

January 20, 2005

AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
JANUARY 20, 2005

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

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD DECEMBER 16, 2004

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR
MEETING AS CORRECTED HELD DECEMBER 16, 2004?**

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	154	5
Agriculture	506	18
Arts Council	20	1
Capitol Development Board.....	16	0
Central Management Services.....	1310	112
Children and Family Services	3479	41
Civil Service Commission.....	5	0
Commerce & Econ. Opportunity.....	484	60
Commerce Commission	58	0
Corrections	14,319	114
Criminal Justice Authority	77	5
Deaf and Hard of Hearing Comm.	7	1
Developmental Disabilities Council.....	8	1
Elections Board	56	1
Emergency Management Agency.....	111	2
Employment Security	1969	25
Environmental Protect. Agency.....	1139	15
Fin. & Prof. Regulation	873	35
Guardianship and Advocacy	110	6
Historic Preservation Agency.....	208	7
Human Rights Commission.....	11	2
Human Rights Department.....	132	7
Human Services.....	15,535	61
Industrial Commission	168	7
Investment Board	3	1
Labor	78	7
Labor Relations Board Educational.....	16	2
Labor Relations Board Local	1	0
Labor Relations Board State.....	18	2
Law Enforce. Trng. & Standard Bd.....	24	1
Medical District Comm.	2	0
Military Affairs	146	3
Natural Resources	1606	28
Pollution Control Board	26	3
Prisoner Review Board.....	23	0
Property Tax Appeal Board.....	24	2
Public Aid.....	2314	21
Public Health	1155	28
Revenue.....	2159	56
State Fire Marshal	138	7
State Police.....	1516	5
State Police Merit Board	5	1
State Retirement System	83	1
Transportation	3020	1
Veterans Affairs	1198	2
TOTALS	54,310	697

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

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

C. Central Management Services – Proposed Exemption

The following 4d(3) request for exemption was continued at the December 16, 2004 meeting until January 20, 2005.

COPY

Dear Chairman Kolker:

The Department of Central Management Services is requesting 4d(3) policy exemption of the following position:

Position Title:	Senior Public Service Administrator
Position Number:	40070-37-60-340-01-01
Bureau/Division:	Bureau of Property Management/Transactions & Property
Incumbent:	Vacant
Supervisor:	Manager of Transactions and Property Administration
Location:	Cook County

The rationale for requesting this exemption is supported by the following:

1. The Manager of Real Property Transactions reports to the Manager of Transactions and Property Administration (MTPA) who in turn reports to the Deputy Director of Property Management for Central Management Services.
2. This position exercises principal responsibility for the determination and execution of policy involved in the development, negotiation and implementation of real property disposition and acquisition statewide which fixes objectives and states principles towards operating objectives of multiple divisions and agencies with decisions being subject to reversal only by the Deputy Director of Property Management.
3. This position serves as official spokesperson and representative acting with autonomy on behalf of the agency in negotiations with prospective clients, property owners and their representatives in the disposition of surplus properties and the acquisition of new properties possessing significant independent authority acting in the capacity of the MTPA, the Deputy Director of Property Management, CMS and the client agencies to bind the agency to commitments in the development and negotiation of dispositions and acquisitions consisting of an annual disposition income/acquisition spend portfolio of approximately \$15 - \$25 million (primarily consisting of disposition income due to migration towards the increased economy in many cases of leased real estate versus owned real estate) thereby impacting the economy and operational efficiency of all agencies, boards and commissions occupying and or utilizing state-owned facilities and properties statewide. Also impacting the economy and efficiency of operations in addition to the real property

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

income and expenditure budget for which this position is responsible, the Transactions Financial Analysis staff which this position manages is responsible for the provision of financial, market, lease versus by analyses, property valuation and comparable properties studies and the development of financial models to analyze property transactions for all real property transactions and also the most monetarily substantial leases negotiated by the Bureau Transactions Managers.

