental Disabilities Council	5	1
Emergency Management Agency.....	70	10
Employment Security	1,096	28
Environmental Protection Agency.....	603	17
Financial & Professional Regulation	395	47
Gaming Board	150	9
Guardianship and Advocacy	98	8
Healthcare and Family Services	1,557	29
Human Rights Commission.....	15	2
Human Rights Department	119	10
Human Services.....	12,764	80
Illinois Torture Inquiry Relief Commission	3	1
Independent Tax Tribunal	1	0
Innovation and Technology	1,230	57
Insurance	210	16
Investment Board	3	2
Juvenile Justice.....	911	29
Labor	74	11
Labor Relations Board Educational.....	11	3
Labor Relations Board State.....	14	2
Law Enforcement Training & Standards Bd.	20	3
Lottery	146	7
Military Affairs.....	135	3
Natural Resources.....	1,179	28
Pollution Control Board	16	2
Prisoner Review Board.....	22	1
Property Tax Appeal Board.....	38	2
Public Health	1,129	42
Racing Board.....	3	1
Revenue.....	1,490	45
State Fire Marshal	129	6
State Police.....	956	8
State Police Merit Board	6	2
State Retirement Systems	100	3
Transportation	3,690	0
Veterans' Affairs	1,233	9
Workers' Compensation Commission.....	108	12
TOTALS.....	47,119.....	852

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

Exemption Monitor Sabrina Johnson indicated that Staff had concerns with Items G1, M2, M3, S, T, W1, and Y and the agencies agreed to continue their exemption requests and proposed rescission to the June 20, 2019 meeting. Staff had additional questions regarding Items G1, M2, M3, and S and it was too late for additional analysis on these positions. As to Items T and Y, the agency had some concerns and requested a continuance. As to Item W1, the current incumbent was engaged in union contract negotiations and was unable to attend the meeting and asked to place this position on the June Agenda.

The following positions all have principal policy responsibilities for program areas that the Commission has approved exemption requests in the past: Items F, G3, H, M4, N, Q1, U, and V1-V3. Therefore, Staff recommended approval of these requests. Items V1-V3 are the first requests from the Department of Transportation in 20 years and are the first of over 50 requests it is anticipated will be submitted to the Commission in the coming months. This is a result of steps the agency is taking to bring positions that had been misclassified as “technical” over the past several decades and therefore exempt from the Personnel Code, properly under the Personnel Code. Staff will monitor the agency’s efforts in this regard.

As to Items G2, J, K, L, M1, O1, O2, Q2, and R, these positions are over Human Resources and/or Labor Relations. These positions have the authority to engage with personnel and/or labor relations matters, Personnel Rules, Personnel Code, contract negotiations, grievance hearings, appropriate discipline measures along with agency policies. Staff recommended approval of these exemption requests. Julie Moscardelli, Illinois Department of Revenue, acknowledged that Tom Schlenhardt and Chimaobi Enyia from the Liquor Control Commission attended the meeting and were available to answer any questions.

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER LUECHTEFELD, AND THE MOTION ADOPTED 5-0 TO CONTINUE THE FOLLOWING ITEMS TO THE JUNE 2019 MEETING:

- G1: Chief, Asian American Services (DCFS)**
- M2: Assistant Director- Developmental Disabilities (DHS)**
- M3: Associate Deputy Director-Developmental Disabilities (DHS)**
- S: Chief Labor Relations Administrator (DNR)**
- T: Chief Administrative Law Judge - Hearings Division (PTAB)**
- W1: Labor Relations Administrator (DVA)**
- Y: Executive Director-World Shooting & Recreation Complex (DNR)**

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO GRANT THE 4d(3) EXEMPTION REQUEST FOR THE FOLLOWING POSITIONS:

- F: Chief Fiscal Officer (ALPLM)**
- G2: Chief Labor Relations Administrator (DCFS)**
- G3: Chief Accountability Officer (DCFS)**
- H: Strategic Policy Advisor (CJIA)**
- J: Manager, Division of Administration (EPA)**
- K: Labor Relations Director (FPR)**
- L: Special Assistant to Deputy Director (DHR)**
- M1: Chief Labor Relations Administrator (DHS)**
- M4: Healthcare/Human Services Liaison (DHS)**
- N: Chief Information Officer-ISP (DoIT)**
- O1: Human Resources Manager (INS)**
- O2: Labor Relations Manager (INS)**
- Q1: Chief Fiscal Officer (LCC)**
- Q2: Human Resources & Labor Relations Manager (LCC)**
- R: Labor Relations/HR Manager/EEO Officer (LOT)**
- U: Public Information Officer (SFM)**
- V1: Deputy Secretary-Communications/Legislative Affairs (DOT)**
- V2: Bureau Chief, State Legislative Affairs (DOT)**
- V3: Bureau Chief, Federal Legislative Affairs (DOT)**

Exemption Monitor Sabrina Johnson addressed the next three items and recommended approval for Items D, E, and P.

