

September 18, 2008

AGENDA  
ILLINOIS CIVIL SERVICE COMMISSION  
September 18, 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 AUGUST 21, 2008

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR MEETING HELD AUGUST 21, 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 .....	166.....	9
Agriculture.....	590.....	16
Arts Council.....	20.....	2
Capitol Development Board .....	36.....	0
Central Management Services .....	1,474.....	106
Children and Family Services.....	3,193.....	49
Civil Service Commission .....	4.....	0
Commerce & Economic Opportunity .....	419.....	67
Commerce Commission.....	69.....	0
Corrections.....	11,531.....	115
Criminal Justice Authority .....	56.....	6
Deaf and Hard of Hearing Comm. ....	6.....	1
Developmental Disabilities Council .....	9.....	1
Emergency Management Agency .....	101.....	3
Employment Security.....	1,701.....	25
Environmental Protection Agency .....	1,003.....	19
Financial & Professional Regulation .....	746.....	50
Guardianship and Advocacy .....	108.....	8
Healthcare and Family Services.....	2,494.....	29
Historic Preservation Agency .....	250.....	12
Human Rights Commission .....	13.....	2
Human Rights Department .....	152.....	10
Human Services .....	14,630.....	75
Investment Board.....	4.....	2
Juvenile Justice .....	1,173.....	19
Labor.....	81.....	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 .....	1,625.....	23
Pollution Control Board.....	19.....	2
Prisoner Review Board .....	20.....	0
Property Tax Appeal Board .....	26.....	1
Public Health.....	1,129.....	41
Revenue .....	2,102.....	71
State Fire Marshal .....	153.....	12
State Police .....	1,441.....	6
State Police Merit Board.....	5.....	1
State Retirement Systems .....	87.....	2
Transportation.....	2,485.....	0
Veterans' Affairs.....	1,111.....	7
Workers' Compensation Commission .....	177.....	10
<b>TOTALS .....</b>	<b>50,591.....</b>	<b>817</b>

**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 Public Health – Proposed Exemption**

Position Number	40070-20-04-000-00-81
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Men’s Health
Functional Title	Deputy Director
Incumbent	None
Supervisor	Director
Location	Cook 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.”

**D. Illinois Department of Public Health – Proposed Exemption**

Position Number	37015-20-60-200-00-81
Position Title	Public Service Administrator
Bureau/Division	Office of Women’s Health
Functional Title	Community Outreach Administrator
Incumbent	None
Supervisor	Deputy Director, Women’s Health, who reports to the Director
Location	Cook 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: Deputy Director, Office of Men’s Health**

**D: Community Outreach Administrator, Office of Women’s Health**

V. CLASS SPECIFICATIONS

**The following class titles were submitted for abolishment, creation, and revision by the Director of Central Management Services:**

Position Titles:

- A. Public Aid Family Support Specialist 1 (abolish)
- Public Aid Family Support Specialist 2 (abolish)

- Child Support Specialist Trainee (new)
- Child Support Specialist I (new)
- Child Support Specialist II (new)

- Accountant (revise)
- Accountant Advanced (revise)
- Human Services Caseworker (revise)
- Public Aid Lead Casework Specialist (revise)

Classification Analysis:

“The Department of Healthcare and Family Services (HFS) Division of Child Support Enforcement asked that the Department of Central Management Services (CMS) investigate the possibility of creating new classes for use in the Division. Basically, Accountant, Accountant Advanced, Human Services Caseworker, Public Aid Lead Casework Specialist, and Public Aid Family Support Specialist 1 positions in the Division would be cross-trained in order to provide more comprehensive service to clients – especially in field offices. HFS proceeded to perform the cross-training for the incumbents and CMS herein recommends establishment of the new classes of Child Support Specialist Trainee, Child Support Specialist I, and Child Support Specialist II. In addition, the vacant class of Public Aid Family Support Specialist 2 is recommended for abolishment as it was last used on March 1, 2000, and there are no plans to use the class again.”

Position Title:

- B. Fingerprint Technician Supervisor (new)

Classification Analysis:

“The Illinois State Police requested that the Department of Central Management Services conduct a study to determine if a new class – the Fingerprint Technician Supervisor – should be created to encompass positions serving as working supervisors for the Fingerprint Technicians in the Bureau of Identification. A working supervisor assigns and reviews work; provides guidance and training to assigned staff; counsels staff regarding work performance; reassigns staff to meet day-to-day operating needs; establishes annual goals and objectives; approves time off; prepares and signs performance evaluations, but does neither effectively recommend and impose

disciplinary action nor adjust first level grievances. The Fingerprint Technician Supervisor must also be an experienced fingerprint technician since he/she will also have to provide technical assistance with difficult, non-routine fingerprint classifications.

