

March 20, 2009

AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
March 20, 2009

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 FEBRUARY 20, 2009

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR
MEETING HELD FEBRUARY 20, 2009?**

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	162.....	9
Agriculture	439.....	17
Arts Council.....	21.....	2
Capitol Development Board	36.....	0
Central Management Services	1,486.....	110
Children and Family Services	3,138.....	49
Civil Service Commission	4.....	0
Commerce & Economic Opportunity	411.....	68
Commerce Commission.....	72.....	0
Corrections.....	11,429.....	116
Criminal Justice Authority	56.....	6
Deaf and Hard of Hearing Comm.	7.....	1
Developmental Disabilities Council	10.....	1
Emergency Management Agency	94.....	6
Employment Security.....	1,783.....	25
Environmental Protection Agency	967.....	19
Financial & Professional Regulation	744.....	49
Guardianship and Advocacy	106.....	8
Healthcare and Family Services.....	2,446.....	29
Historic Preservation Agency	197.....	12
Human Rights Commission	14.....	2
Human Rights Department	143.....	10
Human Services	14,302.....	77
Investment Board.....	3.....	2
Juvenile Justice	1,182.....	20
Labor.....	80.....	7
Labor Relations Board Educational	12.....	2
Labor Relations Board State	19.....	2
Law Enforcement Training & Standards Bd.....	19.....	1
Medical District Commission	2.....	0
Military Affairs	125.....	3
Natural Resources	1,310.....	24
Pollution Control Board.....	19.....	2
Prisoner Review Board	20.....	0
Property Tax Appeal Board	21.....	1
Public Health.....	1,135.....	45
Revenue	2,103.....	70
State Fire Marshal	143.....	13
State Police	1,409.....	6
State Police Merit Board.....	6.....	1
State Retirement Systems	81.....	2
Transportation	4,290.....	0
Veterans' Affairs.....	1,120.....	7
Workers' Compensation Commission	164.....	10
TOTALS	51,330.....	834

B. Governing Rule – Jurisdiction B Exemptions

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
 1. The Governor, or
 2. A departmental director or assistant director appointed by the Governor, or
 3. A board or commission appointed by the Governor, or
 4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
 5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
 6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
 7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.
- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
 1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
 2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board, or commission.
 3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

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C. Illinois Department of Natural Resources – Proposed Exemption

Position Number	40070-12-00-120-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director’s Office
Functional Title	Special Assistant to the Director
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

CMS Recommendation: “The 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.”

D1. Illinois Department of Natural Resources – Proposed Exemption

Position Number	40070-12-00-200-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director’s Office
Functional Title	Deputy Director
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

D2. Illinois Department of Natural Resources – Proposed Exemption

Position Number	40070-12-00-900-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Scientific Research & Analysis
Functional Title	Director, Office of Scientific Research & Analysis
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

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

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

C: Special Assistant to the Director

D1: Deputy Director

D2: Director, Office of Scientific Research & Analysis

V. CLASS SPECIFICATIONS

The following class titles were submitted for creation by the Director of Central Management Services:

Position Titles:

- A. M H Recovery Support Specialist 1 (new)
- B. M H Recovery Support Specialist 2 (new)

Classification Analysis: “This class series was proposed as a means to appropriately recruit and retain a group of individuals who serve as peer recovery support specialists working with individuals with severe mental disability, their families and service providers to emphasize establishment of wellness goals and recovery oriented supports, and to promote recovery and wellness programs within the service delivery network. The Department of Human Services, Division of Mental Health has reported difficulty in placing individuals who have been recipients of mental health services involving psychiatric illness, the target job candidates for this series. This series attempts to address this problem.

In 2003, the President’s New Freedom Commission on Mental Health published a report targeting adults with serious mental illness and children with serious emotional disturbance to live, work, learn, and participate fully in their communities, to the extent that their disability will allow them to do so, and to permit such individuals to take personal responsibility for setting goals and being involved in their own recovery and adjustment to the disabilities they might have. In its final report, *Achieving the Promise: Transforming Mental Health Care in America*, the Commission concludes that there is a ‘...need to increase opportunities for consumers and family members to share their knowledge, skills, and experiences of recovery. Recovery-oriented services and supports are often successfully provided by consumers through consumer-run organizations and by consumers who work as providers in a variety of settings, such as peer-support and psychosocial rehabilitation programs. Consumers who work as providers help expand the range and availability of services and supports that professionals offer. Studies show that consumer-run services and consumer-providers can broaden access to peer support, engage more individuals in traditional mental health services, and serve as a resource in the recovery of people with a psychiatric diagnosis. Because of their experiences, consumer-providers bring different attitudes, motivations, insights, and behavioral qualities to the treatment encounter. In the past decade, mental health consumers have become involved in planning and evaluating the quality of mental health care and in conducting sophisticated research to affect system reform. Consumers have created and operated satisfaction assessment teams, used concept-mapping technologies, and carried out research on self-help, recovery, and employment.’