- As to Item D, this request is for a Chief Litigation Attorney for Fair Housing at the Illinois Department of Human Rights (DHR), a position that reports to the Chief Legal Counsel, who reports to the Director. CMS first requested 4d(3) exemption at the February 21, 2019 meeting and has continued until today's meeting. This position serves as Chief Legal Counsel for Fair Housing Litigation Unit, has principal responsibilities related to real estate transactions, Fair Housing policies, rules, regulations and guidelines and ensuring conformance with the Human Rights Act, federal laws and applicable state laws and governance. Staff recommended approval of this exemption request.

Alex Bautista, Deputy Director, and Betsey Madden, Chief Legal Counsel, Illinois Department of Human Rights, concurred with this request.

- As to Item E, this request is for a Director for the Alcoholism and Substance Abuse Division at the Illinois Department of Human Services (DHS), a position that reports to the Assistant Secretary, who reports to the Secretary. This exemption was rescinded August 22, 2016 for extended vacancy. Staff received a clarification of this position effective December 16, 2018 and the job description indicated it was Section 4d(3) exempt. Staff indicated this discrepancy needed to be corrected and DHS was not sure how to address the issue since an incumbent was hired effective March 1, 2018. CMS indicated no clarification was completed to remove this position from 4d(3) exemption. DHS and CMS requested reinstatement of this exemption effective August 22, 2016. Staff recommended approval of this exemption request retroactive to March 1, 2018.

Jayne Bethard, Personnel Manager, Illinois Department of Human Services, concurred with this request. Sarah Kerley, Deputy Director, Illinois Department of Central Management Services, asked about the effective date and Ms. Johnson indicated DHS requested reinstatement effective August 22, 2016 and Staff requested March 1, 2018. That was acceptable to Sarah Kerley.

- As to Item P, this request is for an Assistant School District Superintendent for School District #428 at the Illinois Department of Juvenile Justice, a position that reports to the Superintendent, who reports to the Director. School District #428 is a statewide School District serving approximately 350 youths. This position manages compliance with federal consent decrees, submits applications for state and federal grants, and develops and implements policies and procedures for program improvement and increased student graduation rates. This position has the authority to bind the Superintendent to issues regarding the School District and professional development to student achievement. Staff recommended approval of this exemption request.

No representative from the Illinois Department of Juvenile Justice was present at the meeting.

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER ROBINSON, AND THE MOTION ADOPTED 5-0 TO GRANT THE 4d(3) EXEMPTION REQUEST FOR THE FOLLOWING POSITIONS:

D: Chief Litigation Attorney-Fair Housing (DHR)

P: Assistant School District Superintendent (DJJ)

IT WAS MOVED BY COMMISSIONER LUECHTEFELD, SECONDED BY COMMISSIONER FINCH, AND THE MOTION ADOPTED 5-0 TO GRANT THE 4d(3) EXEMPTION REQUEST RETROACTIVE TO MARCH 1, 2018 FOR THE FOLLOWING POSITION:

E: Director, Alcoholism and Substance Abuse Division (DHS)

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Exemption Monitor Sabrina Johnson addressed the next three items and recommended denial for Items C, I and W2.

- As to Item C, this request is for a Senior Labor Relations Counsel (SLRC) at CMS, a position that reports to the Deputy General Counsel (DGC), who reports to the General Counsel, who reports to the Director. CMS requested 4d(3) exemption at the February 21, 2019 meeting and has continued until today's meeting. This position serves as a policy advisor regarding labor relations matters related to all collective bargaining agreements and provides advice to CMS Labor staff, CMS Executive staff, and state agencies regarding labor policy matters, rules, regulations, and procedures. Staff was concerned that this position functions as a "legal or technical advisor" and the exemption is more appropriately pursuant to Section 4d(5). Staff recommended denial of this request.