Previously, experienced Fingerprint Technicians (RC-029) were temporarily assigned to Office Administrator IV positions to function as supervisors. However, the Office Administrator IV class is now included in the RC-028 bargaining unit and positions are not assigned to serve as working supervisors of RC-029 positions. Therefore, we have created the Fingerprint Technician Supervisor class for full time positions serving as working supervisors of Fingerprint Technicians.”

**WILL THE COMMISSION APPROVE THE ABOLISHMENT, CREATION, AND REVISION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE OCTOBER 1, 2008?**

- A: Public Aid Family Support Specialist 1 (abolish)  
Public Aid Family Support Specialist 2 (abolish)**

**Child Support Specialist Trainee (new)  
Child Support Specialist I (new)  
Child Support Specialist II (new)**

**Accountant (revise)  
Accountant Advanced (revise)  
Human Services Caseworker (revise)  
Public Aid Lead Casework Specialist (revise)**

- B: Fingerprint Technician Supervisor (new)**

**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.

<b>Agency</b>	7/31/08	<b>8/31/08</b>	8/31/07
Agriculture	2	<b>3</b>	8
Arts Council	1	<b>1</b>	0
Central Management Services	4	<b>3</b>	9
Children and Family Services	12	<b>7</b>	7
Criminal Justice Authority	0	<b>1</b>	0
Employment Security	7	<b>7</b>	0
Healthcare and Family Services	9	<b>13</b>	15
Historic Preservation	9	<b>0</b>	22
Human Services	4	<b>3</b>	4
Investment Board	0	<b>1</b>	0
Natural Resources	26	<b>25</b>	29
Property Tax Appeal Board	1	<b>1</b>	0
State Police	1	<b>0</b>	0
State Retirement Systems	1	<b>1</b>	0
Transportation	5	<b>15</b>	67
Veteran's Affairs	2	<b>0</b>	0
Workers' Compensation Commission	3	<b>4</b>	1
<b>Totals</b>	87	<b>85</b>	162

IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

- **ON REMAND**

**DA-38-01**

Employee	Elizabeth Terrell	Appeal Date	2/13/01
Agency	DHS	Decision Date	8/08/02
Type	Discharge	ALJ	Leonard Sacks and Andrew Barris
Charge(s)	Abuse of service recipient	Recommended Decision	Additional findings of fact and conclusions of law in support of its decision and in accordance with memorandum and order.

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

- **DISCHARGE**

**DA-9-08**

Employee	Thomas W. Bolinger	Appeal Date	9/21/07
Agency	ISP	Decision Date	9/05/08
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Conduct unbecoming, failure to obey state law, and failure to notify supervisor of investigation	Recommended Decision	Charges are partially proven and do warrant discharge.

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

- **DISCHARGE**

**DA-48-08**

Employee	John Rogganbuck	Appeal Date	5/23/08
Agency	DHS	Decision Date	9/05/08
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Sleeping on duty; dereliction of duty	Recommended Decision	Charges are partially proven and do warrant discharge.

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

X. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

• **DISMISSED**

**DA-46-08**

Employee	Danny K. Johnson	Appeal Date	5/19/08
Agency	CMS	Decision Date	9/05/08
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Employee not certified	Recommended Decision	Dismissed; default (no show at hearing).

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

• **DISMISSED**

**DA-3-09**

Employee	Kimberly C. Johnson	Appeal Date	7/23/08
Agency	DHS	Decision Date	8/25/08
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Unauthorized absences	Recommended Decision	Dismissed; withdrawn (will pursue via grievance procedure).

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

XI. REVIEW OF EXECUTIVE SESSION MINUTES PURSUANT TO OPEN MEETINGS ACT

**AFTER REVIEW OF THE EXECUTIVE SESSION MINUTES PURSUANT TO THE OPEN MEETINGS ACT, WILL THE COMMISSION AGREE THAT THE NEED FOR CONFIDENTIALITY STILL EXISTS?**

XII. STAFF REPORT

XIII. MEETING SCHEDULE FOR CALENDAR YEAR 2009

**WILL THE COMMISSION APPROVE THE FOLLOWING AS ITS MEETING SCHEDULE FOR CALENDAR YEAR 2009?**

September 18, 2008

January 16, 2009	Chicago		July 17, 2009	Chicago
February 20, 2009	Chicago		August 21, 2009	Chicago
March 20, 2009	Chicago		September 18, 2009	Chicago
April 17, 2009	Chicago		October 16, 2009	Chicago
May 15, 2009	Springfield		November 20, 2009	Springfield
June 19, 2009	Chicago		December 18, 2009	Chicago

**CHICAGO MEETINGS WILL BEGIN AT 11:00 A.M. AND SPRINGFIELD MEETINGS WILL BEGIN AT 1:00 P.M.**

XIV. ANNOUNCEMENT OF NEXT MEETING

**The next regular meeting is to be held on Thursday, October 16, 2008 at 9:00 a.m. in the Commission's Chicago office.**

XV. MOTION TO ADJOURN