4. This position plans and programs the activities of other divisions in Property Management, senior management of all client agencies statewide which occupy and /or utilize owned facilities and properties, prospective clients, property owners and their representatives in the development, execution and implementation of dispositions and acquisitions of facilities and properties integrating the plans and projections of these related entities, and schedules projected work activities of those entities in the transaction process during the negotiation and execution of the sale and purchase of facilities and properties.

Considering similarities of this requested position with those of other 4d(3) exempted positions in Central Management Services, I recommend 4d(3) exemption.

To facilitate your review, I have enclosed copies of the position description and organization charts. If additional information is required, please contact Larry Plummer in the Bureau of Personnel at 557-0225.

END OF COPY

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

Position Title:	Senior Public Service Administrator
Position Number:	40070-37-60-340-01-01
Bureau/Division:	Bureau of Property Management/Transactions & Property
Incumbent:	Vacant
Supervisor:	Manager of Transactions and Property Administration
Location:	Cook County

D. Central Management Services – Proposed Exemption

The following 4d(3) request for exemption was continued at the December 16, 2004 meeting until January 20, 2005.

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

COPY

Dear Chairman Kolker:

The Department of Central Management Services is requesting 4d(3) policy exemption of the following position:

Position Title:	Senior Public Service Administrator
Position Number:	40070-37-60-330-01-02
Bureau/Division:	Bureau of Property Management/Transactions & Property
Incumbent:	Vacant
Supervisor:	Manager of Transactions and Property Administration
Location:	Sangamon County

The rationale for requesting this exemption is supported by the following:

1. The Manager of Transactions – Central and Southern Regions reports to the Manager of Transactions and Property Administration who in turn reports to the Deputy Director of Property Management for Central Management Services.
2. This position exercises principal responsibility for the determination and execution of policy involved in the development, negotiation and implementation of leases for the Central and Southern Regions to accommodate geographically varying real estate economics, leasing regulations and client agencies' operational requirements in these Regions which fixes objectives and states principles towards operating objectives of multiple divisions and agencies with decisions being subject to reversal only by the Deputy Director of Property Management.
3. This position serves as official spokesperson and representative acting with autonomy on behalf of the agency in negotiations with property owners, landlords and their representatives in the leasing of all new properties and the restructuring of existing leasing arrangements, possessing significant independent authority acting in the capacity of the MTPA, the Deputy Director of Property Management, CMS and the client agencies to bind the agency to commitments in the development and negotiations of leases consisting of an annual spend portfolio of approximately \$40 million thereby impacting the economy and efficiency of operations of all agencies, boards and commissions occupying leased facilities located in these Regions.
4. This position plans and programs the activities of other divisions in Property Management, senior management of all Central and Southern Region client agencies, property owners and their representatives in the development, execution and implementation of leases for facilities integrating the plans and projections of these related entities and schedules projected work activities of those entities in the lease transaction process during the initial development of lease specifications, the lease negotiation and execution process.

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

Considering similarities of this requested position with those of other 4d(3) exempted positions in Central Management Services, I recommend 4d(3) exemption.

To facilitate your review, I have enclosed copies of the position description and organization charts. If additional information is required, please contact Larry Plummer in the Bureau of Personnel at 557-0225.

END OF COPY

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

Position Title:	Senior Public Service Administrator
Position Number:	40070-37-60-330-01-02
Bureau/Division:	Bureau of Property Management/Transactions & Property
Incumbent:	Vacant
Supervisor:	Manager of Transactions and Property Administration
Location:	Sangamon County

E. Central Management Services – Proposed Exemption

The following 4d(3) request for exemption was continued at the December 16, 2004 meeting until January 20, 2005.