Sarah Kerley indicated there were several reasons this position was appropriate for a Section 4d(3) exemption. Ms. Kerley pointed out the DGC is the principal legal advisor for Labor Relations and handles all labor matters for all agencies under the Governor. These responsibilities are not limited to just grievance or just contract negotiations. She indicated the SLRC position supervises ten attorneys, two senior labor relations counsels and eight other attorneys dealing with various legal labor relations matters. The SLRC is the supervisor and director of all this staff where the DGC has the requested position and support staff. Ms. Kerley indicated the SLRC not only participates in AFSCME master contract negotiations, but also conducts pre-negotiation sessions with the management team, writes proposals and meets with agency liaisons and the Governor's Office on formulating contract proposals. It is the chief negotiator for smaller collective bargaining agreements, unilaterally interacting with the Governor's Office. She indicated that Section 4d(5) positions are exempt from the hiring process. The employee is hired, then gets certified status and receives job protection. This position shares ideas on labor issues and directs lawyers in the future with all agencies under the Governor's Office. It can potentially be problematic if this attorney does not share the Governor's position on union relations. Ms. Kerley stated that 4d(3) positions are binding with agencies. This position meets all the 4d(3) requirements and is a position that the administration should be able to fill with a likeminded employee who shares the administration's vision for that work.

Executive Director Daniel Stralka inquired if there had been insufficient interaction within the last couple of weeks on this request. Ms. Kerley indicated CMS answered Staff's questions, then declined Staff's suggestion to clarify the position description as she didn't think it was necessary. Executive Director Stralka suggested continuing this request to the Commission's June meeting so Staff and CMS could meet next week to further discuss it. The Commissioners concurred with this suggestion.

- As to Item I, this request is for a Manager of Field Operations at the Illinois Emergency Management Agency (EMA), a position that reports to the Chief of Operations, who reports to the Director. This position is a supervisor over eight regional office operations, implements policy under direction of the Chief of Operations, deals with issues that arise during times of disaster recovery programs consistent with federal and State laws, ensures the preparedness for response to disasters and acts of terrorism and responds to incidents that threaten the public safety, welfare, and confidence.

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Staff was concerned that this position did not have any Section 4d(3) exemption requirements within its duties. Staff recommended this request be denied.

Kevin Moore, Personnel and Labor Relations Manager, Illinois Emergency Management Agency, was present at the meeting. Chairman Sickmeyer asked if this position was a Public Service Administrator and Kevin Moore indicated it was. Chairman Sickmeyer asked if it was more of a mid-level management position and Mr. Moore replied, "sort of." He indicated the position was a key part of the emergency/disaster response and managed eight regional offices. This position coordinated the State's response with local management situations over emergency/disaster, dealt with local police officers, and possessed significant authority to commit resources, move personnel and coordinate the State's responses for disasters and emergencies. The position formulated and implemented plans for responding to disasters. Chairman Sickmeyer asked if the position was in charge of formulating these plans or gave input on them. Kevin Moore indicated it was both.

Commissioner Luechtefeld asked what would happen to the incumbent, Brian Brackemyer, if the exemption request was denied. Sarah Kerley indicated this position was currently a Personnel Code position and if its status changes, the employee retains it until the position becomes vacant. Then it would be filled by an exempt appointment, so the incumbent will not become an "at will" employee. Commissioner Luechtefeld asked for clarification that he would retain his protected job status until he quits or retires if the exemption request is denied. Kerley confirmed that.

Sarah Kerley stated that one of the things CMS and the Special Master looked at when reviewing this position was the emergency procurement authority dealing with emergency situations. This position had the unilateral authority to spend "a whole lot of money" without going through the procurement process. It directs local, state and federal resources like the National Guard and state resources. Ms. Kerley acknowledged it has duplication of duties with its supervisor to handle multi-disasters throughout the State. Mr. Moore stated there are currently 34 counties dealing with flooding and that have been declared disaster areas.

Chairman Sickmeyer stated this position needs continuity with someone in it who stays regardless of administration changes. The position requires someone with institutional knowledge. Sarah Kerley stated that might be good management, but it is not a factor in whether the position meets the Section 4d(3) requirements and Shakman standards. She provided an example of the Mississippi River overrunning a city and a person in this position who fails to carry out the duties and not being able to be immediately replaced. Emergency management is a huge political issue which is why the supervisor needs to have wide latitude over this position to carry out the mission.

