

June 18, 2020

REGULAR MEETING AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
June 18, 2020

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:00 A.M. AT 607 E. ADAMS STREET, SUITE 801, SPRINGFIELD, IL

II. ROLL CALL AND CONFIRMATION OF A QUORUM

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD MAY 21, 2020

WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD MAY 21, 2020?

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

MEMBERS OF THE PUBLIC ARE OFFERED AN OPPORTUNITY TO ADDRESS MEMBERS OF THE COMMISSION IN ACCORDANCE WITH THE OPEN MEETINGS ACT AND RULES OF THE CIVIL SERVICE COMMISSION.

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

A. Governing Rule – Section 1.142 Jurisdiction B Exemptions

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

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

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B. Illinois Department of Commerce and Economic Opportunity – proposed exemption

Position Number	40070-42-90-000-00-01
Functional Title	Deputy Director, Office of Illinois Works
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

WILL THE COMMISSION GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITION?

B: Deputy Director, Office of Illinois Works (DCEO)

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

Section 1.142(b) provides that withdrawal of exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status positions which will ensure responsive and accountable administrative control of the programs of the agency. This proposed rescission has been continued from the May 2019 and the November 21, 2019 meetings.

Item	Agency / Position #		Functional Title	Incumbent
C	DoIT	40070-28-11-100-00-01	Budget Director (continued from the May 2019 and the November 21, 2019 meetings)	Vacant

WILL THE COMMISSION RESCIND THE EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITION?

C: Budget Director (DoIT)

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.

The following class titles were submitted by the Director of the Illinois Department of Central Management Services:

- Liquor Control Special Agent 1 (abolish)**
- Liquor Control Special Agent 2 (abolish)**
- Liquor Control Inspector Trainee (create)**
- Liquor Control Inspector (create)**
- Liquor Control Investigator Trainee (create)**
- Liquor Control Investigator (create)**

Classification Analysis: “Public Act 100-1050 provides for the separation of the Illinois Liquor Control Commission (LCC) from the Department of Revenue (DOR), which took place July 1, 2019. The LCC requested that a series of peace officer classes be created to conduct investigations of alleged violations of the Illinois Liquor Act of 1934 and associated laws and rules. Two new class specifications are proposed in the form of Liquor Control Investigator Trainee (LCIT) and Liquor Control Investigator (LCI). All newly hired investigators would begin service as trainees. The training program is six to twelve months in length, allocating time to receive instruction and on-the-job training in agency operations, processes, and subject matter, including related and associated laws, rules and regulations. Satisfactory completion of police academy training is a major component of the training program and is necessary for retention and in-series advancement. All incumbents must meet continuing education and training requirements as mandated by law. Liquor Control Investigators will be armed and have full police powers in the course of investigations, as authorized by statute. Prior to separation of the organizations, LCC law enforcement matters were handled by DOR positions allocated to the classes of Revenue Special Agent Trainee, Revenue Special Agent and Revenue Senior Special Agent.

The LCIT and LCI duties and responsibilities are modeled after the Revenue Special Agent Trainee and Revenue Special Agent classes, however, the LCIT class specification desirable requirements are more detailed and descriptive.

The LCC also is seeking revisions to the Liquor Control Special Agent 1 (LCSA 1) class specification and removal of the Liquor Control Special Agent 2 (LCSA 2) class specification from the classification plan. The proposed Liquor Control Inspector class specification is designed to be a successor class to the LCSA 1 and is technically a revision of the LCSA 1 class specification, but changes to the class title and title code criteria require the abolishment

of the former class (LCSA 1) and establishment of the new class (Liquor Control Inspector). The LCSA 2 class specification is recommended for abolishment as it has not been used in some time and the agency has indicated it has no plans for utilization of the class.

A Liquor Control Inspector Trainee class specification is proposed with stated minimum education and experience requirements as ‘knowledge, skills and ability equivalent to completion of two years of college’. A training program enables the agency to provide appropriate, focused training that will increase the likelihood of success at both the trainee level and the working level.”

WILL THE COMMISSION APPROVE THE ABOLISHMENT AND CREATION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE JULY 1, 2020?

