

August 19, 2021

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
August 19, 2021

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:03 A.M. AT 607 E. ADAMS STREET, SUITE 801, SPRINGFIELD, IL

II. ROLL CALL AND CONFIRMATION OF A QUORUM

Timothy D. Sickmeyer, Chairman; G.A. Finch (by telephone), David Luechtefeld, Vivian Robinson, and Teresa C. Smith (by video), Commissioners; Thomas Klein, Executive Director, Andrew Barris, Assistant Executive Director, Sabrina Johnson, Exemption Monitor, and Alexandra Myers, Executive Secretary; Chris Nickols (by telephone) and Sheila Tapscott (by telephone), Central Management Services; Jayne Bethard (by telephone), Bethany Patten (by telephone), Alvin Schexnider (by telephone), and Scott Viniard (by telephone), Department of Human Services; Terri Shawgo (by telephone), Department of Human and Family Services; Viktorija Legge (by telephone), Office of Executive Inspector General; Robert Olmstead (by telephone), Illinois Torture Inquiry and Relief Commission, and Darren Herman.

IT WAS MOVED BY COMMISSIONER ROBINSON, SECONDED BY COMMISSIONER LUECHTEFELD, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0 TO ALLOW COMMISSIONERS SMITH AND FINCH TO JOIN THE MEETING BY OTHER MEANS.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD JULY 20, 2021

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER LUECHTEFELD, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0, TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD JULY 20, 2021.

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)

* * *

B. Requests for 4d(3) Exemption

- Exemption Monitor Sabrina Johnson indicated that Item B was a request for a Medical Eligibility Administrator at the Department of Healthcare and Family Services (HFS), a position that reports to the Director. This position performs highly responsible and sensitive policy making functions for all medical programs administered by HFS. This position develops, recommends and implements program policies and procedures, and is a liaison to members and officials with the Illinois General Assembly, the Office of the Governor, and other State and Federal agencies including local governments. Staff recommended this exemption request be granted.
- Exemption Monitor Ms. Johnson indicated that Items C1 - C3 are positions at the Department of Human Services (DHS). Staff recommended these exemption requests be granted.

Item C1 was a request for a Director of Early Childhood, a position that reports to the Assistant Secretary of Programs, who reports to the Secretary. This position has the authority on policy-making issues impacting Early Childhood management and statewide operations, interprets new Early Childhood legislation, and represents the Secretary and DHS on advisory committees and special interest groups.

Item C2 was a request for a Senior Early Childhood Policy Advisor, a position that reports to the Director of Early Childhood, who reports to the Assistant Secretary of Programs, who reports to the Secretary. This position serves as the legislative liaison for the Division of Early Childhood, it drafts, reviews and tracks state and federal legislation, and designs maximum funding to state programs. This position oversees the briefing materials regarding Illinois programs for Early Childhood for the Governor's staff, legislative staff and other legislative partners.

Item C3 was a request for a Chief of Staff, a position that reports to the Director of Early Childhood, who reports to the Assistant Secretary of Programs, who reports to the Secretary. This position will manage policy making functions for human resources, early childhood health and well-being program/service developments and tasks involving internal and external stakeholders. This position formulates policies and procedures for the daily processes of the Division, develops and revises program policies, rules and regulations to meet operating standards and represents DHS and the Division with the Governor's Office, elected members of the Illinois General Assembly, special interest groups and other state and federal agencies relative to the Early Childhood program operations.

- Item D was a request for an Executive Director at Illinois Torture Inquiry and Relief Commission (TIRC), a position that reports to the Chairman. This position is currently a 4d(3) exempt position since March 2013, the Commissioner granted an extension November 2013 to August 2016, then to August 2018, then to August 2021. TIRC is requesting to continue exemption status for an additional five years.

According to the Illinois Torture Inquiry and Relief Commission Act, Section 70 – Filing of Claims, this Act applies to claims of torture filed not later than ten years (previously five years) after the effective date of this Act, effective date of Act is July 29, 2016. TIRC current outstanding caseload is 499 cases, and their goal is to resolve all claims within five years once the Commission is fully staffed and trained. Staff recommended this exemption request be granted five additional years, expiring August 31, 2026.