Executive Director Stralka asked if this position can purchase emergency procurement items without anyone else's approval. Mr. Moore indicated this position can direct the Procurement Officer to execute the act or request. Executive Director Stralka asked if additional approval was required. Mr. Moore replied that it was theoretically correct. Executive Director Stralka then asked if there was a dollar amount limitation for the

request. Mr. Moore said in theory the answer was “no.” Exemption Monitor Sabrina Johnson indicated she had reviewed the position description and did not see many of these responsibilities listed on the CMS104.

IT WAS MOVED BY CHAIRMAN SICKMEYER, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO DENY THE EXEMPTION REQUEST FOR THE FOLLOWING POSITION:

I: Manager, Field Operations (EMA)

- As to Item W2, this request is for a Deputy General Counsel for the Department of Veterans’ Affairs (DVA), a position that reports to the General Counsel, who reports to the Director. This position provides legal review, legal advice, and legal support for Illinois Veterans’ Home policies and procedures. Staff questioned what duties involve principal policy making authority, principal policy administering authority and principal policy responsibility. DVA was not able to provide the duties within the position description. Staff recommended this position remain exempt under Section 4d(5) and that the request for 4d(3) exemption be denied.

Mark Sherbeyn, Human Resources Manager, Illinois Department of Veterans’ Affairs, had no additional comments. Chairman Sickmeyer asked Mr. Sherbeyn if Ms. Johnson had an adequate position description and Mr. Sherbeyn answered in the affirmative. Sarah Kerley asked to provide more background regarding the Shakman review and indicated they looked at this position in the agency’s organizational chart and compared it with other agency’s positions that were similar. They looked at consistency between agencies. This position was an attorney with supervisory responsibilities. It had more technical legal review, and also resolved grievances regarding labor policy, legal review of Veterans’ Homes policy, binding the agency to a course of action with federal requirements that have federal impact, public radio impact and impact on elections at the highest levels within the State. Ms. Kerley indicated that DVA pointed out that this position had independent authority to represent the agency and had a variety of significant responsibilities. The position was more than just legal technical work; it had more policy development and what changes are needed.

Executive Director Stralka pointed that that Ms. Kerley referred to this position’s responsibilities in grievance resolution while Item W1 was a Labor Relations position that supposedly had the principal policy responsibility in that area. Executive Director Stralka then asked if CMS or DVA compared this position to Item C. Ms. Kerley said 4d(3) positions had more authority while 4d(5) positions allow more flexibility on hiring but still had the same high standard for discipline and discharge. Executive Director Stralka indicated he was trying to find the distinction between 4d(3) and 4d(5) that CMS was using. He suggested continuing this item to the June meeting.

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER FINCH, AND THE MOTION ADOPTED 5-0 TO CONTINUE THE FOLLOWING ITEMS TO THE JUNE 2019 MEETING:

C: Senior Labor Relations Counsel (CMS)

W2: Deputy General Counsel (DVA)

The following positions were continued to the June 20, 2019 meeting:

C. Illinois Department of Central Management Services

Position Number	40070-37-70-110-00-01
Functional Title	Senior Labor Relations Counsel
Incumbent	Vacant
Supervisor	Deputy General Counsel, Labor Relations who reports to the General Counsel who reports to the Director
Location	Sangamon County

G1. Illinois Department of Children and Family Services

Position Number	37015-16-05-400-00-01
Functional Title	Chief, Asian-American Services
Incumbent	Marjorie Moore
Supervisor	Deputy Director of Affirmative Action who reports to the Director
Location	Cook County

M2. Illinois Department of Human Services

Position Number	40070-10-66-010-00-01
Functional Title	Assistant Director, Developmental Disabilities
Incumbent	Kathleen Ward
Supervisor	Director of Developmental Disabilities who reports to the Assistant Secretary who reports to the Secretary
Location	Sangamon County

M3. Illinois Department of Human Services

Position Number	40070-10-66-200-10-01
Functional Title	Associate Deputy Director-Developmental Disabilities
Incumbent	Tiffany Bailey
Supervisor	Deputy Director, Developmental Disabilities who reports to the Assistant Secretary who reports to the Secretary
Location	Lee County

S. Illinois Department of Natural Resources

Position Number	37015-12-00-730-00-01
Functional Title	Chief Labor Relations Administrator
Incumbent	Chris Gasperin
Supervisor	Human Resources Director who reports to the Chief of Staff who reports to the Director
Location	Sangamon County