COPY

Dear Chairman Kolker:

The Department of Central Management Services is requesting 4d(3) policy exemption of the following position:

Position Title:	Senior Public Service Administrator
Position Number:	40070-37-60-310-01-02
Bureau / Division:	Bureau Of Property Management / Transactions and Property Administration
Incumbent:	Vacant
Supervisor:	Manager of Transactions and Property Administration
Location:	Cook County

The rationale for requesting this exemption is supported by the following:

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

1. The Manager of Transactions – Chicago and Northern Regions reports to the Manager of Transactions and Property Administration who in turn reports to the Deputy Director of Property Management for Central Management Services.
2. This position exercises principal responsibility for the determination and execution of policy involved in the development, negotiation and implementation of leases for the Chicago and Northern Regions to accommodate geographically varying real estate economics, leasing regulations and client agencies' operational requirements in these Regions which fixes objectives and states principles towards operating objectives of multiple divisions and agencies with decisions being subject to reversal only by the Deputy Director of Property Management.
3. This position serves as official spokesperson and representative acting with autonomy on behalf of the agency in negotiations with property owners, landlords and their representatives in the leasing of all new properties and the restructuring of existing leasing arrangements possessing significant independent authority acting in the capacity of the MTPA, the Deputy Director of Property Management, CMS and the client agencies to bind the agency to commitments in the development and negotiations of leases consisting of an annual spend portfolio of approximately \$40 million thereby impacting the economy and operational efficiency of all agencies, boards and commissions occupying leased facilities located in these Regions.
4. This position plans and programs the activities of other divisions in Property Management, senior management of all Chicago and Northern Region client agencies, property owners and their representatives in the development, execution and implementation of leases for facilities integrating the plans and projections of these related entities and schedules projected work activities of those entities in the lease transaction process during the initial development of lease specifications, the lease negotiation and execution process.

Considering similarities of this requested position with those of other 4d(3) exempted positions in Central Management Services, I recommend 4d(3) exemption.

To facilitate your review, I have enclosed copies of the position description and organization charts. If additional information is required, please contact Larry Plummer in the Bureau of Personnel at 557-0225.

END OF COPY

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

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

Position Title: Senior Public Service Administrator
Position Number: 40070-37-60-310-01-02
Bureau/Division: Bureau Of Property Management / Transactions and
Property Administration
Incumbent: Vacant
Supervisor: Manager of Transactions and Property Administration
Location: Cook County

F. **Department of Financial and Professional Regulation - Proposed Exemption**

The following 4d(3) request for exemption was continued at the December 16, 2004 meeting until January 20, 2005.

COPY

Dear Director Rumman:

Enclosed is a job description for the following Senior Public Service Administrator position.

Position Title: Senior Public Service Administrator
Position Number: 40070-13-10-305-00-01
Division: Chicago Commercial Bank Supervision Division
Incumbent: Richard Brunskill
Supervisor: SPSA 40070-13-10-300-00-01
Location: Cook County

This position within the Department of Financial and Professional Regulation, Division of Banks and Real Estate, which serves as the Manager of the Chicago Commercial Bank Supervision Division. This is a senior staff position that involves responsibility for the determination and implementation of policy. As such, this position meets the criteria for partial exemption under Section 4d(3) of the Personnel Code. Therefore, I am requesting that CMS review the enclosed job description and make a favorable recommendation to the Civil Service Commission that this position be placed on the agenda for consideration of 4d(3) exemption at the Commission's regularly scheduled meeting to be held on December 16, 2004.

Should you have any questions regarding this request, contact Richard Foxman, Human Resources Director at 217/785-0816.

END OF COPY

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

CMS Recommendation

Although this position does not meet the reporting criteria of the Commission Rules, considering similarities of this requested position with those of other 4d(3) exempt positions, CMS recommends 4d(3) exemption.

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

Position Title: Senior Public Service Administrator
Position Number: 40070-13-10-305-00-01
Division: Chicago Commercial Bank Supervision Division
Incumbent: Richard Brunskill
Supervisor: SPSA 40070-13-10-300-00-01
Location: Cook County

G. **Central Management Services - Proposed Exemption**

The following recommendation and supporting materials were received from the Director of Central Management Services.

