

August 20, 2010

MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
August 20, 2010

I. OPENING OF MEETING AT 11:12 A.M. AT 160 NORTH LASALLE STREET,  
SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman; Barbara J. Peterson (by telephone), Betty A. Bukraba, and Ares G. Dalianis, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director; Jan Oncken, Margaret Van Dijk (by telephone), Mark Magill (by telephone), and Bill Lipsmire (by telephone), Illinois Department of Central Management Services; David Eldridge (by telephone), Illinois Department of Corrections; Susan Gold and Rick DiDomenico, Illinois Department of Financial and Professional Regulation; and Ted Berger and Alec Messina (by telephone), Office of the State Fire Marshal.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD JULY 16, 2010

**IT WAS MOVED BY COMMISSIONER BUKRABA, SECONDED BY CHAIRMAN KOLKER, AND THE MOTION ADOPTED 4-0 TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON JULY 16, 2010.**

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

**A. Report on Exempt Positions**

<u>Agency</u>	<u>Total Employees</u>	<u>No. of Exempt Positions</u>
Aging .....	138.....	11
Agriculture .....	423.....	16
Arts Council.....	19.....	2
Capitol Development Board .....	46.....	0
Central Management Services .....	1,426.....	115
Children and Family Services .....	2,989.....	48
Civil Service Commission .....	4.....	0
Commerce & Economic Opportunity .....	422.....	67
Commerce Commission.....	71.....	0
Corrections.....	11,168.....	104
Criminal Justice Authority .....	59.....	5
Deaf and Hard of Hearing Comm. ....	7.....	1
Developmental Disabilities Council .....	9.....	1
Emergency Management Agency .....	92.....	7
Employment Security.....	1,941.....	29
Environmental Protection Agency .....	917.....	17
Financial & Professional Regulation .....	495.....	41
Gaming Board.....	78.....	5
Guardianship and Advocacy .....	109.....	7
Healthcare and Family Services.....	2,279.....	25
Historic Preservation Agency .....	196.....	9
Human Rights Commission .....	14.....	2
Human Rights Department .....	145.....	8
Human Services .....	13,394.....	77
Insurance.....	233.....	11
Investment Board.....	3.....	1
Juvenile Justice .....	1,232.....	19
Labor.....	78.....	7
Labor Relations Board Educational .....	12.....	2
Labor Relations Board State .....	18.....	2
Law Enforcement Training & Standards Bd.....	17.....	2
Medical District Commission .....	2.....	0
Military Affairs .....	121.....	3
Natural Resources .....	1,252.....	24
Pollution Control Board.....	20.....	1
Prisoner Review Board .....	20.....	0
Property Tax Appeal Board .....	19.....	1
Public Health.....	1,071.....	43
Racing Board .....	2.....	0
Revenue .....	2,000.....	57
State Fire Marshal .....	137.....	12
State Police .....	1,319.....	5
State Police Merit Board.....	6.....	1
State Retirement Systems .....	80.....	2
Transportation.....	2,274.....	0
Veterans' Affairs.....	1,175.....	7
Workers' Compensation Commission .....	172.....	8
TOTALS .....	47,704.....	805

**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. Requests for 4d(3) Exemption**

- As to Item C, this request is for the Medical Coordinator position at the Department of Corrections. This position reports to the Chief of Health Services who reports to the Director. This position was previously submitted for exemption in March of this year but then withdrawn. It was resubmitted in July and continued to this month to allow additional Staff discussions with the agency.

This position has principal policy responsibilities for both the medical-nursing services and statewide environmental services for the agency. Staff had concerns from language of its position description form that the Medical Coordinator's determinations in these areas were still subject to review by the Chief of Health Services. The agency has confirmed that is not the case and that the Medical Coordinator has free reign to make policy-level decisions independently. For these reasons, Staff recommended approval of this request. David Eldridge, Chief of Staff, confirmed these representations and reiterated the importance of this position and how it could prevent a federal takeover of the agency's health facilities. Chairman Kolker inquired as to specific programs under its purview. Eldridge pointed to the medical-nursing services and the environmental services, noting how it impacts legislative mandates and inmate issues.