T. Illinois Property Tax Appeal Board

Position Number	40070-50-48-600-00-51
Functional Title	Chief Administrative Law Judge-Hearings Division
Incumbent	Steve Waggoner
Supervisor	Executive Director
Location	Sangamon County

W1. Illinois Department of Veterans' Affairs

Position Number	37015-34-00-000-00-05
Functional Title	Labor Relations Administrator
Incumbent	Lisa Tisdale
Supervisor	Chief of Staff who reports to the Director
Location	Sangamon County

W2. Illinois Department of Veterans' Affairs

Position Number	40070-34-00-210-00-01
Functional Title	Deputy General Counsel
Incumbent	Matthew Eddington
Supervisor	General Counsel who reports to the Director
Location	Cook County

The following positions were granted exemption at the May 16, 2019 meeting:

D. Illinois Department of Human Rights

Position Number	40070-49-50-100-10-02
Functional Title	Chief Litigation Attorney-Fair Housing
Incumbent	Vacant
Supervisor	Chief Legal Counsel who reports to the Director
Location	Cook County

F. Abraham Lincoln Presidential Library and Museum

Position Number	40070-19-10-180-00-01
Functional Title	Chief Fiscal Officer
Incumbent	Ed Harmeyer
Supervisor	Chief of Staff who reports to the Executive Director
Location	Sangamon County

G2. Illinois Department of Children and Family Services

Position Number	37015-16-07-100-00-01
Functional Title	Chief Labor Relations Administrator
Incumbent	Pete Wessel
Supervisor	Deputy Director who reports to Senior Deputy Director who reports to the Director
Location	St. Clair County

G3. Illinois Department of Children and Family Services

Position Number	40070-16-00-400-00-01
Functional Title	Chief Accountability Officer
Incumbent	Derek Hobson
Supervisor	Director
Location	St. Clair County

H. Illinois Criminal Justice Information Authority

Position Number	37015-50-05-000-10-01
Functional Title	Strategic Policy Advisor
Incumbent	Bryant Jackson-Green
Supervisor	Executive Director
Location	Cook

J. Illinois Environmental Protection Agency

Position Number	40070-46-00-020-00-01
Functional Title	Manager, Division of Administration
Incumbent	Pam Smith
Supervisor	Chief of Staff who reports to the Director
Location	Sangamon County

K. Illinois Department of Financial and Professional Regulation

Position Number	40070-13-01-200-00-01
Functional Title	Labor Relations Director
Incumbent	Lorenzo Roberson
Supervisor	General Counsel who reports to the Secretary
Location	Cook County

L. Illinois Department of Human Rights

Position Number	37015-49-01-000-00-01
Functional Title	Special Assistant to the Deputy Director
Incumbent	Martin Duncan
Supervisor	Deputy Director who reports to the Director
Location	Cook County

M1. Illinois Department of Human Services

Position Number	40070-10-11-600-00-01
Functional Title	Chief Labor Relations Administrator
Incumbent	Lori Simmons
Supervisor	Human Resources Director who reports to the Assistant Secretary who reports to the Secretary
Location	Sangamon County

M4. Illinois Department of Human Services

Position Number	40070-10-00-000-15-01
Functional Title	Healthcare/Human Services Liaison
Incumbent	Vacant
Supervisor	Secretary
Location	Cook County

N. Illinois Department of Innovation and Technology

Position Number	40070-28-72-000-00-01
Functional Title	Chief Information Officer-ISP
Incumbent	Darrin Turner
Supervisor	Public Safety Cluster Chief Information Officer who reports to the Secretary
Location	Sangamon County

O1. Illinois Department of Insurance

Position Number	37015-14-24-300-00-01
Functional Title	Human Resources Manager
Incumbent	Catherine Lacey
Supervisor	Chief Operating Officer who reports to the Director
Location	Sangamon County

O2. Illinois Department of Insurance

Position Number	37015-14-24-300-40-01
Functional Title	Labor Relations Manager
Incumbent	Vacant
Supervisor	Human Resources Manager who reports to the Chief Operating Officer who reports to the Director
Location	Sangamon County

P. Illinois Department of Juvenile Justice

Position Number	40070-27-10-000-00-02
Functional Title	Assistant School District Superintendent
Incumbent	Tresa Dunbar
Supervisor	School District Superintendent who reports to the Deputy Director, Program Services, who reports to the Director
Location	Cook County

