

July 20 2017

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
July 20, 2017

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

II. PRESENT

Chairman Timothy D. Sickmeyer; G.A. Finch, David Luechtefeld, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director, and Jane Ryan, Human Resources Manager; and Michael Hoffman, Acting Director, and Markus Veile, Assistant Director, Illinois Department of Central Management Services.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD JUNE 16, 2017

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0, TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD JUNE 16, 2017.

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.

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>
Aging.....	141	20
Agriculture	424	19
Arts Council	9	2
Capitol Development Board.....	40	0
Central Management Services.....	863	73
Children and Family Services.....	2,613	54
Civil Service Commission.....	4	0
Commerce & Economic Opportunity.....	283	69
Commerce Commission	57	0
Corrections	11,965	109
Criminal Justice Authority.....	55	7
Deaf and Hard of Hearing Comm.....	4	1
Developmental Disabilities Council.....	7	1
Emergency Management Agency.....	65	8
Employment Security	1,093	30
Environmental Protection Agency.....	653	18
Financial & Professional Regulation.....	400	49
Gaming Board	164	5
Guardianship and Advocacy	91	8
Healthcare and Family Services	1,862	27
Historic Preservation Agency.....	137	17
Human Rights Commission.....	14	2
Human Rights Department.....	121	10
Human Services.....	12,821	82
Illinois Torture Inquiry Relief Commission	3	1
Independent Tax Tribunal	1	0
Innovation and Technology	481	41
Insurance	236	17
Investment Board	3	2
Juvenile Justice.....	936	28
Labor	79	12
Labor Relations Board Educational.....	9	3
Labor Relations Board State.....	13	2
Law Enforcement Training & Standards Bd.	22	3
Lottery	144	8
Military Affairs.....	119	3
Natural Resources.....	1,299	31
Pollution Control Board	18	2
Prisoner Review Board.....	20	1
Property Tax Appeal Board.....	32	1
Public Health	1,086	41
Racing Board.....	2	1
Revenue.....	1,474	47
State Fire Marshal	117	12
State Police.....	983	10
State Police Merit Board	7	2
State Retirement Systems	102	3
Transportation	2,096	0
Veterans' Affairs	1,261	11
Workers' Compensation Commission.....	124	12
TOTALS.....	44,553	905

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. None submitted

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.

B. None submitted

IT WAS MOVED BY COMMISSIONER URLACHER, 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.

B. None submitted

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

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	URLACHER	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 160 N. LaSalle St., Suite S-901, Chicago, IL and 607 E. Adams St., Suite 801, Springfield, IL by interactive video conference at 11:14 a.m.

PRESENT

Chairman Timothy D. Sickmeyer; G.A. Finch, David Luechtefeld, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director, and Jane Ryan, Human Resources Manager; and Michael Hoffman, Acting Director, and Markus Veile, Assistant Director, Illinois Department of Central Management Services.

X. NON-MERIT APPOINTMENT REPORT

Set forth below is the number of consecutive non-merit appointments made by each agency as reported by Central Management Services. There has been a meeting with Central Management Services to discuss these reports.

Agency	5/31/17	6/30/17	6/30/16
Agriculture	1	17	3
Central Management Services	3	7	8
Children and Family Services	1	1	2
Commerce and Economic Opportunity	3	2	0
Emergency Management Agency	0	0	1
Employment Security	0	2	3
Financial and Professional Regulation	1	1	2
Guardianship and Advocacy	1	2	0
Healthcare and Family Services	6	7	5
Historic Preservation Agency	0	10	1
Human Rights Department	0	0	1
Human Services	13	15	14
Insurance	0	0	2
Juvenile Justice	1	0	0
Labor Relations Board-Educational	1	2	0
Lottery	1	1	0
Natural Resources	10	57	36
Property Tax Appeal Board	1	1	0
Public Health	0	2	0
Revenue	1	1	0
State Fire Marshal	2	1	0
State Police	1	4	0
State Retirement Systems	1	4	4
Transportation	0	1	0
Veterans' Affairs	2	2	0
Workers' Compensation Commission	0	1	3
Totals	50	141	85