- As to Item D, this request is for the Managing Director of Community Outreach for the Department of Public Health. The agency requested that this be continued again and Staff concurred with this request.
- As to Items E1 and E2, these requests are for a Senior Policy Advisor and Community Outreach Officer for the Emergency Management Agency, positions that report to the Director. These positions were first granted 4d(3) exemption in August of 2008 but for 12 months only as there were concerns regarding whether they would be placed in a collective bargaining unit at that time. For the same reason the exemptions were approved for an additional 12 months in August of 2009. The agency is again requesting exemption for these positions. The present status is that the Labor Board has voted to include these positions in a bargaining unit, but the agency appealed that decision. The appeal remains pending. It is Staff's recommendation that the Commission grant another 12 month extension of exempt status for these two positions while the litigation remains pending. Upon conclusion of the litigation which will hopefully provide some direction to the Commission in this area, the issue of exempting these and other similarly situated positions can be resolved on a more permanent basis. It was noted that the Illinois Department of Central Management Services indicated in its recommendation letter that it believes the bargaining unit status of a position should not be a factor in the exercise of the Commission's judgment in this area. Staff responded that it remains the Commission's position that inclusion in a bargaining unit and the granting of principal policy exempt status are inconsistent, and that we hope to receive judicial guidance at some point to resolve this inconsistency in some way. Staff also noted that the agency had no objection to another 12 month extension.

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Chairman Kolker inquired as to whether there were incumbents and was advised that E1 had an incumbent while E2 had none. Chairman Kolker proposed a six month extension to monitor their status more closely. Margaret Van Dijk, Central Management Services, responded that it is anticipated it will be more than six months until the pending litigation is resolved and requested a 12 month extension, reciting a brief history of the issues involved in the placement of 4d(3) exempt positions in bargaining units. She noted that briefs have been filed with regard to these two positions but oral argument has not yet occurred though oral argument has occurred in similar appeals. Chairman Kolker noted the proactive steps the Commission took to avoid this issue and stated the Commission was prepared to take action quickly as needed with regard to these and similarly situated positions. Commissioner Dalianis expressed agreement with Chairman Kolker's proposal for a six month extension.

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED 4-0 TO GRANT AND CONTINUE THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:**

**The following 4d(3) exemption requests were granted on August 20, 2010:**

**C. Illinois Department of Corrections**

Position Number	40070-29-02-800-05-01
Position Title	Senior Public Service Administrator
Bureau/Division	Programs and Support Services
Functional Title	Medical Coordinator
Incumbent	Vacant
Supervisor	Chief of Health Services, who reports to the Director
Location	Cook County

**E1. Illinois Emergency Management Agency (granted for a period of six months)**

Position Number	37015-50-17-040-00-03
Position Title	Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Senior Policy Advisor
Incumbent	Phil Anello
Supervisor	Director
Location	Sangamon County

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**E2. Illinois Emergency Management Agency (granted for a period of six months)**

Position Number	37015-50-17-000-10-04
Position Title	Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Community Outreach Officer
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

**The following 4d(3) exemption request was continued on August 20, 2010:**

**D. Illinois Department of Public Health**

Position Number	40070-20-01-100-20-81
Position Title	Senior Public Service Administrator
Bureau/Division	Community Public Health Outreach
Functional Title	Managing Director of Community Public Health Outreach
Incumbent	Vacant
Supervisor	Assistant Director who reports to the Director
Location	Cook County

As to Items F1 & F2, Executive Director Stralka noted that these were agency-initiated rescissions in line with verbal commitments made to the Commission when the agency requested and was approved for 4d(3) exemption requests earlier this year. Commission Staff recommended approval of these requested rescissions.

**The following rescissions of 4d(3) exemption from Jurisdiction B were granted on August 20, 2010:<sup>1</sup>**

**F1. Illinois Department of Human Services**

Position Number	40070-10-75-000-01-21
Position Title	Senior Public Service Administrator
Bureau/Division	Developmental Disabilities
Functional Title	Assistant Facility Director, Shapiro Developmental Center
Incumbent	Lynne Gunde
Supervisor	Shapiro Developmental Center Facility Director
Location	Kankakee County

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<sup>1</sup> The granting of the rescissions of Items F1 and F2 was inadvertently omitted from the August 20, 2010 Minutes. On May 18, 2012, the Commission approved a motion to amend the previously adopted Minutes to reflect this.