Q1. Illinois Department of Revenue/Liquor Control Commission

Position Number	40070-25-71-300-00-01
Functional Title	Chief Fiscal Officer
Incumbent	Vacant
Supervisor	Executive Director, Liquor Control Commission
Location	Sangamon County

Q2. Illinois Department of Revenue/Liquor Control Commission

Position Number	37015-25-71-400-00-01
Functional Title	Human Resources & Labor Relations Manager
Incumbent	Vacant
Supervisor	Executive Director, Liquor Control Commission
Location	Sangamon County

R. Illinois Department of Lottery

Position Number	37015-45-00-110-00-01
Functional Title	Labor Relations/HR Manager/EEO Officer
Incumbent	Pete Romano
Supervisor	Chief of Staff who reports to the Director
Location	Sangamon County

U. Illinois State Fire Marshal

Position Number	37015-50-05-000-00-84
Functional Title	Public Information Officer
Incumbent	Vacant
Supervisor	State Fire Marshal
Location	Sangamon County

V1. Illinois Department of Transportation

Position Number	40070-23-00-000-00-05
Functional Title	Deputy Secretary-Communications/Legislative Affairs
Incumbent	Vacant
Supervisor	Chief of Staff who reports to the Secretary
Location	Sangamon County

V2. Illinois Department of Transportation

Position Number	37015-23-15-100-00-01
Functional Title	Bureau Chief, State Legislative Affairs
Incumbent	Vacant
Supervisor	Director, Legislative Affairs who reports to the Deputy Secretary-Communications/Legislative Affairs, who reports to the Chief of Staff who reports to the Secretary
Location	Sangamon County

V3. Illinois Department of Transportation

Position Number	37015-23-15-300-00-01
Functional Title	Bureau Chief, Federal Legislative Affairs
Incumbent	Vacant
Supervisor	Director, Legislative Affairs who reports to the Deputy Secretary-Communications/Legislative Affairs, who reports to the Chief of Staff who reports to the Secretary
Location	Sangamon County

The following position was granted exemption retroactive to March 1, 2018 at the May 16, 2019 meeting:

E. Illinois Department of Human Services

Position Number	40070-10-40-000-00-01 ¹
Functional Title	Director, Alcoholism and Substance Abuse Division
Incumbent	Danielle Kirby
Supervisor	Assistant Secretary who reports to the Secretary
Location	Cook County

The following position was denied exemption at the May 16, 2019 meeting:

I. Illinois Emergency Management Agency

Position Number	37015-50-17-500-50-01
Functional Title	Manager, Field Operations
Incumbent	Brian Brackemyer
Supervisor	Chief of Operations who reports to the Director
Location	Lee County

Proposed Rescissions in accordance with Section 1.142(b) of the Rules of the Civil Service Commission

Exemption Monitor Sabrina Johnson addressed the next two items, and recommended rescission for Items X and Z.

- As to Item X, this recommended rescission is for the Assistant Deputy Director, Functional Processes for Public Safety Shared Services Center at the Illinois Department of Corrections (DOC). This position had been continued since the March 22, 2019 meeting. CMS recommended rescission and DOC indicated the Public Safety Shared Services Center was in the process of deconsolidation and the role of policy maker will rest solely with the Deputy Director of Human Resources. This position does serve as a principal policy administrator, exercising principal responsibility for execution and implementation of statewide policy related to human resources transactional processes. DOC will need to clarify the position description for Staff to recommend granting this proposed rescission. Therefore, Staff recommended denial.

Sarah Kerley indicated CMS was discussing the option of abolishing the position when the Shared Services Center was deconsolidated. She asked that this position be continued to the June meeting. Chairman Sickmeyer indicated his agreement.

¹ The 4d(3) exemption for this position was rescinded on August 22, 2016.

IT WAS MOVED BY COMMISSIONER LUECHTEFELD, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO CONTINUE THE FOLLOWING ITEM TO THE JUNE 2019 MEETING:

X: Assistant Deputy Director-Functional Processes (DOC)

- As to Item Z, this recommended rescission is the Deputy General Counsel at the Illinois Department of Lottery (LOT). CMS recommended rescission and Staff agrees with the recommendation. Sarah Kerley indicated this position does not supervise anyone and at the Lottery, their staff attorneys are called Deputy General Counsels.

Exemption Monitor Sabrina Johnson stated that as indicated in the Agenda, Staff noticed up 39 positions for proposed rescission of principal policy exemption. After discussions with various agency representatives, only Items AA and BB were included for the Commissioners' consideration. There are 17 positions that will be followed up with for the November meeting if they are not filled by that time.

