

August 20, 2010

AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
August 20, 2010

I. OPENING OF MEETING AT 11:00 A.M. AT 160 NORTH LASALLE STREET,
SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

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

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR
MEETING HELD JULY 16, 2010?**

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

A. Report on Exempt Positions

<u>Agency</u>	<u>Total Employees</u>	<u>Number 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. Illinois Department of Corrections – Proposed Exemption (continued from July 16, 2010)

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

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

D. Illinois Department of Public Health – Proposed Exemption (continued from July 16, 2010)

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

CMS Recommendation: “This position meets the reporting criteria of the Commission Rules and considering the similarity of this position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

E1. Illinois Emergency Management Agency – Exemption expires 8/20/10¹

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

¹ Agenda item E1 was granted exemption for a period of twelve months on August 21, 2009. The position number has been changed from 37015-50-17-000-00-03 to 37015-50-17-040-00-03.

E2. Illinois Emergency Management Agency – Exemption expires 8/21/10²

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

Agency Recommendation: “Due to the nature and scope of these positions, as well as sensitivity of the issues encountered, exemption status is requested. Since the original exemption, these positions have gone into the bargaining unit, but are in the appeal process. Both positions serve as advisors to the IEMA Director. IEMA has successfully filled one position and has actively sought budgetary approval for the remaining position. Position number 37015-50-17-000-00-03 (position number changed to 37015-50-17-040-00-03) was filled on May 1, 2009 and position number 37015-50-17-000-00-04 (position number changed to 37015-50-17-000-10-04) has been approved to fill, however, due to budgetary constraints, IEMA has not been able to fill this very critical position.”

F1. Illinois Department of Human Services – Proposed Rescission of Exemption

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

F2. Illinois Department of Human Services – Proposed Rescission of Exemption

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

² Agenda item E2 was granted exemption for a period of twelve months on August 21, 2009. The position number has been changed from 37015-50-17-000-00-04 to 37015-50-17-000-10-04.

CMS Recommendation: “Because the positions will no longer meet the reporting criteria of the Commission, and due to the diminished authority now vested, the Department requests the 4d(3) exemptions be removed.”

Agency		Position Number	Functional Title
G1	Aging	37015-47-00-000-00-01	Staff Assistant to Director
G2	DOC	40070-29-00-000-00-01	Executive Asst. to Asst. 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
G6	State Fire Marshal	37015-50-50-000-20-16	Fire Safety Compliance Manager
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
G12	State Police	40070-21-61-103-01-01	Chief, CMS Police

WILL THE COMMISSION GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS?

- C: Medical Coordinator (DOC)**
- D: Managing Director of Community Public Health Outreach (DPH)**
- E1: Senior Policy Advisor (EMA)**
- E2: Community Outreach Officer (EMA)**

WILL THE COMMISSION GRANT THE REQUEST FOR RESCISSION OF EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS?

- F1: Assistant Facility Director, Shapiro Developmental Center (DHS)**
- F2: Assistant Facility Director, Fox Developmental Center (DHS)**
- G1: Staff Assistant to the Director (Aging)**
- G2: Executive Assistant to the Assistant Director (DOC)**
- G3: Chief Information Officer (EPA)**
- G4: Assistant Superintendent of Operations, Pere Marquette (Juvenile Justice)**
- G5: Executive Secretary, Health Facilities Planning Board (DPH)**
- G6: Fire Safety Compliance Manager (State Fire Marshal)**
- G7: Director, Elevator Safety (State Fire Marshal)**
- G8: Chief Information Officer (State Fire Marshal)**

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- G9: Director, Fire Prevention (State Fire Marshal)**
- G10: Director, Boiler & Pressure Vessel Safety (State Fire Marshal)**
- G11: Director, Petroleum and Chemical Safety (State Fire Marshal)**
- G12: Chief, CMS Police (State Police)**

V. CONSIDERATION OF THE STATUS OF PRIVATE SECRETARIES AND CONFIDENTIAL ASSISTANTS EXEMPT FROM JURISDICTION B PURSUANT TO SECTION 4D(1) OF THE PERSONNEL CODE

VI. CLASS SPECIFICATIONS

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

Technical Advisor II

Classification Analysis: “Several agencies are reporting problems appointing lawyers from law school with a law license to the Technical Advisor II because of the experience requirement of one year of professional experience in the practice of law. Removal of this requirement will correct the problem. Under the Education and Experience desirable requirement, ‘Requires one year of professional experience in the practice of law’ has been deleted from this submission.”

WILL THE COMMISSION APPROVE THE REVISION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE SEPTEMBER 1, 2010?

Technical Advisor II

WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY?

VII. MOTION TO GO INTO EXECUTIVE SESSION

PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT, WILL THE COMMISSION HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS FILED WITH THE COMMISSION, LITIGATION, AND/OR SPECIFIED EMPLOYMENT MATTERS?

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VIII. RECONVENE MEETING

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 Appointment Reports.

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

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)).

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

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).

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

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).

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

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.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

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.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

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).

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

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).

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

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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).

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

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).

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

XIII. STAFF REPORT

XIV. ANNOUNCEMENT OF NEXT MEETING

The next regular meeting is to be held on Friday, September 17, 2010 at 11:00 a.m. in the Commission's Chicago office.

XV. MOTION TO ADJOURN