

August 16, 2018

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
August 16, 2018

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:13 A.M. AT 607 E. ADAMS STREET, SUITE 801, SPRINGFIELD, IL

II. PRESENT

Chairman Timothy D. Sickmeyer; G.A. Finch, David Luechtefeld, Jane Ryan, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director, Andrew Barris, Assistant Executive Director, and Sabrina Johnson, Exemption Monitor; Sherry Campbell and John Logsdon, Illinois Department of Central Management Service; Tammy Grant and Doug Mathis, Illinois Department of Children and Family Services; Geny Chiaradonna, Illinois Gaming Board; and Jodi Schrage, Ronny Wickenhauser and Terry Ooms, Office of the State Fire Marshal.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD JULY 19, 2018

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 JULY 19, 2018.

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.

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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	85	13
Aging.....	136.....	20
Agriculture	474.....	18
Arts Council	12.....	2
Capitol Development Board.....	30.....	0
Central Management Services	846.....	64
Children and Family Services.....	2,617.....	53
Civil Service Commission	3.....	0
Commerce & Economic Opportunity	245.....	66
Commerce Commission	54.....	0
Corrections	12,465.....	110
Criminal Justice Authority.....	47.....	7
Deaf and Hard of Hearing Comm.....	3.....	1
Developmental Disabilities Council	6.....	1
Emergency Management Agency.....	61.....	9
Employment Security	1,071.....	29
Environmental Protection Agency.....	620.....	18
Financial & Professional Regulation.....	380.....	48
Gaming Board	149.....	5
Guardianship and Advocacy	99.....	8
Healthcare and Family Services	1,586.....	26
Human Rights Commission.....	15.....	2
Human Rights Department	117.....	10
Human Services.....	12,594.....	80
Illinois Torture Inquiry Relief Commission	3.....	1
Independent Tax Tribunal	1.....	0
Innovation and Technology	1,270.....	60
Insurance	207.....	17
Investment Board	3.....	2
Juvenile Justice.....	908.....	28
Labor	74.....	11
Labor Relations Board Educational.....	12.....	3
Labor Relations Board State.....	13.....	2
Law Enforcement Training & Standards Bd.	22.....	3
Lottery	139.....	8
Military Affairs.....	136.....	3
Natural Resources.....	1,343.....	33
Pollution Control Board	16.....	2
Prisoner Review Board.....	20.....	1
Property Tax Appeal Board.....	31.....	1
Public Health	1,110.....	40
Racing Board.....	2.....	1
Revenue.....	1,361.....	45
State Fire Marshal	125.....	11
State Police.....	910.....	10
State Police Merit Board	6.....	2
State Retirement Systems	94.....	3
Transportation	2,128.....	0
Veterans' Affairs	1,244.....	10
Workers' Compensation Commission.....	115.....	11
TOTALS.....	45,008.....	898

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)

* * *

C. Requests for 4d(3) Exemption

Exemption Monitor Sabrina Johnson reported the following:

- As to Item C, this request is for a Legislative Liaison at Illinois Gaming Board, a position that reports to the Administrator. This position will serve as the agency Legislative Liaison and is required to communicate with any official or staff of the General Assembly of the State of Illinois to influence legislative action for the Illinois Gaming Board. This position is currently filled with a provisional appointment that expires August 31, 2018. Staff recommended approval of this exemption request.
- As to Item D, this request is for the Manager in the Arson Investigations Division at the Office of the State Fire Marshal (OSFM), a position that reports to the Chief Operating Officer, who reports to the Deputy Director who reports to the State Fire Marshal. This position will manage and direct the statewide Arson Investigations Division along with serving as the agency spokesperson for Arson Investigations and advise the State Fire Marshal and executive team of long range goals and objectives for this Division. The Division handles an average of 1,100 investigations per year. The Arson Investigation program is supported by the State Fire Marshal Act, the Fire Investigation Act and the Peace Office Fire Investigation Act. After Staff conducted research and analysis of this request, the one concern was this position being three levels removed from the State Fire Marshal. After reviewing other exempt positions at OSFM and the organizational work charts, there are several exempt positions that are similarly three levels removed. This position is currently filled with a provisional appointment that expires August 31, 2018. Staff recommended approval of this exemption request.

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

C: Legislative Liaison (IGB)

D: Chief, Division of Arson Investigation (OSFM)

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

As to the proposed rescissions, Exemption Monitor Sabrina Johnson noted that the details regarding these proposed rescissions are included on the agenda. Of the ten positions considered for rescission, only Items E1 and E2 were included for the Commissioners' consideration. It is Commission Staff's position that an adequate level of managerial control would exist in exempt status for all these proposed rescissions.