Positions in this occupational area were initially classified as Administrative Assistant 1 positions some years ago. The work of this classification was certified as part of the RC28 collective bargaining unit on April 12, 2004. This work and the qualification requirements of these positions is seen to be sufficiently specialized as to warrant treatment on a separate classification series. The work of these positions is currently

represented by AFSCME, and we would suggest that the RC62 bargaining unit appears to be a better fit for this work, and provides for 'special skills' in the selection process which would accommodate the defined candidate pool.

This series provides for two working levels. The lower level encompasses positions involved mainly with direct peer support to assigned groups of individuals, generally in a facility setting, and primarily working with families and facility care providers to encourage and support the patient's involvement in their own recovery process and access to needed supports. The higher level describes work involved with programs and services within a Region-wide setting, involving regional planning, program development, and strengthening of supports and recovery oriented programs within a regional area. This level of work includes training, leadership and expansion of qualified peer recovery specialists, provision of leadership and support to facility based recovery support specialists, and coordination and expansion of the availability of such services."

WILL THE COMMISSION APPROVE THE CREATION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE APRIL 1, 2009?

A: M H Recovery Support Specialist 1

B: M H Recovery Support Specialist 2

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

VI. 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?

VII. RECONVENE MEETING

VIII. 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	1/31/09	2/28/09	2/29/08
Agriculture	0	0	2
Arts Council	0	0	1
Central Management Services	2	1	3
Children and Family Services	3	4	3
Criminal Justice Authority	1	1	0
Employment Security	4	3	0
Financial and Professional Regulation	0	0	1
Healthcare and Family Services	3	5	16
Historic Preservation	0	0	0
Human Services	2	0	3
Natural Resources	4	1	1
Public Health	0	0	1
State Police	1	0	0
State Retirement Systems	0	0	0
Transportation	17	17	70
Veteran's Affairs	3	0	1
Workers' Compensation Commission	1	1	2
Totals	41	33	104

IX. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL

- **DISCHARGE**

DA-40-08

Employee	John Gnutek	Appeal Date	4/06/08
Agency	DOR	Decision Date	3/06/09
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Removing/releasing confidential documents without authorization; attempting to retrieve e-mails of another employee; conducting unauthorized audits	Recommended Decision	Charges are proven and warrant discharge.

DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION IN THE ABOVE MATTER?

- **DISCHARGE**

DA-51-08

Employee	Andrea Torres	Appeal Date	6/06/08
Agency	DES	Decision Date	3/09/09
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Violation of Code of Ethics and gross misconduct	Recommended Decision	Charges are partially proven and warrant 90-day suspension.

DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION IN THE ABOVE MATTER?

- **DISCHARGE**

DA-1-09

Employee	John Meszaros	Appeal Date	7/07/08
Agency	HFS	Decision Date	3/06/09
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Inappropriate behavior or discourteous treatment; failure to follow supervisory instructions; violation of conflict of interest policy	Recommended Decision	Charges are partially proven and warrant 60-day suspension.

DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION IN THE ABOVE MATTER?

X. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

- **DISMISSED**

DA-16-09

Employee	Emmanuel Offor	Appeal Date	11/05/08
Agency	DHS	Decision Date	03/06/09
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Unauthorized absences	Recommended Decision	Dismissed; withdrawn (settled).

DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION IN THE ABOVE MATTER?

- **DISMISSED**

DA-18-09

Employee	Mark G. Horton	Appeal Date	11/24/08
Agency	DHR	Decision Date	03/04/09
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Unauthorized absences; unsatisfactory performance of duties; negligence in performance of duties	Recommended Decision	Dismissed; default (no show at in-person status conference).

DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION IN THE ABOVE MATTER?

- **DISMISSED**

DA-27-09

Employee	Marva Y. Williams	Appeal Date	1/13/09
Agency	WCC	Decision Date	2/17/09
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Misuse of state equipment and supplies	Recommended Decision	Dismissed; settled.

DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION IN THE ABOVE MATTER?

March 20, 2009

XI. REPORT ON THE TREATMENT OF PRIOR DISCIPLINARY INCIDENTS WHICH ARE THE SUBJECT OF PENDING GRIEVANCES

XII. STAFF REPORT

XIII. ANNOUNCEMENT OF NEXT MEETING

The next regular meeting is to be held on Friday, April 17, 2009 at 11:00 a.m. in the Commission's Chicago office.

XIV. MOTION TO ADJOURN