

September 21, 2017

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
September 21, 2017

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

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; John Logsdon, Illinois Department of Central Management Services; Melissa Schaefer, Abraham Lincoln Presidential Library and Museum; and Daniel Stowell and Miriam Stowell.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD ON AUGUST 17, 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 ON AUGUST 17, 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.....	144	20
Agriculture	515	18
Arts Council	8	2
Capitol Development Board.....	38	0
Central Management Services.....	857	73
Children and Family Services.....	2,601	54
Civil Service Commission.....	4	0
Commerce & Economic Opportunity.....	281	68
Commerce Commission	59	0
Corrections	12,055	109
Criminal Justice Authority.....	54	7
Deaf and Hard of Hearing Comm.....	4	1
Developmental Disabilities Council.....	7	1
Emergency Management Agency.....	65	8
Employment Security	1,079	30
Environmental Protection Agency.....	626	18
Financial & Professional Regulation.....	392	49
Financial Institutions	59	14
Gaming Board	157	5
Guardianship and Advocacy	94	8
Healthcare and Family Services	1,815	27
Human Rights Commission.....	14	2
Human Rights Department.....	120	10
Human Services.....	12,696	82
Illinois Torture Inquiry Relief Commission	3	1
Independent Tax Tribunal	1	0
Innovation and Technology	503	44
Insurance	230	17
Investment Board	3	2
Juvenile Justice.....	805	28
Labor	78	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.....	1,370	33
Pollution Control Board	16	2
Prisoner Review Board.....	19	1
Property Tax Appeal Board.....	34	1
Public Health	1,086	41
Racing Board.....	2	1
Revenue.....	1,483	47
State Fire Marshal	118	12
State Police.....	973	10
State Police Merit Board	7	2
State Retirement Systems	99	3
Transportation	2,064	0
Veterans' Affairs	1,256	11
Workers' Compensation Commission.....	124	12
TOTALS.....	44,325	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)

* * *

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.

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

B. Highway Maintainer

C. Corrections Treatment Senior Security Supervisor

Regarding Item B, Assistant Executive Director Barris inquired about the necessity of lowering the requirements of the class and its impact on safety. Regarding Item C, Barris inquired why, if the class was created only a year ago, was a revision already necessary. Barris inquired if the revisions to both items would create an increase in compensation for the classes. Regarding Item B, John Logsdon at CMS Technical Services explained that a Class B allowed seasonal employees to drive a plow and other smaller but necessary equipment. Logsdon added that the Highway Maintainer revision lowered the driver's license class for seasonal employees only. They will not be driving semi-trailers which is not part of their job responsibilities. After three years they will need a Class A license. The agency is hiring more seasonal employees and this is not inappropriate for their job duties. Regarding Item C, Logsdon explained it was discovered that applicants did not have the supervisory background that the original class specification called for and Logsdon reiterated that the revision was necessary to find qualified candidates. John Logsdon stated that there were no increases in compensation because of the revisions to the classes and the revisions were agreed to through collective bargaining.

IT WAS MOVED BY COMMISSIONER LUECHTEFELD, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0 TO APPROVE THE REVISION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE OCTOBER 1, 2017:

- B. Highway Maintainer**
- C. Corrections Treatment Senior Security Supervisor**

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

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 FINCH, SECONDED BY COMMISSIONER URLACHER, 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 Street, Suite S-901, Chicago, Illinois and 607 E. Adams Street, Suite 801, Springfield, Illinois by interactive video conference at 11:50 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; Melissa Schaefer, Abraham Lincoln Presidential Library and Museum; and William Stowell and Miriam Stowell.

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.

Agency	7/31/17	8/31/17	8/31/16
Agriculture	16	15	2
Central Management Services	4	5	3
Children and Family Services	0	0	1
Commerce and Economic Opportunity	0	1	0
Emergency Management Agency	0	0	1
Employment Security	1	0	0
Financial and Professional Regulation	1	1	1
Healthcare and Family Services	5	7	3
Historic Preservation Agency	10	10	1
Human Rights Department	0	0	1
Human Services	13	14	8
Innovation & Technology	0	3	0
Insurance	0	0	1
Labor Relations Board-Educational	1	1	0
Natural Resources	43	49	21
Property Tax Appeal Board	1	2	0
Public Health	2	2	0
Revenue	0	1	0
State Fire Marshal	0	0	1
State Police	3	4	1
State Retirement Systems	4	4	1
Transportation	0	1	1
Veterans' Affairs	3	1	0
Workers' Compensation Commission	1	1	3
Totals	108	122	50

XI. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

DA-20-17

Employee	Baneika Holeyfield	Appeal Date	10/18/16
Agency	Revenue	Decision Date	09/01/17
Appeal Type	Discharge	Proposal for Decision	Discharge upheld.
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 PROPOSAL OF THE ADMINISTRATIVE LAW JUDGE THAT THE PARTIALLY PROVEN CHARGES WARRANT DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED SEPTEMBER 1, 2017

SICKMEYER YES FINCH YES
LUECHTEFELD YES URLACHER YES

DA-34-17

Employee	Daniel W. Stowell	Appeal Date	1/30/17
Agency	Historic Preservation	Decision Date	8/31/17
Appeal Type	Discharge	Proposal for Decision	Written warning and 20-day suspension.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER LUECHTEFELD, 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 20-DAY SUSPENSION IS THE APPROPRIATE LEVEL OF DISCIPLINE TO BE IMPOSED. THE PARTIALLY PROVEN CHARGES WARRANT DISCHARGE. THE ADMINISTRATIVE LAW JUDGE PLACED AN INSUFFICIENT EMPHASIS ON A NUMBER OF FACTORS THAT FAVOR A GREATER PENALTY WHEN DETERMINING THE LEVEL OF DISCIPLINE TO IMPOSE.