COPY

Dear Chairman Kolker:

The Department of Central Management Services is requesting 4d(3) policy exemption of the following position.

Position Title: Senior Public Service Administrator
Position Number: 40070-37-70-100-00-01
Bureau / Division: Legal/Labor Relations
Incumbent: Vacant
Supervisor: Chief Administrative Officer and General Counsel
Location: Sangamon County

The rationale for requesting this exemption is supported by the following:

1. The Deputy General Counsel reports to the Chief Administrative Officer and General Counsel who exercises full line authority under the Director and is

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

- responsible for performing duties clearly distinct and separate from other Deputy Directors and statutorily appointed Assistant Directors.
2. The Deputy General Counsel provides technical advice and legal policy determinations on legal matters relating to Labor Relations which often have a critical impact on decisions and actions of the Department and other agencies under the jurisdiction of the Governor; offers consultation on a wide variety of difficult and complex legal questions and problems as they affect the overall Labor Relations policies of the State; has primary responsibility in drafting all legislation; interprets rules and regulations; conducts and/or testifies at hearings.
 3. The Deputy General Counsel performs policy-making, project-managing, spokesperson, facilitative and review functions for all key strategic objectives with respect to labor contract negotiations for the State.
 4. The Deputy General Counsel directs and conducts technical and specialized legal work in the areas of Labor Relations and related policy/regulatory matters, including coordinating comprehensive review of all legal issues relating to labor matters with other legal attorneys and with outside counsel; directs and is responsible for all legal work related to Labor Relations, including, but not limited to contract preparation and negotiation, general counseling, coordination and prevention of litigation and claims, determination of settlements and cost-effective handling of all litigation, coordination of such litigation, claims and settlements with the Office of the Governor and the Attorney General.

Considering similarities of this requested position with those of other 4d(3) exempted positions in the Department of Central Management Services, I recommend 4d(3) exemption.

To facilitate your review, I have enclosed copies of the position description and organization charts. If additional information is required, please contact Dawn DeFraties in the Bureau of Personnel at 217/524-8773.

END OF COPY

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

Position Title:	Senior Public Service Administrator
Position Number:	40070-37-70-100-00-01
Bureau / Division:	Legal/Labor Relations
Incumbent:	Vacant
Supervisor:	Chief Administrative Officer and General Counsel
Location:	Sangamon County

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

H. **Central Management Services - Proposed Exemption**

The following recommendation and supporting materials were received from the Director of Central Management Services.

COPY

Dear Chairman Kolker:

The Department of Central Management Services is requesting 4d(3) policy exemption of the following position:

Position Title	Senior Public Service Administrator
Position Number	40070-37-70-200-00-01
Bureau / Division	Chief Administrative Officer and General Counsel's Office
Incumbent	Vacant
Supervisor	Chief Administrative Officer and General Counsel
Location	Sangamon County

The rationale for requesting this exemption is supported by the following:

1. The Deputy General Counsel – Personnel reports to the Chief Administrative Officer and General Counsel (CAO&GC) who exercises full line authority under the Director and is responsible for performing duties clearly distinct and separate from Central Management Services Deputy Directors and statutorily appointed Assistant Directors.
2. The Deputy General Counsel - Personnel serves as the principal legal advisor for the CMS Bureau of Personnel exercising principal responsibility for determination, execution and interpretation of personnel legal policies, procedures and guidelines which fixes objectives and state principles to control action toward operating objectives for CMS and all agencies, boards and commissions under the jurisdiction of the Governor. This position also works with the CAO&GC and the Deputy Director of the Bureau of Personnel in the development of recommended changes to personnel legislation and the drafting of proposed bills, amendments, resolutions and implementing resultant procedures, rules and regulations which impact all agencies.
3. The Deputy General Counsel – Personnel possesses significant authority when acting in the capacity of the Chief Administrative Officer and General Counsel

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

to bind the agency to courses of action to senior management within CMS, legal and personnel offices for all agencies, the Governor's Office, the Attorney General's Office and other governing judicial authorities on matters of personnel legal policy, procedure and guideline development, interpretation, implementation including proposing and issuing new or revised interpretations and resolution of personnel legal issues; also serves as spokesperson for the CAO&GC to all agencies, boards and commissions, judiciary authorities and other concerned parties explaining and interpreting CMS personnel legal policies, procedures and guidelines.

