

July 16, 2020

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
July 16, 2020

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:04 A.M. AT 607 E. ADAMS STREET, SUITE 801, SPRINGFIELD, IL

II. ROLL CALL AND CONFIRMATION OF A QUORUM

Chairman Timothy D. Sickmeyer (by telephone); G.A. Finch (by telephone), David Luechtefeld (by telephone), and Vivian Robinson (by telephone), Commissioners; Thomas Klein, Executive Director, Andrew Barris, Assistant Executive Director and Sabrina Johnson, Exemption Monitor; Sheila Tapscott (by telephone), Sarah Kerley (by telephone), Illinois Department of Central Management Services; Joanne Olson (by telephone) and Justin DeWitt (by telephone) Illinois Department of Public Health; Matthew Davis (by telephone), Illinois State Police; Marina Bergamo (by telephone), Office of the Executive Inspector General; and Glenn Ryback (by telephone), Village of Wadsworth.

Executive Director Klein confirmed there was a quorum in light of the Governor's Emergency Declaration and Chairman Sickmeyer's determination that it is neither practical nor prudent to have an in-person meeting.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD JUNE 18, 2020

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER LUECHTEFELD, AND THE MOTION ADOPTED 4-0, TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD JUNE 18, 2020.

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

In accordance with the Open Meetings Act and the Rules of the Civil Service Commission, Executive Director Thomas Klein offered an opportunity for any person to address members of the Commission. Hearing no response, the meeting proceeded to the next agenda item.

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

A. Governing Rule – Section 1.142 Jurisdiction B Exemptions

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

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

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B. Requests for 4d(3) Exemption

Exemption Monitor Sabrina Johnson indicated that Items B1 – B3 are positions within the Department of Public Health (DPH).

- Item B1 was a request for a Deputy Chief of Staff for Special Projects, a position that reports to the Chief of Staff, who reports to the Director. This position formulates and implements policy for the Department-wide management process and monitors DPH policies and rules. This position participates in planning activities involving federal funding efforts and budgetary issues. Staff recommended this exemption request be granted.
- Item B2 was a request for a Deputy Director in the Office of Communications, a position that reports to the Director. This position acts as a policy-making official, organizes, plans, executes, controls and evaluates the operations of the Office of Communications. This position serves as the Department’s lead, statewide communications professional for all communications related activities, interprets new legislation and serves as an agency spokesperson. Staff received notice on July 14, 2020 that the position number changed along with work county. Staff recommended this exemption request be granted.
- Item B3 was a request for a Deputy Director in the Office of Disease Control, a position that reports to the Director. This position exercises principal policy responsibilities for the functions of the Office of Disease Control. This position consults and collaborates with federal, state and local counterparts including the Centers for Disease Control, federal, state and local officials and representatives, and is a spokesperson for the Director on issues related to the programs within the Office of Disease Control. Staff recommended this exemption request be granted.

Chairman Sickmeyer inquired if Item B3 would be a temporary position during this pandemic or a permanent position. DPH Chief of Staff, Justin DeWitt, indicated this position will be permanent but the challenges of COVID-19 highlight the need for the position. He also indicated DPH is in the process of reorganizing their Health Department. Mr. DeWitt indicated the Department appreciates the work of the Commission.

Sarah Kerley, Senior Policy Advisor with the Department of Central Management Services (CMS), indicated that when CMS forwarded these exemption requests, they shared information regarding the reorganization and the expectation there would be other positions created, eliminated, or altered. Ms. Kerley indicated there will be more positions requesting exemption and the agency will request abolishment for an exempt position once the reorganization has been completed.

- Item C was a request for a Major Case Legal Counsel at the Illinois State Police (ISP), a position that reports to the Chief Public Safety Policy Advisor, who reports to the Director. This position serves as liaison with all county State’s Attorneys’ Offices, the Illinois Appellate Prosecutor, the Illinois Attorney General and the Illinois Districts

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of the United States Attorney's Office. This position serves as a spokesperson, presents major violent crime investigations and handles legal legislative recommendations to improve criminal investigations laws and public safety. Staff recommended this exemption request be granted.

Chairman Sickmeyer inquired if this position will supervise staff. First Deputy Director, Matt Davis, indicated the administrative support will be provided through the Division of Criminal Investigations and Division of Internal Investigations. ISP does not anticipate the need for subordinate staff or administrative staff; this position will utilize administrative support systems within these Divisions.

Chairman Sickmeyer asked if it is ISP's intention that this person will function as a second chair in trials. Mr. Davis indicated it will serve more as a liaison to the State's Attorneys' Offices leading up to the charging decisions, preparation leading up to trial and interact with prosecutors to ensure timely and complete presentation of cases. This position will be more on the front end, at the charge and pre-trial phase.

Commissioner Luechtefeld inquired if this was a new position. Mr. Davis indicated this was a new established position as a result of an internal review ISP has done over the course of about the last year and a half, especially the rebirth of the Division of Criminal Investigations out of the Division of Operations. Commissioner Luechtefeld then asked if this position has anything to do with all the problems most states are having, including Illinois, with riots and things like that. Mr. Davis responded that ISP is concerned about cases languishing at the felony review and charging stage. This position was not established because of the current circumstances but is relevant to them.