- As to Item AA, this position is the Legislative Liaison in the Illinois Department of Children and Family Services (DCFS). Staff considered the rescission of this position due to extended vacancy and DCFS had no objection. Staff recommended approval of this proposed rescission.

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER LUECHTEFELD, AND THE MOTION ADOPTED 5-0 TO RESCIND THE 4D(3) EXEMPTION FROM THE FOLLOWING POSITIONS:

Z: Deputy General Counsel (LOT)

AA: Legislative Liaison (DCFS)

- As to Item BB, this position is the Budget Director for the Illinois Department of Innovation and Technology (DoIT). This exemption was first approved in February 2017. It was clarified in June 2017 and January 2018 with little change in the duties. An incumbent was added to report to this position. Staff considered the rescission of this position due to extended vacancy. It has not been filled since it was granted exemption. DoIT indicated it is in the process of conducting interviews to fill this position and candidate qualifications are currently under review. At this time, DoIT has not let Staff know if the position has been filled or if a candidate has been offered the position. DoIT also indicated that duties of this position have been phased out to fiscal staff, a division employee was temporarily assigned for a period of time, and the Chief Fiscal Officer is currently serving in an acting capacity. Staff recommended continuing this proposed rescission to the November 2019 meeting.

Christina Griffin, Employee Services, Illinois Department of Innovation and Technology, indicated it had a candidate and then the candidate declined the offer. This position was then posted three separate times trying to get a candidate. DoIT has been unsuccessful and the last posting was early in 2018. Ms. Griffin also indicated DoIT has interviewed

one candidate and is working on scheduling the second one. DoIT would appreciate denial of the proposed rescission. Chairman Sickmeyer asked if they were agreeable with a continuance and Ms. Griffin indicated approval. Executive Director Stralka indicated this position was put on the agenda due to being granted an exemption over two years ago and the position remaining vacant, which inflates the number of exempt positions artificially. Christina Griffin indicated DoIT has posted the position three different times and made considerable effort to fill it.

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER ROBINSON, AND THE MOTION ADOPTED 5-0 TO CONTINUE THE PROPOSED RESCISSION OF 4D(3) EXEMPTION TO THE NOVEMBER 2019 MEETING FOR THE FOLLOWING POSITION:

BB: Budget Director (DoIT)

The following proposed rescissions were continued to the June 20, 2019 meeting:

Item	Agency / Position #		Functional Title	Incumbent
X	DOC	40070-29-40-210-00-01	Assistant Deputy Director-Functional Processes	Vacant
Y	DNR	40070-12-04-000-00-01	Executive Director-World Shooting & Recreation Complex	Monica Brackman

The following proposed rescission was continued to the November 2019 meeting:

Item	Agency / Position #		Functional Title	Incumbent
BB	DoIT	40070-28-11-100-00-01	Budget Director	Vacant

The following proposed rescissions were granted at the May 16, 2019 meeting:

Item	Agency / Position #		Functional Title	Incumbent
Z	LOT	40070-45-02-100-00-01	Deputy General Counsel	Vacant
AA	DCFS	00501-16-68-000-01-01	Legislative Liaison	Vacant

Executive Director Stralka indicated that 23 of the proposed rescissions that Staff noticed up were exempt legislative positions, many of which were or are vacant. He provided some history of principal policy exemptions and legislative liaison positions for the Commissioners. Around 1970 the Commission first granted exemption requests for legislative liaison positions. Their ranks grew but then some agencies started overreaching and requested exemptions for ALL positions in their legislative offices including clerical and telephone operations. Subsequently, when unions started organizing State positions, the result was that many of these principal policy exempt positions ended up in bargaining units. That defeated the purpose of these being “at will” positions. Starting in 2004, the Commission worked to remove the exemption for any of these clerical positions that had been placed in bargaining units. In 2013, the General Assembly passed P.A. 97-1172 which codified in the Public Labor

Relations Act what functions defined a legislative liaison. The Commission then adopted that definition and has used it ever since when evaluating legislative positions for exemption.

Staff will monitor these positions to ensure they are performing exempt duties and to ensure there is a reasonable number per agency. Some agencies have up to six such positions which is more than sufficient.