4. This position advises management of CMS and all agencies on addressing and resolving complex and sensitive legal personnel issues which involves the planning and programming of departmental activities and integrating the plans and projections of related organizational entities and the scheduling of projected work programs for those agencies

As this position meets the reporting criteria as set forth in Section 1.142 Jurisdiction B Exemptions of the 80 Illinois Administrative Code and considering similarities of this requested position with those of other 4d(3) exempted positions in Central Management Services, I recommend 4d(3) exemption.

To facilitate your review, I have enclosed copies of the position description and organization charts. If additional information is required, please contact Dawn DeFraties in the Bureau of Personnel at 524-8773.

END OF COPY

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

Position Title	Senior Public Service Administrator
Position Number	40070-37-70-200-00-01
Bureau / Division	Chief Administrative Officer and General Counsel's Office
Incumbent	Vacant
Supervisor	Chief Administrative Officer and General Counsel
Location	Sangamon County

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V. MOTION TO GO INTO EXECUTIVE SESSION

WILL THE COMMISSION HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS OF DISMISSAL FILED WITH THE COMMISSION?

VI. RECONVENE MEETING

VII. 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 report as of December 31, 2004.

	<u>11/30/04</u>	<u>12/31/04</u>
Central Management Services	8	9
Children & Family Services	3	1
Comm. & Econ. Opportunity	2	3
Environmental Protection	1	0
Historic Preservation	16	2
Human Services	1	3
Natural Resources	9	11
Public Aid	4	3
Public Health	1	2
State Retirement Systems	1	1
Transportation	1	3
Totals	46	38

VIII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

- **DISCHARGE (On Remand)**

DA-67-04

Respondent	Louis Betts, III	Appeal Date	10/29/03
Agency	DOC	Decision Date	1/10/05
Type of Appeal	Discharge	ALJ	Daniel Stralka
Charge(s)	Violation of Standards of Conduct.	Recommendation	Charges Proven; Discharge Upheld.

DOES THE COMMISSION CONCUR WITH THE RECOMMENDED DECISION IN THE ABOVE MATTER?

- **DISCHARGE (On Remand)**

DA-71-04

Respondent	Rick Lind	Appeal Date	11/10/03
Agency	DOC	Decision Date	1/07/05
Type of Appeal	Discharge	ALJ	Andrew Barris
Charge(s)	Unauthorized Absence.	Recommendation	Appeal Granted; Employee Reinstated.

DOES THE COMMISSION CONCUR WITH THE RECOMMENDED DECISION IN THE ABOVE MATTER?

- **DISMISSAL**

DA-29-05

Respondent	Jeanetta Dale	Appeal Date	12/1/04
Agency	DOC	Decision Date	1/07/04
Type of Appeal	Discharge	ALJ	Andrew Barris
Charge	Unauthorized Absences.	Recommended Decision	No Jurisdiction; Appeal Dismissed.

DOES THE COMMISSION CONCUR WITH THE RECOMMENDED DECISION IN THE ABOVE MATTER?

IX. APPEALS TERMINATED WITHOUT DECISION

• **DISMISSAL**

LA-06-05

Petitioner	Neal Gosselink	Appeal Date	7/01/04
Agency	DOC	Decision Date	1/07/05
Type of Appeal	Layoff	ALJ	Andrew Barris
Issue	Unknown	Recommended Decision	Lack of Prosecution; Appeal Dismissed.

DOES THE COMMISSION CONCUR WITH THE RECOMMENDED DECISION IN THE ABOVE MATTER?