- As to Item E1, this position is the Property Management Chief Financial Officer at Central Management Services (CMS). This exemption was first approved on November 20, 2003. CMS submitted a clarification dated June 16, 2005 and the last clarification was dated October 16, 2005, with minor clarifications to the job duties.

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This position handled real and leased property for state Agencies, Boards & Commissions called for by Executive Order Number 10.

Staff met with CMS Representatives to review seven exempt positions in the Bureau of Property Management that received notice of proposed rescission. CMS had recently abolished three of those positions and it was agreed to postpone consideration of two others until the February 2019 meeting for additional discussion to occur. Staff agreed that one of the remaining positions should retain its exempt status. That left Item E1. After Staff's review it was concluded that the lengthy vacancy along with the limited scope of the position warranted rescission of its principal policy exemption. The agency indicated it had no objection to the proposed rescission. This position has been vacant approximately three years. Staff recommended approval of this proposed rescission.

- As to Item E2, this position is the Associate Deputy Director for External Communication in the Department of Children and Family Services (DCFS). This exemption was first approved on June 17, 1998 with a working title of Downstate Deputy Chief. It developed and implemented policy for the downstate master marketing plan, recommended revisions to policies and procedures, conducted presentations to the public and media, and addressed issues and promoted positive stories within smaller media markets. DCFS clarified this position five times in the past 17 years. The working title changed from Downstate Deputy Chief to Associate Deputy Director – Downstate Communications to the current working title. According to the DCFS Classification Manager, some of the functions have changed because of different visions and different initiatives by various Directors but this position still has the duty of developing and implementing policy for the master marketing plan. The master marketing plan also defines and presents agency goals and objectives to the public, advisory groups and other appropriate entities regarding service provision to the children and families of the state.

Staff had issues regarding the Deputy Director of Communications and Associate Deputy Director – Cook County Communications. After reviewing the history of job duties for all three positions along with reviewing the Minutes when these positions were approved, it is clear why DCFS has two Communications positions and one exempt marketing position. When these positions were approved, the Commissioners were comfortable with DCFS having a structure of two exempt Communications positions and one exempt marketing position. DCFS is something of a lightning rod for high profile stories which appeared to be a factor even back when these three were approved for exemption. After additional consideration, Staff was satisfied that this structure was in accordance with the limitations of Section 4d(3) of the Personnel Code. For these reasons, Staff recommended denial of this proposed Rescission.

IT WAS MOVED BY COMMISSIONER RYAN, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO RESCIND THE 4d(3) EXEMPTION FOR THE FOLLOWING POSITION:

E1: BOPM-Chief Financial Officer (CMS)

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IT WAS MOVED BY COMMISSIONER RYAN, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO DENY THE RESCISSION OF 4d(3) EXEMPTION FOR THE FOLLOWING POSITION:

E2: Associate Deputy Director for External Communications (CFS)

The following positions were granted 4d(3) exemption on August 16, 2018:

C. Illinois Gaming Board

Position Number	37015-50-69-000-30-01
Functional Title	Legislative Liaison
Incumbent	Caleb Melamed
Supervisor	Illinois Gaming Board Administrator
Location	Sangamon County

D. Office of the State Fire Marshal

Position Number	40070-50-50-800-00-84
Functional Title	Chief, Division of Arson Investigation
Incumbent	Terry Ooms
Supervisor	Chief Operating Officer who reports to the Deputy Director who reports to the State Fire Marshal
Location	Sangamon County

The following 4d(3) exemption was rescinded on August 16, 2018:

Item	Position Number	Agency and Functional Title	
E1	40070-37-60-200-00-01	CMS	Property Management/CFO

The following 4d(3) exemption rescission was denied on August 16, 2018:

Item	Position Number	Agency and Functional Title	
E2	37015-16-02-000-30-01	CFS	Associate Deputy Director for External Communications

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.

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

- B. Fire Certification Specialist I (revision)**
Fire Certification Specialist II (revision)
Fire Certification Specialist Supervisor (revision)

- C. Medical Administrator I - Option C (revision)**
Medical Administrator I - Option D (revision)
Medical Administrator II - Option C (revision)
Medical Administrator II - Option D (revision)
Medical Administrator III (revision)
Medical Administrator IV (revision)
Medical Administrator V (abolishment)

Staff Analysis: Regarding Items B and C, Assistant Executive Director Barris emailed Chris Nickols at CMS Technical Services prior to the meeting and informed him that the CMS 112 form attached to the proposed revisions and abolishment failed to indicate whether the revisions and abolishment were agreed to through collective bargaining.