**F2. Illinois Department of Human Services**

Position Number	40070-10-67-200-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Developmental Disabilities
Functional Title	Assistant Facility Director, Fox Developmental Center
Incumbent	Vacant
Supervisor	Fox Developmental Center Facility Director
Location	Livingston County

Executive Director Stralka noted that the reason Items G1-G12 were included for proposed rescission was their inclusion in the recent Auditor General management audit of exemptions granted by the Civil Service Commission. As part of that process, the Auditor General surveyed agencies about whether positions that had been granted 4d(3) exemption: 1) were still needed, or 2) still met the criteria for exemption. For these positions, their respective agencies responded negatively to the Auditor General’s query. These survey results were made part of the audit report and constituted two of the six recommendations set forth therein. In its response to the draft audit report, the Commission indicated that any such position that is no longer needed or no longer met the criteria should be abolished or the exempt status should be rescinded. In fact, that is what occurred for many such positions already. The 12 listed on this agenda were the only remaining positions that were listed on the survey that had not been abolished or had their exempt status rescinded.

Staff provided notice to the Director of CMS on July 16, 2010 in accordance with our rules preceded by letters to all affected agency directors notifying them of which positions would be placed on this month’s agenda for rescission and why.

Executive Director Stralka reminded the Commission that its rules provide that rescissions shall be approved only after the Commission has determined that an adequate level of managerial control exists in exempt status which will insure responsive and accountable administrative control of agency programs. It was Commission Staff’s position that such control exists for all these proposed rescissions.

- As to Item G2, after significant research it was determined that this position still qualifies for exemption and it was Staff’s recommendation to deny this proposed rescission.
- As to Items G6-G11, the Office of the State Fire Marshal had not responded to the Commission’s notice until earlier this week. In sum, it was the agency’s contention that it made an inadvertent response to the Auditor General’s survey, that the positions are still needed and that they remain qualified for 4d(3) exemption. Staff expressed concerns that the Auditor General’s records did not reflect this, and that this misinformation may end up being forwarded to the Legislative Audit Commission. The agency indicated it would take steps to

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correct the record in this matter. For these reasons, it was Staff's recommendation that these items be continued to November's meeting for reevaluation at that time. Chairman Kolker reiterated this concern to the agency's representatives. Ted Berger, Chief of Staff for the Office of the Illinois State Fire Marshal, responded that the agency failed to give the Commission's notice the attention it deserved and it was in favor of receiving additional time to evaluate the positions. He also pledged to correct the record with the Auditor General.

- As to Items G1 and G12, it was Staff's recommendation to approve the proposed rescissions.

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 4-0 TO APPROVE, CONTINUE, AND DENY THE PROPOSED RESCISSIONS FROM 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:**

**The following 4d(3) exemptions were rescinded on August 20, 2010:**

	<b>Agency</b>	<b>Position Number</b>	<b>Functional Title</b>
G1	Aging	37015-47-00-000-00-01	Staff Assistant to Director
G3	EPA	40070-46-25-300-00-01	Chief Information Officer
G4	Juvenile Justice	40070-27-50-300-00-01	Asst. Superintendent Operations-Pere Marquette
G5	Public Health	40070-20-23-000-00-81	Executive Secretary, Health Facilities Planning Board
G12	State Police	40070-21-61-103-01-01	Chief, CMS Police

**The following 4d(3) exemptions were continued to November 19, 2010:**

	<b>Agency</b>	<b>Position Number</b>	<b>Functional Title</b>
G6	State Fire Marshal	37015-50-50-000-20-16	Fire Safety Compliance Mgr.
G7	State Fire Marshal	40070-50-50-000-10-16	Director, Elevator Safety
G8	State Fire Marshal	40070-50-50-024-00-01	Chief Information Officer
G9	State Fire Marshal	40070-50-50-100-00-01	Director, Fire Prevention
G10	State Fire Marshal	40070-50-50-200-00-01	Director, Boiler & Pressure Vessel Safety
G11	State Fire Marshal	40070-50-50-500-00-01	Director, Petroleum and Chemical Safety