• **DISMISSAL**

DA-57-04

Petitioner	William Link	Appeal Date	8/28/04
Agency	DCEO	Decision Date	1/11/05
Type of Appeal	Discharge	ALJ	Daniel Stralka
Charge	Conduct Unbecoming A DCEO Employee; Unauthorized Absence.	Recommended Decision	Settlement Agreement Reached; Appeal Dismissed.

DOES THE COMMISSION CONCUR WITH THE RECOMMENDED DECISION IN THE ABOVE MATTER?

• **DISMISSAL**

DA-01-05

Petitioner	Larry Wargel	Appeal Date	7/6/04
Agency	DOC	Decision Date	12/08/04
Type of Appeal	Layoff	ALJ	Andrew Barris
Issue	Non-renewal of Term Appointment.	Recommended Decision	Joint Stipulation To Dismiss; Appeal Dismissed.

DOES THE COMMISSION CONCUR WITH THE RECOMMENDED DECISION IN THE ABOVE MATTER?

IX. APPEALS TERMINATED WITHOUT DECISION (continued)

• **DISMISSAL**

LA-20-05

Petitioner	Diane Hendren	Appeal Date	10/27/04
Agency	DNR	Decision Date	1/11/05
Type of Appeal	Layoff	ALJ	Andrew Barris
Issue	Lack of Funds; Material Reorganization.	Recommended Decision	Lack of Prosecution; Appeal Dismissed.

DOES THE COMMISSION CONCUR WITH THE RECOMMENDED DECISION IN THE ABOVE MATTER?

• **DISMISSAL**

LA-23-05

Petitioner	Jay V. Johnson	Appeal Date	10/28/04
Agency	DNR	Decision Date	1/07/05
Type of Appeal	Layoff	ALJ	Andrew Barris
Issue	Unknown	Recommended Decision	Lack of Prosecution; Appeal Dismissed.

DOES THE COMMISSION CONCUR WITH THE RECOMMENDED DECISION IN THE ABOVE MATTER?

• **DISMISSAL**

AA-26-05

Petitioner	Connie Lenear	Appeal Date	10/08/04
Agency	DOC	Decision Date	1/10/05
Type of Appeal	Allocation	ALJ	Andrew Barris
Issue	Unfair Pay.	Recommended Decision	Failure To Respond by Petitioner; Appeal Dismissed.

DOES THE COMMISSION CONCUR WITH THE RECOMMENDED DECISION IN THE ABOVE MATTER?

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X. PETITION FOR DECLARATORY RULING

• **DECLARATORY RULING**

DR-16-05

Petitioner	Gary Lee Kupsak	Appeal Date	8/09/04
Agency	ICJA	Decision Date	12/30/04
Type of Appeal	Declaratory Ruling	ALJ	Daniel Stralka
Issue	Petitioner's Resignation.	Recommended Finding	ALJ Finds That Petitioner's Resignation Did Not Violate Personnel Rules.

DOES THE COMMISSION CONCUR WITH THE RECOMMENDED FINDING IN THE ABOVE MATTER?

XI. EMERGENCY AMENDMENT TO THE PERSONNEL RULES

- The Personnel Rules were duly amended by the Department of Central Management Services on July 1, 2004 by statutory authority (20 ILCS 415) as follows:

Heading of Part	Public Officials and Employees
Code Citation	80 Ill. Adm. Code 303
Sections Involved	303.125 303.130 303.135 303.145 303.148
Effective Date	7/01/04
Date Submitted	January 10, 2005

As result of recent changes to the AFSCME contract, use of Personal Leave time has been changed and maternity/paternity leave benefits have been increased. Language has been added to permit medical appointments related to service-connected injury without loss of benefit time. Language has also been added to provide for resolution of conflicting evaluations of fitness for duty. Language has been added to allow Family Responsibility Leave without exhaustion of accumulated benefit time. Finally, for purposes of Family Responsibility Leave, the definition of family has been expanded.