Chairman Sickmeyer indicated that Illinois has 102 State's Attorneys' Offices, and this position will deal with all of them. Mr. Davis agreed that it will be challenging dealing with the 102 State's Attorneys' Offices with various levels of sophistication, standards or protocols. This position will serve as liaison to try to improve ISP's relationships with the State's Attorneys' Offices, help establish statewide protocols for forensic evidence, and case preparation. Mr. Davis agreed with Chairman Sickmeyer that this position will be challenging for the incumbent.

Chairman Sickmeyer asked how many attorneys ISP currently has. Mr. Davis indicated approximately seven or eight that work under the General Counsel and handle everything from contracts to document reviews for FOIA.

Ms. Kerley indicated that CMS determined this position needs to be separate from the legal office because it is engaged in felony reviews. Ms. Kerley indicated a lot of cases being reviewed involved ISP investigations resulting in a criminal conviction that could lead to lawsuits against ISP and the General Counsel Office who need separation from the investigation to defend ISP.

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

- B1: Deputy Chief of Staff for Special Projects (DPH)**
- B2: Deputy Director, Office of Communications (DPH)**
- B3: Deputy Director, Office of Disease Control (DPH)**
- C: Major Case Legal Counsel (ISP)**

B1. Illinois Department of Public Health

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|------------------|--|
| Position Number | 40070-20-01-020-10-01 |
| Functional Title | Deputy Chief of Staff for Special Projects |
| Incumbent | Vacant |
| Supervisor | Chief of Staff who reports to the Director |
| Location | Sangamon County |

B2. Illinois Department of Public Health

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|------------------|---|
| Position Number | 40070-20-01-050-00-01 |
| Functional Title | Deputy Director, Office of Communications |
| Incumbent | Vacant |
| Supervisor | Director |
| Location | Sangamon County |

B3. Illinois Department of Public Health

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| Position Number | 40070-20-80-000-00-01 |
| Functional Title | Deputy Director, Office of Disease Control |
| Incumbent | Vacant |
| Supervisor | Director |
| Location | Sangamon County |

C. Illinois State Police

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|------------------|--|
| Position Number | 37015-21-00-000-00-05 |
| Functional Title | Major Case Legal Counsel |
| Incumbent | Vacant |
| Supervisor | Chief Public Safety Policy Advisor who reports to the Director |
| Location | Sangamon County |

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

VII. PERSONNEL RULES

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

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

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

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B. None submitted

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

VIII. MOTION TO CLOSE A PORTION OF THE MEETING

IT WAS MOVED BY COMMISSIONER LUECHTEFELD, SECONDED BY COMMISSIONER FINCH, 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.

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| SICKMEYER | YES | FINCH | YES |
| LUECHTEFELD | YES | ROBINSON | YES |

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IX. RECONVENE THE OPEN MEETING

Upon due and proper notice, the regular open meeting of the Illinois Civil Service Commission was reconvened at 607 E. Adams Street, Suite 801, Springfield, IL at 11:40 a.m.

ROLL CALL AND CONFIRMATION OF A QUORUM

Chairman Timothy D. Sickmeyer (by telephone); G.A. Finch (by telephone), David Luechtefeld (by telephone), and Vivian Robinson (by telephone), Commissioners; Thomas Klein, Executive Director, Andrew Barris, Assistant Executive Director and Sabrina Johnson, Exemption Monitor; and Glenn Ryback (by telephone), Village of Wadsworth.

X. INTERLOCUTORY APPEAL

RV-22-20

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|-------------|----------------|-----------------------|--|
| Employee | Amy Elder | Appeal Date | 12/11/19 |
| Agency | Corrections | Decision Date | 07/02/20 |
| Appeal Type | Rule Violation | Proposal for Decision | Interlocutory; dismissed subject to approval of Commission; no jurisdiction. |
| ALJ | Andrew Barris | | |

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

SICKMEYER YES FINCH YES
LUECHTEFELD YES ROBINSON YES

XI. APPEAL TERMINATED WITHOUT DECISIONS ON THE MERITS

DA-20-19

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|-------------|--------------------|-----------------------|---|
| Employee | Joseph A. Robinson | Appeal Date | 3/15/19 |
| Agency | Transportation | Decision Date | 7/02/20 |
| Appeal Type | Discharge | Proposal for Decision | Dismissed subject to approval of Commission; withdrawn. |
| ALJ | Andrew Barris | | |

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

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| SICKMEYER | YES | FINCH | YES |
| LUECHTEFELD | YES | ROBINSON | YES |

XII. STAFF REPORT

Executive Director Thomas Klein stated the Commission had begun holding hearings by video conference.

Assistant Executive Director Barris indicated that Sexual Harassment Prevention training needs to be completed by the end of the year. He also explained there was some confusion regarding Question 4 on the Supplemental Statement of Economic Interest. He is reaching out to the Executive Ethics Commission for guidance and will contact the Commissioners individually if they need to change their submission.

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held at 11:00 a.m. on Thursday, August 20, 2020 in the Springfield office of the Commission.

XIV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER ROBINSON, AND THE MOTION ADOPTED 4-0 TO ADJOURN THE MEETING AT 11:46 A.M.