**The following 4d(3) exemption rescission was denied on August 20, 2010:**

	<b>Agency</b>	<b>Position Number</b>	<b>Functional Title</b>
G2	DOC	40070-29-00-000-00-01	Executive Assistant to Assistant Director



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V. CONSIDERATION OF THE STATUS OF PRIVATE SECRETARIES EXEMPT FROM JURISDICTION B OF THE PERSONNEL CODE

Executive Director Stralka noted that that he provided the Commissioners with a memorandum report which he also had provided to the Illinois Department of Central Management Services prior to today's meeting. Chairman Kolker inquired if there had been any subsequent Attorney General opinions referencing 4d(1) positions other than that included with the report. Mark Magill, Central Management Services, responded that he was not aware of any. Margaret van Dijk, Central Management Services, suggested that a joint request could be made for an opinion, but it was the consensus that the current workload at the Attorney General's office would probably prevent any sort of rapid response to such a request. Mark Magill noted that while there was general agreement with the report there were certain areas Central Management Services was still researching. It was the consensus of the Commissioners to defer this matter to September's meeting to allow Central Management Services to continue its research and allow Staff at both agencies to meet and further discuss this matter.

VI. CLASS SPECIFICATION

The following class title was submitted for revision by the Director of Central Management Services:

**Technical Advisor II**

Staff Analysis: Assistant Executive Director Barris spoke to Ben Fokum, Central Management Services Technical Services, and inquired about the differences between the Technical Advisor I and Technical Advisor II classes and the impact of this change on the classes. Fokum explained that the deletion of the requirement of one year of professional service in the Technical Advisor II class would not eliminate the difference between the classes because the Technical Advisor I class only conducted administrative hearings while the Technical Advisor II class conducted hearings and could also litigate matters before administrative tribunals. Barris asked Fokum about the fact that the change to the Technical Advisor II class was not agreed upon by AFSCME. Fokum explained that letters were sent to the AFSCME Collective Bargaining Administrator on May 13, 2010 and June 13, 2010 in which the proposed revision was explained and it was noted that it would not affect the incumbents. Central Management Services did not receive a response from AFSCME to either of the letters. Barris also noted that the class study indicated that the change was necessary because it was difficult to fill these positions in the Technical Advisor II class due to the one year of professional experience requirement. Barris inquired why it was difficult to find attorneys with experience while so many attorneys with experience were currently looking for work. Susan Gold and Rick DiDomenico from the Illinois Department of Financial and Professional Regulation (DFPR) attended the meeting. It was explained that the DFPR had qualified attorneys who recently graduated from law school and/or third year law students with their 7/11 license who could not move into the class because of the requirement of one year professional experience despite the fact that they had significant experience in working at

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DFPR in litigation matters. Chairman Kolker noted that applications to private law firms had decreased and that many attorneys were leaving state service. Bill Lipsmire, Central Management Services Technical Services, explained that previously the Technical Advisor II class did not have a requirement of one year experience but the requirement was added last year when a change was made to the class as a result of the abolishment of the Public Aid Appeals Advisor class and the incumbents were moved to the Technical Advisor I, II, and III classes. The change in 2009 was necessary because the Public Aid Appeals Advisors were without legal training or a college degree and were having difficulty in meeting deadlines and costing the state upwards of \$16,000 a month in fines for missing deadlines.

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED 4-0 TO APPROVE THE REVISION OF THE FOLLOWING CLASS TITLE TO BE EFFECTIVE SEPTEMBER 1, 2010:**

**Technical Advisor II**

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER PETERSON, AND THE MOTION ADOPTED 4-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.**

**VII. MOTION TO GO INTO EXECUTIVE SESSION**

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DALIANIS, AND BY ROLL CALL VOTE THE MOTION ADOPTED 4-0 TO HOLD AN EXECUTIVE SESSION PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT.**

<b>KOLKER</b>	<b>YES</b>	<b>EWELL</b>	
<b>PETERSON</b>	<b>YES</b>	<b>DALIANIS</b>	<b>YES</b>
<b>BUKRABA</b>	<b>YES</b>		

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VIII. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Suite S-901, Chicago, Illinois at 12:15 p.m.