- B. Liquor Control Special Agent 1 (abolish)**
- Liquor Control Special Agent 2 (abolish)**
- Liquor Control Inspector Trainee (create)**
- Liquor Control Inspector (create)**
- Liquor Control Investigator Trainee (create)**
- Liquor Control Investigator (create)**

C. Liquor Control Supervisor (create)

Classification Analysis: “Public Act 100-1050 provides for the separation of the Illinois Liquor Control Commission (LCC) from the Department of Revenue (DOR), which took place July 1, 2019. The LCC seeks a new supervisory class of positions be created for positions that oversee regional offices of staff that conduct regular compliance inspections and investigations of alleged violations of the Illinois Liquor Act of 1934 (235 ILCS 5/) and associated laws and rules.

Positions that serve these oversight functions are currently allocated to the Public Service Administrator (option 1) class. The agency’s argument for a more specialized class is credible based upon the fact that the oversight responsibilities of these regional offices will expand with an expansion of staff to full operating capacity that includes the establishment of Liquor Control Inspector Trainee, Liquor Control Inspector, Liquor Control Investigator Trainee and Liquor Control Investigator classes. Additionally, it is prudent to change the PSA (option 1) class designation as these particular positions require a specialized set of qualifications that were reasonably equivalent to PSA requirements, but distinct from other PSA option 1 positions statewide due to additional peace officer proficiencies that are necessary for work at the LCC. Satisfactory completion of police academy training is a major requirement of the supervisor positions and is necessary for retention and in-series advancement. All incumbents must meet continuing education and training requirements as mandated by law. Liquor Control Supervisors are expected to be armed and have full police powers in the course of investigations, as authorized by statute.

With respect to the equitable classification and compensation principles that are used to administer the State of Illinois Classification Plan, the duties and responsibilities of this group of positions benefit from separation from the Public Service Administrator class. This is an

opportunity to be more descriptive and improve coherence between the title of the class and the functions that these positions serve. The new Liquor Control Supervisor class specification is proposed to accomplish this task.

These positions were among a group identified in accordance with Public Act 97-1172 which were permanently excluded from bargaining unit representation on 4/5/2013, establishing the gubernatorial or 'GB' exclusion designation. This mandated exclusion is required to stay in place for these positions and we recommend that they retain this designation even though the position title changes from Public Service Administrator (option 1) to Liquor Control Supervisor. The Liquor Control Commission has also expressed their desire to keep these positions excluded from collective bargaining representation."

WILL THE COMMISSION APPROVE THE CREATION OF THE FOLLOWING CLASS TITLE TO BE EFFECTIVE JULY 1, 2020?

C: Liquor Control Supervisor

D. Lottery Telemarketing Representative (revise)

Classification Analysis: "After a periodic review of class specifications, the Department of Central Management Services Bureau of Personnel, Division of Technical Services, Class Studies Unit (CMS Personnel) discovered that erroneous language referring to a training program was present in the Education and Experience subsection of the Lottery Telemarketing Representative class specification Desirable Requirements section.

Education and Experience

Requires knowledge, skill and mental development equivalent to completion of four years of high school, plus one year of office experience and completion of the agency approved training program, or high school, plus two years of telemarketing experience.

The use of '... completion of the agency approved training program' in this context is flawed. The inclusion of this language could foster the belief that a training program exists and is a condition that must be satisfied prior to hiring consideration. Discussions with the agency confirm that there is no pre-hire training program for this class. Newly hired employees *do* complete an in-house, on-the-job training assignment with the guidance of senior level employees with respect to their specific duties.

However, this is part of their routine orientation in the agency's operations and policies, and the position's duties and responsibilities. In conjunction with contributions from the Illinois State Lottery, CMS Personnel would like to propose revisions to the Lottery Telemarketing Representative class specification such as can be found featured below and in the attached draft. Other small language and format changes have been introduced to clarify the requirements. The proposed revisions to the Education and Experience subsection as they would appear should the proposed amendment be approved are as follows:

Education and Experience

Requires knowledge, skill and mental development equivalent to completion of four years of high school and one year of clerical experience in an office setting,

OR

Requires knowledge, skill and mental development equivalent to completion of four years of high school and two years of telemarketing experience.”

