

August 21, 2008

AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
August 21, 2008

I. OPENING OF MEETING AT 9:00 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD JULY 17, 2008

WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR MEETING HELD JULY 17, 2008?

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	167.....	9
Agriculture.....	579.....	16
Arts Council.....	21.....	2
Capitol Development Board	36.....	0
Central Management Services	1,492.....	106
Children and Family Services.....	3,186.....	49
Civil Service Commission	4.....	0
Commerce & Economic Opportunity	430.....	67
Commerce Commission.....	70.....	0
Corrections.....	11,585.....	113
Criminal Justice Authority.....	55.....	6
Deaf and Hard of Hearing Comm.	6.....	1
Developmental Disabilities Council	9.....	1
Emergency Management Agency	100.....	3
Employment Security.....	1,675.....	24
Environmental Protection Agency	1,006.....	19
Financial & Professional Regulation	747.....	50
Guardianship and Advocacy	110.....	8
Healthcare and Family Services.....	2,455.....	29
Historic Preservation Agency	322.....	12
Human Rights Commission	12.....	2
Human Rights Department	158.....	10
Human Services	14,640.....	75
Investment Board.....	3.....	2
Juvenile Justice	1,175.....	19
Labor.....	85.....	7
Labor Relations Board Educational	13.....	2
Labor Relations Board State	20.....	2
Law Enforcement Training & Standards Bd.....	20.....	1
Medical District Commission	2.....	0
Military Affairs	127.....	3
Natural Resources	1,697.....	23
Pollution Control Board.....	19.....	2
Prisoner Review Board	21.....	0
Property Tax Appeal Board	26.....	1
Public Health.....	1,128.....	41
Revenue	2,108.....	71
State Fire Marshal	155.....	12
State Police	1,449.....	6
State Police Merit Board.....	5.....	1
State Retirement Systems	85.....	2
Transportation.....	2,462.....	0
Veterans' Affairs.....	1,141.....	7
Workers' Compensation Commission	172.....	10
TOTALS	50,778.....	814

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 Central Management Services – Proposed Exemption (continued from July 17, 2008)

Position Number	40070-37-80-100-01-19
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Communications & Information (IOCI) / Statewide Media Services
Functional Title	Media Administrator #2 – for Department of Public Health
Incumbent	None
Supervisor	Division Manager of Statewide Media Relations, who reports to IOCI Deputy Director, who in turn 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.”

D2. Illinois Emergency Management Agency – Proposed Exemption (continued from July 17, 2008)

Position Number	37015-50-17-000-00-03
Position Title	Public Service Administrator
Bureau/Division	Director’s Office
Functional Title	Senior Policy Advisor
Incumbent	None
Supervisor	Director
Location	Sangamon County

D3. Illinois Emergency Management Agency – Proposed Exemption (continued from July 19, 2008)

Position Number	37015-50-17-000-00-04
Position Title	Public Service Administrator
Bureau/Division	Director’s Office
Functional Title	Community Outreach Officer
Incumbent	None
Supervisor	Director
Location	Sangamon County

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

E. Illinois Department of Natural Resources – Proposed Exemption

Position Number	40070-12-08-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Special Events Programs and Promotions
Functional Title	Office Director, Special Events Programs & Promotions
Incumbent	Robert Ruff
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.”

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

- C: Media Administrator #2, Department of Public Health**
- D2: Senior Policy Advisor**
- D3: Community Outreach Officer**
- E: Office Director, Special Events Programs & Promotions**

V. CLASS SPECIFICATIONS

None submitted.

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	6/30/08	7/31/08	7/31/07
Agriculture	1	2	8
Arts Council	0	1	1
Central Management Services	6	4	7
Children and Family Services	12	12	9
Employment Security	2	7	0
Healthcare and Family Services	16	9	16
Historic Preservation	2	9	24
Human Services	4	4	4
Natural Resources	25	26	34
Property Tax Appeal Board	1	1	0
State Police	1	1	0
State Retirement Systems	0	1	0
Transportation	6	5	69
Veteran's Affairs	3	2	0
Workers' Compensation Commission	1	3	0
Totals	80	87	172

IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

- **DISCHARGE**

DA-11-08

Employee	Michael A. Sanders	Appeal Date	10/12/07
Agency	CMS	Decision Date	08/08/08
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Insubordination, misuse of state working time, and conduct unbecoming	Recommended Decision	Charges not proven because CMS was not reasonable in ordering employee to attend the independent medical examination.

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

- **DISCHARGE**

DA-13-08

Employee	Patrick B. McGarry	Appeal Date	10/16/07
Agency	DPH	Decision Date	08/08/08
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Inappropriate workplace conduct (hostile, antagonistic and threatening in a confrontation with supervisor)	Recommended Decision	Charges dismissed; employee was already disciplined for the same offense.

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

X. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

- **DISMISSED**

D-42-08

Employee	Michael Monterubio	Appeal Date	4/10/08
Agency	DOT	Decision Date	7/31/08
Type	Demotion	ALJ	Andrew Barris
Charge(s)	Demoted from Lead Worker Emergency Traffic Patrol to Lead Maintenance Worker	Recommended Decision	Dismissed; default (failed to provide requested documentation).

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DA-50-08

Employee	Joey C. Siglar	Appeal Date	5/30/08
Agency	DOT	Decision Date	8/08/08
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Employee not certified	Recommended Decision	Dismissed; default (failed to appear on date set for hearing).

DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISIONS IN THE ABOVE MATTERS?

XI. STAFF REPORT

XII. CONSIDERATION OF CHANGING THE COMMISSION'S REGULARLY SCHEDULED MEETING DAYS AND TIMES

XIII. ANNOUNCEMENT OF NEXT MEETING

The next regular meeting is to be held on Thursday, September 18, 2008 at 9:00 a.m. in the Commission's Chicago office.

XIV. MOTION TO ADJOURN