PRESENT

Chris Kolker, Chairman; Barbara J. Peterson (by telephone), Betty A. Bukraba, and Ares G. Dalianis, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris, Assistant Executive Director.

IX. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Report.

Agency	6/30/10	<b>7/31/10</b>	7/31/09
Aging	0	<b>0</b>	1
Agriculture	0	<b>0</b>	1
Central Management Services	0	<b>0</b>	1
Children and Family Services	5	<b>2</b>	11
Criminal Justice Authority	0	<b>0</b>	1
Employment Security	5	<b>2</b>	10
Healthcare and Family Services	1	<b>0</b>	12
Historic Preservation Agency	0	<b>0</b>	1
Human Services	2	<b>0</b>	1
Natural Resources	0	<b>0</b>	40
Property Tax Appeal Board	4	<b>4</b>	2
Revenue	1	<b>0</b>	0
State Retirement Systems	1	<b>1</b>	0
Transportation	1	<b>3</b>	2
Veterans' Affairs	0	<b>0</b>	1
Totals	20	<b>12</b>	84

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X. INTERLOCUTORY APPEALS

**RV-48-10**

Employee	Sylvester Hartigan	Appeal Date	05/06/10
Agency	DOT	Decision Date	07/19/10
Type	Rule Violation	ALJ	Andrew Barris
Issue(s)	Applied for but did not receive Engineering Technician positions	Proposal for Decision	Grant Motion to Dismiss (no jurisdiction; positions are DOT "Technical" and are exempt from jurisdictions A, B, and C of the Personnel Code pursuant to Section 4c(12)).

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DALIANIS, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE CIVIL SERVICE COMMISSION DOES NOT HAVE JURISDICTION OVER THE ALLEGED VIOLATIONS CITED BY THE PETITIONER IN THAT THE POSITIONS THE PETITIONER APPLIED FOR ARE PART OF THE TECHNICAL STAFF IN THE DEPARTMENT OF TRANSPORTATION AND ARE EXEMPT FROM JURISDICTIONS, A, B, AND C OF THE PERSONNEL CODE PURSUANT TO SECTION 4C(12). IN ADDITION, THERE IS NO ABSOLUTE RIGHT TO WITHDRAW A PENDING APPEAL BEFORE THE COMMISSION MUCH LESS ONE THAT HAS ALREADY REACHED A PROPOSED FINDING ADVERSE TO THE MOVING PARTY. THE PETITIONER DID NOT PROVIDE ANY ARGUMENT OR OTHER INFORMATION WHY THE COMMISSION SHOULD NOT PROCEED TO A FINAL DECISION ON THIS APPEAL. IN ACCORDANCE THEREWITH, THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE TO GRANT THE MOTION TO DISMISS IS AFFIRMED AND ADOPTED. IN ADDITION, THE COMMISSION DENIED THE PETITIONER'S MOTION TO WITHDRAW.**

**KOLKER            YES            EWELL  
PETERSON        YES            DALIANIS        YES  
BUKRABA         YES**

**LA-4-10**

Employee	Troy Markert	Appeal Date	08/31/09
Agency	DCEO	Decision Date	07/14/10
Type	Layoff	ALJ	Andrew Barris
Issue(s)	Violation of Personnel Rules-302.520(b)(1)(3)(4) and (5)	Proposal for Decision	Grant Motion to Dismiss (default; did not appear at scheduled in-person status conference).

**LA-5-10**

Employee	Tom Lawton	Appeal Date	08/31/09
Agency	DCEO	Decision Date	07/14/10
Type	Layoff	ALJ	Andrew Barris
Issue(s)	Violation of Personnel Rules-302.520(b)(1)(3)(4) and (5)	Proposal for Decision	Grant Motion to Dismiss (default; did not appear at scheduled in-person status conference).