XI. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL

DA-41-17

Employee	Kevin B. Kennedy	Appeal Date	4/20/17
Agency	Human Services	Decision Date	7/10/17
Appeal Type	Discharge	Proposal for Decision	60-day suspension plus duration of suspension pending discharge.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER FINCH, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE FINDINGS OF FACT OF SAID PROPOSAL AND PARTIALLY AFFIRM AND ADOPT THE CONCLUSIONS OF LAW OF SAID PROPOSAL WHILE MODIFYING THE RECOMMENDATION THAT A 60-DAY SUSPENSION PLUS THE SUSPENSION PENDING DISCHARGE IS THE APPROPRIATE LEVEL OF DISCIPLINE TO BE IMPOSED. THE COMMISSION DETERMINED THAT A 15-DAY SUSPENSION WAS WARRANTED BECAUSE OF THE FOLLOWING:

- **THE RESPONDENT’S CONTINUOUS SERVICE DATE OF SEPTEMBER 4, 2007 IN ADDITION TO PREVIOUSLY WORKING SEVEN YEARS AND SEVEN MONTHS AT THE JACKSONVILLE DEVELOPMENTAL CENTER FROM 1991 TO 1998.**
- **THE RESPONDENT’S PERFORMANCE EVALUATIONS ALWAYS MET OR EXCEEDED EXPECTATIONS.**
- **THERE IS NO EVIDENCE THAT THE RESPONDENT HAS PREVIOUSLY RECEIVED ANY DISCIPLINE IN HIS EMPLOYMENT LET ALONE DISCIPLINE RELATED TO THE CHARGES AT ISSUE IN THIS DISCHARGE APPEAL.**
- **THE EVIDENCE INDICATES THAT PATTI SCANLON MADE LITTLE TO NO EFFORT TO AVOID CONTACT WITH THE RESPONDENT WHILE ALSO EXAGGERATING THE SEVERITY OF THE CONTACT TO MAKE IT APPEAR THAT THE RESPONDENT’S ACTIONS WERE MORE EGREGIOUS.**
- **THE RESPONDENT ACKNOWLEDGED THAT UNINTENTIONAL PHYSICAL CONTACT MIGHT HAVE OCCURRED.**

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	URLACHER	YES

XII. APPEAL TERMINATED WITHOUT DECISION ON THE MERITS

S-48-17

Employee	Annamma Job	Appeal Date	6/28/17
Agency	Human Services	Decision Date	7/11/17
Appeal Type	Suspension	Proposal for Decision	Dismissed; withdrawn.
ALJ	Daniel Stralka		

IT WAS MOVED BY COMMISSIONER URLACHER, 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.

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	URLACHER	YES

XIII. STAFF REPORT

Executive Director Daniel Stralka reported:

- Notice of the Commission’s change in 2017 meeting schedule was published in the Illinois Times. While the notice contained an error in the Commission’s address, Assistant Executive Director Barris indicated it was in substantial compliance with the Open Meetings Act so there was no need to republish. It was the consensus of the Commission that a copy of this notice be attached to the Meeting Minutes.

Assistant Executive Director Andrew Barris reported:

- Central Management Services provided statistics for the CMS grievance process between July 1, 2016 and June 30, 2017. The number of grievances at the fourth level on July 1, 2016 was 18. The number of grievances at the 4th level as of June 30, 2017 was 16. The number of 4th level hearings between those dates was zero. The number of grievances that were dismissed/withdrawn/resolved without a hearing was six. The number of grievances that were addressed through the expedited process was zero. The number of grievances that were moved to the 4th level was four. John Terranova of CMS provided the statistics and stated that they were in the process of scheduling the remaining grievances and contacting the grievants. Barris inquired about the status of amending the Personnel Rules regarding an expedited grievance process and Jennifer Weidman of CMS responded that no one had chosen the expedited method yet. On July 12 and July 19, 2017 Barris inquired about the status of the rules and is awaiting a response. Commissioner Luechtefeld inquired about the use of the expedited process and Barris confirmed that it was a method to be used once the rules were amended. The Director of CMS Michael Hoffman confirmed that CMS would inform the Commission about the process of amending the rules.