WILL THE COMMISSION APPROVE THE REVISION OF THE FOLLOWING CLASS TITLE TO BE EFFECTIVE JULY 1, 2020?

D: Lottery Telemarketing Representative

WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF BUT NOT INCLUDED 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. Section 303.112 Sick Leave Bank

80 Ill. Adm. Code 303.112

303.112. Sick Leave Bank

This Section contains rules governing the operation of plans allowing participating employees in each agency to bank portions of their accrued sick leave in a sick leave bank to be used by participating employees in the same agency who have exhausted their accrued vacation time, personal days, sick leave or compensatory time. This Section provides a framework within which each agency may administer a sick leave bank. Individual agency procedures should be consistent with the framework set forth in this Section unless alternative procedures have been agreed upon pursuant to collective bargaining negotiations.

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1) Decisions affecting a participating employee's use of the sick leave bank may be submitted by the employee to a review committee. Unless otherwise approved by the Department, the committee shall consist of one agency representative and two Department representatives. In determining if alternative committee membership should be approved, the Department shall consider the jurisdiction governing the agency or employees in question. Decisions of review committees shall be final and binding; *however, employees are permitted to submit additional medical documentation upon receipt of a denied application for use. The committee will review the additional medical documentation and make a determination for approval or denial based on the entirety of medical documentation provided.*

WILL THE COMMISSION DISAPPROVE THE ABOVE AMENDMENT TO THE PERSONNEL RULES?

WILL THE COMMISSION DISAPPROVE ANY AMENDMENTS TO PERSONNEL RULES RECEIVED BY THE COMMISSION STAFF BUT NOT INCLUDED IN THIS AGENDA TO ALLOW ADEQUATE STUDY?

VIII. MOTION 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, WILL THE COMMISSION CLOSE A PORTION OF THE MEETING TO CONSIDER APPEALS FILED WITH THE COMMISSION, LITIGATION, AND/OR SPECIFIED EMPLOYMENT MATTERS?

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IX. RECONVENE THE REGULAR OPEN MEETING

X. INTERLOCUTORY APPEALS

DA-26-20

Employee	Rhonda McCormick	Appeal Date	1/31/20
Agency	Human Services	Decision Date	6/05/20
Appeal Type	Discharge	Proposal for Decision	Interlocutory; dismiss for default (failure to appear at telephone status conference).
ALJ	Andrew Barris		

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

RV-20-20

Employee	Chad Siewert	Appeal Date	11/01/19
Agency	Central Mgmt. Services	Decision Date	06/05/20
Appeal Type	Rule Violation	Proposal for Decision	Interlocutory; dismiss for no jurisdiction (filed grievance).
ALJ	Andrew Barris		

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

RV-23-20

Employee	Chad Siewert	Appeal Date	12/18/19
Agency	Human Services	Decision Date	06/05/20
Appeal Type	Rule Violation	Proposal for Decision	Interlocutory; dismiss for default (failure to file requested materials).
ALJ	Andrew Barris		

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

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XI. APPEAL TERMINATED WITHOUT DECISIONS ON THE MERITS

GT-39-20

Employee	Rodney Beccue	Appeal Date	5/04/20
Agency	Corrections	Decision Date	6/05/20
Appeal Type	Geographical Transfer	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn.
ALJ	Andrew Barris		

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

XII. STAFF REPORT

XIII. REVIEW OF CLOSED MEETING MINUTES PURSUANT TO OPEN MEETINGS ACT

AFTER REVIEW OF THE CLOSED MEETING MINUTES PURSUANT TO THE OPEN MEETINGS ACT, WILL THE COMMISSION AGREE THAT THE NEED FOR CONFIDENTIALITY STILL EXISTS?

XIV. ANNOUNCEMENT OF NEXT REGULAR OPEN MEETING

The next regular open meeting is to be held at 11:00 a.m. on Thursday, July 16, 2020 in the Springfield office of the Commission.

XV. MOTION TO ADJOURN