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSALS FOR DECISION THAT MARKERT'S AND LAWTON'S FAILURE TO APPEAR AT THE IN-PERSON STATUS CONFERENCE SET FOR JULY 9, 2010 CONSTITUTES A DEFAULT, RESULTING IN THE DISMISSAL OF THEIR APPEALS.**

**KOLKER            YES            EWELL  
 PETERSON        YES            DALIANIS        YES  
 BUKRABA         YES**

**XI. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL**

**DA-20-10**

Employee	Eric F. Childs	Appeal Date	11/17/09
Agency	Juvenile Justice	Decision Date	08/06/10
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Custodial sexual misconduct while supervising youth in custody; gave personal items to and received letters from a youth in custody	Proposal for Decision	Charges are partially proven and warrant 90-day suspension.

**IT WAS MOVED BY COMMISSIONER BUKRABA, SECONDED BY COMMISSIONER DALIANIS, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW**

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**JUDGE'S PROPOSAL FOR DECISION THAT THE CHARGES ARE PARTIALLY PROVEN AND WARRANT 90-DAY SUSPENSION IN LIEU OF DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED AUGUST 6, 2010.**

**KOLKER            YES                    EWELL  
PETERSON        YES                    DALIANIS        YES  
BUKRABA        YES**

**DA-30-10**

Employee	Donald R. Durbin II	Appeal Date	01/08/10
Agency	DVA	Decision Date	08/06/10
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Careless operation of state vehicle and employee personal conduct violation.	Proposal for Decision	Charges are partially proven and warrant discharge.

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER BUKRABA, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE CHARGES ARE PARTIALLY PROVEN AND WARRANT DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED AUGUST 6, 2010.**

**KOLKER            YES                    EWELL  
PETERSON        YES                    DALIANIS        YES  
BUKRABA        YES**

**XII. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS**

**DA-34-10**

Employee	Georgia Jalivay	Appeal Date	02/02/10
Agency	DCFS	Decision Date	07/21/10
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Failure to return from leave	Proposal for Decision	Dismissed subject to Commission approval; withdrawn (settled).

**DA-49-10**

Employee	Emilia Hafertepe	Appeal Date	04/12/10
Agency	DHS	Decision Date	07/19/10
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Failure to perform duties	Proposal for Decision	Dismissed subject to Commission approval; withdrawn (settled).

**DA-1-11**

Employee	Wayne L. Clark	Appeal Date	07/13/10
Agency	DOC	Decision Date	07/15/10
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Conduct unbecoming	Proposal for Decision	Dismissed subject to Commission approval; withdrawn (will pursue through grievance procedure).

**DA-2-11**

Employee	Jeffrey D. Lange	Appeal Date	07/14/10
Agency	DES	Decision Date	08/06/10
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Unauthorized absences	Proposal for Decision	Dismissed subject to Commission approval; withdrawn (settled).

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DALIANIS, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGES' PROPOSALS FOR DECISION TO DISMISS THE APPEALS OF GEORGIA JALIVAY, EMILIA HAFERTEPE, WAYNE CLARK, AND JEFFREY LANGE.**

<b>KOLKER</b>	<b>YES</b>	<b>EWELL</b>	
<b>PETERSON</b>	<b>YES</b>	<b>DALIANIS</b>	<b>YES</b>
<b>BUKRABA</b>	<b>YES</b>		

**XIII. STAFF REPORT**

Executive Director Daniel Stralka reported that:

- The expanded furlough program has been imposed on the Commission. Commission employees must take 24 unpaid furlough days this year, 12 by the end of the calendar year. He noted several ways in which this will negatively impact the Commission's

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operations. Commissioner Bukraba inquired whether this applies to the administrative staff, to which he responded affirmatively.

- Brian Collins started as the Commission's new fiscal officer on August 16, 2010. His first week of training was being conducted by his predecessor, Sandy Guppy, via a personal service contract.
- He received a media inquiry from Fox News as to the workload of the Commission. This inquiry was part of a broader examination into the workings of various Boards and Commissions throughout the State.

XIV. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular meeting to be held on Friday, September 17, 2010 in the Commission's Chicago office.

XV. MOTION TO ADJOURN

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 4-0 TO ADJOURN THE MEETING AT 12:30 P.M.**