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

- B: Medical Eligibility Administrator (DHFS)**
- C1: Director of Early Childhood (DHS)**
- C2: Senior Early Childhood Policy Advisor (DHS)**
- C3: Chief of Staff (DHS)**
- D: Executive Director (TIRC)**

B. Illinois Department of Healthcare & Family Services

Position Number	40070-33-80-000-00-61
Functional Title	Medical Eligibility Administrator
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

C1. Illinois Department of Human Services

Position Number	40070-10-30-000-00-01
Functional Title	Director of Early Childhood
Incumbent	Bethany Patten
Supervisor	Assistant Secretary of Programs, who reports to the Secretary
Location	Sangamon County

C2. Illinois Department of Human Services

Position Number	40070-10-30-000-10-01
Functional Title	Senior Early Childhood Policy Advisor
Incumbent	Vacant
Supervisor	Director of Early Childhood, who reports to the Assistant Secretary of Programs, who reports to the Secretary
Location	Sangamon County

C3. Illinois Department of Human Services

Position Number	40070-10-31-000-00-01
Functional Title	Chief of Staff
Incumbent	Vacant
Supervisor	Director of Early Childhood, who reports to the Assistant Secretary of Programs, who reports to the Secretary
Location	Sangamon County

D. Illinois Torture Inquiry & Relief Commission

Position Number	40070-50-02-000-00-01
Functional Title	Executive Director
Incumbent	Robert Olmstead
Supervisor	Chairman
Location	Cook County

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 ROBINSON, AND BY ROLL CALL VOTE 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 SMITH, SECONDED BY COMMISSIONER LUECHTEFELD, AND BY ROLL CALL VOTE 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 ROBINSON, SECONDED BY COMMISSIONER LUECHTEFELD, 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
SMITH	YES		

August 19, 2021

IX. INTERLOCUTORY APPEAL

DA-29-21

Employee	Monique Cole	Appeal Date	06/17/2021
Agency	Dept. of Human Services	Decision Date	08/04/2021
Appeal Type	Discharge	Proposal for Decision	Dismissed due to failure to appear.
ALJ	Andrew Barris		

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

X. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL

DA-7-21

Employee	Matthew E. Slovinski III	Appeal Date	11/11/2020
Agency	Dept. of Transportation	Decision Date	08/04/2021
Appeal Type	Discharge	Proposal for Decision	Charges dismissed; employee to be reinstated.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER ROBINSON, SECONDED BY COMMISSIONER SMITH, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSALS FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION.

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	ROBINSON	YES
SMITH	YES		

August 19, 2021

XI. APPEAL TERMINATED WITHOUT DECISION ON THE MERITS

DA-12-21

Employee	Lashaun Springfield	Appeal Date	01/11/2021
Agency	Dept. of Human Services	Decision Date	07/22/2021
Appeal Type	Discharge	Proposal for Decision	Withdrawn.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER ROBINSON, SECONDED BY COMMISSIONER FINCH, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO REMAND THE CASE BACK TO THE ADMINISTRATIVE LAW JUDGE FOR THE PURPOSE OF TAKING ADDITIONAL EVIDENCE, INCLUDING IF THERE WAS AN ENFORCEABLE SETTLEMENT AGREEMENT.

DA-2-22

Employee	Michael Fuller	Appeal Date	07/16/2021
Agency	Dept. of Corrections	Decision Date	08/04/2021
Appeal Type	Discharge	Proposal for Decision	Withdrawn.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER ROBINSON, SECONDED BY COMMISSIONER SMITH, AND BY ROLL CALL VOTE OF 5-0 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.

SICKMEYER	YES	FINCH	YES
LUECHTEFELD	YES	ROBINSON	YES
SMITH	YES		

XII. STAFF REPORT

Executive Director Thomas Klein and Assistant Executive Director Andrew Barris represented the Commission at the District Office Staff Training Conference, which is a training for district office staff of members of the General Assembly.

Assistant Executive Director Andrew Barris has been in contact with the Ethics Commission and Department of Innovation and Technology (DOIT) regarding online training. It is required for the training to be completed online. DOIT will give Commissioners Luechtefeld, Finch, and Robinson new training accounts so they may log in.

August 19, 2021

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held at 11:00 a.m. on Thursday, September 16, 2021 in the Springfield office of the Commission. Chairman Sickmeyer has a conflict for this date, and the meeting date was rescheduled for Friday, September 17, 2021 at 11:00 a.m.

XIV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER ROBINSON, SECONDED BY COMMISSIONER SMITH, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 11:37 A.M.