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. None submitted

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER LUECHTEFELD, AND THE MOTION ADOPTED 5-0 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 FINCH, SECONDED BY COMMISSIONER LUECHTEFELD, AND THE MOTION ADOPTED 5-0 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 URLACHER, SECONDED BY COMMISSIONER ROBINSON, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0 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
URLACHER	YES		

May 16, 2019

IX. RECONVENE THE OPEN MEETING

Upon due and proper notice, the regular open meeting of the Illinois Civil Service Commission was reconvened at 160 N. LaSalle Street, Suite S-901, Chicago, IL and 607 E. Adams Street, Suite 801, Springfield, IL by interactive video conference at 12:17 p.m.

PRESENT

Chairman Timothy D. Sickmeyer; G.A. Finch, David Luechtefeld, Vivian Robinson, and Casey Urlacher, Commissioners; and Daniel Stralka, Executive Director, Andrew Barris, Assistant Executive Director and Sabrina Johnson, Exemption Monitor.

X. INTERLOCUTORY APPEAL

D-9-19

Employee	Susanna E. Grimaldo	Appeal Date	10/12/18
Agency	Human Services	Decision Date	04/29/19
Appeal Type	Demotion	Proposal for Decision	Grant Motion to Dismiss for no jurisdiction.
ALJ	Daniel Stralka		

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER FINCH, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL OF THE ADMINISTRATIVE LAW JUDGE THAT THE LANGUAGE OF SECTION 302.340 READ IN CONJUNCTION WITH THE OTHER CITED SECTIONS OF THE PERSONNEL CODE AND PERSONNEL RULES MAKES IT CLEAR THAT THE AGENCY'S DETERMINATION THAT GRIMALDO FAILED TO SUCCESSFULLY COMPLETE HER PROBATIONARY PERIOD AND RESULTING RETURN TO HER FORMER POSITION IS NOT APPEALABLE TO THE CIVIL SERVICE COMMISSION. THE MOTION TO DISMISS IS GRANTED FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED APRIL 29, 2019.

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	ROBINSON	YES
URLACHER	YES		

May 16, 2019

XI. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

DA-5-19

Employee	Rixie H. Davis	Appeal Date	8/18/18
Agency	Corrections	Decision Date	5/03/19
Appeal Type	Discharge	Proposal for Decision	60-day suspension plus duration of suspension pending discharge
ALJ	Daniel Stralka		

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER LUECHTEFELD, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL OF THE ADMINISTRATIVE LAW JUDGE THAT THE PARTIALLY PROVEN CHARGES WARRANT A 60-DAY SUSPENSION PLUS THE DURATION OF HIS SUSPENSION PENDING DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED MAY 3, 2019.

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	ROBINSON	YES
URLACHER	YES		

S-11-19

Employee	Tracee M. Clark	Appeal Date	11/26/18
Agency	Human Services	Decision Date	05/03/19
Appeal Type	Suspension	Proposal for Decision	Uphold suspension.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER LUECHTEFELD, SECONDED BY COMMISSIONER ROBINSON, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL OF THE ADMINISTRATIVE LAW JUDGE THAT THE PROVEN CHARGES WARRANT A 29-DAY SUSPENSION FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED MAY 3, 2019.

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	ROBINSON	YES
URLACHER	YES		

May 16, 2019

XII. APPEALS TERMINATED WITHOUT DECISIONS ON THE MERITS

DA-7-17

Employee	Ester Martin	Appeal Date	7/28/16
Agency	Corrections	Decision Date	5/01/19
Appeal Type	Discharge	Proposal for Decision	Dismissed; settled.
ALJ	Andrew Barris		

DA-24-19

Employee	Tamala Clayton	Appeal Date	4/01/19
Agency	Veterans' Affairs	Decision Date	4/19/19
Appeal Type	Discharge	Proposal for Decision	Dismissed; withdrawn.
ALJ	Daniel Stralka		

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER LUECHTEFELD, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSALS OF THE ADMINISTRATIVE LAW JUDGES TO DISMISS THE APPEALS.

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	ROBINSON	YES
URLACHER	YES		

XIII. STAFF REPORT

Assistant Executive Director Barris apprised the Commissioners that pending legislation that might affect the Commission was being monitored. Barris thanked the Commissioners for timely completing their Statements of Economic Interest and Ethics Training in the past year and informed them that the 2019 Ethics training would be forthcoming.

XIV. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held at 11:00 a.m. on Thursday, June 20, 2019 in the Chicago and Springfield offices of the Commission by interactive video conference.

XV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER LUECHTEFELD, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 12:23 P.M.