Executive Director Daniel Stralka reported:

- The Commission suffered a sporadic computer outage that lasted from June 28 to July 11. Staff was unable to access files on a regular basis which led to general decline in productivity including the Kennedy decision on today's agenda. It apparently was caused by a "worm" at the Department of Veterans' Affairs and affected multiple agencies. The problem now appears to be remedied.
- Staff had their first telephone conference with technical staff from the Department of Innovation and Technology about the three reports the Commission receives including the Consecutive Non-Merit Appointment report. With the assistance of staff from the Department of Central Management Services we have started the process to reassess the underlying criteria of these reports and determine if changes need to be and whether the reports are still feasible.
- The Commission's FY18 appropriation was recently passed. The following information relates to the appropriation:
 - It is a true lump sum in the amount of \$416,900
 - This represents a 7% reduction from the requested amount
 - The bill allows for payment of outstanding FY16 & FY17 invoices. The Commission has the following amounts of unpaid vouchers:
 - FY17 unpaid vouchers \$78,272.85. The Commission has not paid any FY17 voucher.
 - FY16 unpaid vouchers \$44,336.75.
 - Prompt Payment Interest on these unpaid vouchers will come out of the Commission's appropriation.
 - Some FY16 invoices are being paid under vendor payment plans or are in the Court of Claims.
 - He came up with a priority order of payments as follows:
 - Pay as much of the outstanding FY16 rent as possible since the landlord has been complaining the loudest and the longest.
 - Pay the outstanding postage invoice and the FY16 postage meter bill. That will unfreeze the postage meter so it can be used again.
 - Pay off an outstanding FY16 office supplies bill which will hopefully allow the Commission to order office supplies again. The Commission is down to 16 reams of paper.
 - Pay off FY17 travel and other invoices incurred by the Commissioners and staff.

Chairman Sickmeyer inquired when bill payment will begin. Executive Director Stralka replied in mid-August after he has had an opportunity to calculate how much of the appropriation will be needed to cover personnel expenses for the year.

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- There has been an increased amount of activity with regard to the Commission's biannual compliance audit recently.
- The Governor's Office recently solicited ideas from all agencies as to ways the State could operate more efficiently and effectively. He submitted a response on behalf of the Commission on July 14 and offered to provide a copy to all the Commissioners. Commissioner Urlacher requested that the response be sent to all Commissioners.
- The Chairman had broached the idea of supplying Commissioners with business cards. Interested Commissioners should email Executive Director Stralka.

XIV. ANNOUNCEMENT OF NEXT MEETING

Executive Director Stralka noted that there are issues with obtaining parking at the State Fair so the meeting remains scheduled at the Commission's Springfield office. Any change would be communicated to the Commissioners. Chairman Sickmeyer suggested that the Commissioners dress casually for the August meeting.

Announcement was made of the next regular open meeting to be held Thursday, August 17, 2017 at 11:00 a.m. in the Springfield office, only. There will be no interactive video conference.

Chairman Sickmeyer invited Acting Director Michael Hoffman from Central Management Services to address the Commission. Michael Hoffman thanked the Chairman and noted initially he will be following up on the expedited grievance Personnel Rule change. He acknowledged this was referenced at a prior quarterly meeting. He then explained that Central Management Services is currently working with the Special Master and the legal staff from the Governor's Office on a number of personnel related issues. They are trying to develop a modified hiring process to accommodate both the Personnel Code as well as the dictates of the Federal Court. He indicated he does not know where this will end up. Executive Director Stralka noted that he had previously written the Special Master to ensure she was aware of the Commission's role in State personnel administration. He requested that Central Management Services provide the Commission notice as to any proposed changes prior to any implementation. Michael Hoffman agreed with this and observed that Central Management Services was being placed in a strange situation between being bound by the constraints of the Personnel Code and the requirements of the Special Master. Executive Director Stralka expressed the Commission's sympathy for his predicament.

XV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER LUECHTEFELD, AND THE MOTION ADOPTED 4-0 TO ADJOURN THE MEETING AT 11:35 A.M.