Regarding Item B, Barris inquired from Nickols why the proposed revisions were necessary when a similar revision occurred as recently as June 2015 as indicated by the Commission's records. Nickols responded that compared with June 2015, the updated proposal to the Fire Certification Specialist 1, Fire Certification Specialist 2, and Fire Certification Specialist Supervisor class specifications, would fine tune the requirements

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due to: a) the changes from 2015 not yielding the desired results and b) the Joint Committee on Administrative Rules and the Office of the Illinois State Fire Marshal agreed to amendments to Section 141 of the Administrative Code changing certifications required of the positions.

Regarding Item C, Barris inquired if the last revision to the classes occurred in 2002 as indicated by the Commission's records. Nickols confirmed that the Medical Administrator 1 Option C, Medical Administrator 1 Option D, Medical Administrator 2 Option C, Medical Administrator 2 Option D, Medical Administrator 3, Medical Administrator 4, Medical Administrator 5 class specifications had not been revised since October 1, 2002. Barris informed the Commissioners that the proposed revisions and abolishment outlined in Items B and C were agreed to through collective bargaining and that Nickols had provided updated CMS 112s to reflect the agreements. Barris reported that no increases in compensation would result from the revisions and abolishment.

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER LUECHTEFELD, AND THE MOTION ADOPTED 5-0 TO APPROVE THE ABOLISHMENT AND REVISION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE SEPTEMBER 1, 2018:

- B. Fire Certification Specialist I (revision)**
 - Fire Certification Specialist II (revision)**
 - Fire Certification Specialist Supervisor (revision)**

- C. Medical Administrator I - Option C (revision)**
 - Medical Administrator I - Option D (revision)**
 - Medical Administrator II - Option C (revision)**
 - Medical Administrator II - Option D (revision)**
 - Medical Administrator III (revision)**
 - Medical Administrator IV (revision)**
 - Medical Administrator V (abolishment)**

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER RYAN, 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 URLACHER, SECONDED BY COMMISSIONER FINCH, 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 LUECHTEFELD, SECONDED BY COMMISSIONER URLACHER, 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	RYAN	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 607 E. Adams Street, Suite 801, Springfield, IL at 12:00 p.m.

PRESENT

Chairman Timothy D. Sickmeyer; G.A. Finch, David Luechtefeld, Jane Ryan, and Casey Urlacher, Commissioners; and Daniel Stralka, Executive Director, and Andrew Barris, Assistant Executive Director.

X. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL

RV-22-18

Employee	Chelsea Cobb	Appeal Date	10/23/17
Agency	Human Services	Decision Date	07/23/18
Type	Rule Violation	Proposal for Decision	Violation of Section 8b.6 of Personnel Code and Sections 302.320 & 302.780 of Personnel Rules; agency instructed to comply by obtaining approval of CMS Director to discharge probationary employee, Chelsea Cobb.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER RYAN, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED TO REMAND IT TO THE ADMINISTRATIVE LAW JUDGE FOR THE PURPOSE OF TAKING ADDITIONAL EVIDENCE PURSUANT TO SECTION 1.290 OF THE RULES OF THE CIVIL SERVICE COMMISSION.

XI. APPEALS TERMINATED WITHOUT DECISIONS ON THE MERITS

DA-1-19

Employee	Elzbieta Kaminski	Appeal Date	7/05/18
Agency	Human Services	Decision Date	7/31/18
Appeal Type	Discharge	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn.
ALJ	Andrew Barris		

DA-2-19

Employee	Amber Wrobleski	Appeal Date	7/11/18
Agency	Veterans' Affairs	Decision Date	7/23/18
Appeal Type	Discharge	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn.
ALJ	Andrew Barris		

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

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	RYAN	YES
URLACHER	YES		

XII. STAFF REPORT

Assistant Executive Director Barris reported that:

- HB 4295 (Sangamon County Jobs Bill) was signed into law and SB2707 was still waiting for a signature from the Governor.
- The amendments to the Rules of the Civil Service Commission were ready to be submitted for publication by the Secretary of State's office.
- The Record Retention project has been completed as closed cases have been sent to the Illinois State Archives.
- The Interagency Committee on Employees with Disabilities (ICED) requested that member agencies provide a donation for the ICED Annual Awards and the Commissioners agreed to contribute \$100 to the event.

Executive Director Daniel Stralka reported that the Auditor General issued its Compliance Audit Report for fiscal years 2016 and 2017 on July 25, 2018. There was one finding related to the filing of the annual Fiscal Control and Internal Auditing Act report. The deficiency was addressed and steps have been taken to ensure compliance going forward.

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held Thursday, September 20, 2018 at 11:00 a.m. in the Chicago and Springfield offices of the Commission by interactive video conference.

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XIV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER LUECHTEFELD, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 12:03 P.M.