STOWELL’S REFUSAL TO FOLLOW HIS SUPERIOR’S DIRECTIVE WAS INTENTIONAL, EGREGIOUS AND SPECIFICALLY UNDERMINED HIS SUPERIOR’S AUTHORITY. WHILE THE SUPERIOR’S DIRECTION WAS MADE DIRECTLY TO MCDERMOTT, IT THEN BECAME STOWELL’S RESPONSIBILITY TO ENSURE THAT DIRECTIVE WAS CARRIED OUT WHETHER HE AGREED WITH IT OR NOT. AS A SUPERVISOR, STOWELL HAD THE OBLIGATION TO ENSURE THAT HIS SUPERIOR’S LAWFUL DIRECTIVES WERE CARRIED OUT. STOWELL TOOK NO STEPS TO ISSUE HIS OWN DIRECTIVE TO HER OR TO REMIND HER THAT SHE WAS TO BE REPORTING TO WORK IN SPRINGFIELD. STOWELL NOT ONLY FAILED TO ENSURE THE

DIRECTIVE WAS CARRIED OUT, HE WAS COMPLICIT, BOTH ACTIVELY AND PASSIVELY, IN MCDERMOTT'S CONTINUING INSUBORDINATION. WHILE SUPERVISORS ARE NORMALLY ALLOTTED DISCRETION TO PERFORM THEIR DUTIES, THIS IS A SITUATION WHERE A SUPERVISOR, STOWELL, HAD NO DISCRETION. HE WAS OBLIGATED TO CARRY OUT THE LAWFUL DIRECTIVE TO ONE OF HIS SUBORDINATES AND DID NOT JUST FAIL TO DO SO BUT WAS COMPLICIT IN ITS CONTINUING CIRCUMVENTION BECAUSE HE DID NOT AGREE WITH IT. SUCH CONDUCT IS A SUBSTANTIAL SHORTCOMING THAT RENDERS STOWELL'S CONTINUANCE IN HIS POSITION DETRIMENTAL TO THE DISCIPLINE AND EFFICIENCY OF THE SERVICE AND THAT THE LAW AND SOUND PUBLIC OPINION RECOGNIZE AS GOOD CAUSE FOR THE EMPLOYEE NO LONGER HOLDING THE POSITION.

**SICKMEYER YES FINCH YES
LUECHTEFELD YES URLACHER YES**

DA-40-17

Employee	Andrea Torres	Appeal Date	4/11/17
Agency	Employment Security	Decision Date	8/25/17
Appeal Type	Discharge	Proposal for Decision	Discharge upheld.
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 OF THE ADMINISTRATIVE LAW JUDGE THAT THE PROVEN CHARGES WARRANT DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED AUGUST 25, 2017.

**SICKMEYER YES FINCH YES
LUECHTEFELD YES URLACHER YES**

DA-45-17

Employee	Tashun Martin	Appeal Date	5/22/17
Agency	Human Services	Decision Date	8/30/17
Appeal Type	Discharge	Proposal for Decision	Discharge upheld.
ALJ	Andrew Barris		

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 OF THE ADMINISTRATIVE LAW JUDGE THAT THE PROVEN CHARGES WARRANT DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED AUGUST 30, 2017.

SICKMEYER YES FINCH YES
LUECHTEFELD YES URLACHER YES

S-47-17

Employee	Kelly C. Lim	Appeal Date	6/02/17
Agency	Human Services	Decision Date	8/30/17
Appeal Type	Suspension	Proposal for Decision	Suspension upheld.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL OF THE ADMINISTRATIVE LAW JUDGE THAT THE PROVEN CHARGE WARRANTS A 20-DAY SUSPENSION FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED AUGUST 30, 2017.

SICKMEYER YES FINCH YES
LUECHTEFELD YES URLACHER YES

XII. STAFF REPORT

Executive Director Stralka reported that:

- Commissioner travel vouchers for fiscal year 2017 have been partially processed. The remainder will be done in the next month.
- The auditors were planning on concluding their field work today. There are a number of exceptions already noted. Responses to these will reviewed with the Chairman prior to submission to the Auditor General.

Assistant Executive Director Barris reported that he recently concluded the first 4th level Rules Grievance meeting in several years. There are two additional 4th level meetings scheduled.

Chairman Timothy Sickmeyer announced the proposed meeting schedule for calendar year 2018 would be the third Thursday of every month starting at 11:00 a.m. All meetings would be by interactive video conference in Springfield and Chicago with the exception of the August meeting which would be held in the Commission’s Springfield office only. The Commissioners concurred with this schedule.

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held Thursday, October 19, 2017 at 11:00 a.m. in the Chicago and Springfield offices 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 4-0 TO ADJOURN THE MEETING AT 12:00 P.M.