XI. EMERGENCY AMENDMENT TO THE PERSONNEL RULES (continued)

WILL THE COMMISSION APPROVE THE EMERGENCY AMENDMENT TO THE PERSONNEL RULES?

XII. AMENDMENTS IN CLASS SPECIFICATIONS

Change needed by July 1, 2004 to make benefits under the newly-approved AFSCME contract available and applicable to all State employees under the personnel rules.

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

<u>Current Position Title</u>	<u>Proposed Position Title</u>
Hearings Referee	No Change in Title
Hearings Referee Intermittent	No Change in Title

Classification Analysis

The reason for the proposal is to add language to the class specifications that require bilingual skills in carrying out the duties and responsibilities. The language added is, "In addition to English verbal and written skills, candidates may be required to translate, speak and write a foreign language at a colloquial skill level. Some positions may require manual communication skills."

The benefit is that this will enable the incumbents of such classifications to communicate with non-English speaking clients.

WILL THE COMMISSION APPROVE THE REVISION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE FEBRUARY 1, 2005?

Hearings Referee

Hearings Referee Intermittent

XII. AMENDMENTS IN CLASS SPECIFICATIONS (continued)

B. The following class titles were submitted for abolishment by the Director of Central Management Services:

<u>Current Position Title</u>	<u>Proposed Position Title</u>
Health Planning Specialist 1	Abolish
Health Planning Specialist 2	Abolish

Classification Analysis

This action recommends the abolishment of the Health Planning Specialist 1 and 2 classes, which have remained unused since January 1999.

With the 1986 repeal of the National Health Planning and Resource Development Act of 1974, and the gradual decline in staff over time, these classes are no longer required at this time. The agency anticipates no use of the occupation in the coming year.

WILL THE COMMISSION APPROVE THE ABOLISHMENT OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE FEBRUARY 1, 2005?

Health Planning Specialist 1
Health Planning Specialist 2

C. The following class title was submitted for establishment by the Director of Central Management Services:

Proposed Position Title

Equal Pay Specialist

Classification Analysis

The Illinois Equal Pay Act was signed into law by Governor Rod Blagojevich on May 11, 2003 and became effective January 1, 2004. The Department of Labor is vested with the responsibility of administering this Act. The Department requested that the Department of Central Management Services create a new class designed to provide training concerning the Illinois Equal Pay Act to employers, workers and others and to investigate equal pay complaints.

Compensation Analysis

The new Equal Pay Specialist classification will include positions responsible for reviewing complaints arising from the Equal Pay Act of 2003, which prohibits

XII. AMENDMENTS IN CLASS SPECIFICATIONS (continued)

employers with four or more employees from paying unequal wages to men and women performing the same or substantially similar work, unless the wage difference is based on seniority, a merit system, or factors other than gender. The positions will coordinate educational seminars statewide, prepare and present educational workshops and develop training materials and handouts. In addition, positions will manage a caseload of equal pay complaints, conduct field investigations, and make case determinations based upon an analysis of findings. The class calls for the equivalent of four years college with coursework in accounting and business mathematics, personnel administration or a related field, and one year of professional experience in managing caseloads.

We compared the subject class with the Administrative Assistant 1 class, which calls for the equivalent of four years college and one year of professional experience. Positions in this classification deliver talks on agency activities to interested groups and discuss and interpret agency programs and procedures, conduct investigations and studies of problems affecting agency operations. The Administrative Assistant 1 excluded rate for this classification is MC-04 (\$2,449-\$4,313).

A salary rate of MC-04 (\$2,449-\$4,313) is therefore recommended for this new classification.

WILL THE COMMISSION APPROVE THE ESTABLISHMENT OF THE FOLLOWING CLASS TITLE TO BE EFFECTIVE FEBRUARY 1, 2005?

Equal Pay Specialist

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

<u>Current Position Title</u>	<u>Proposed Position Title</u>
Veterans Service Officer	No change in title.

Classification Analysis

Myra Meyerholz of Central Management Services' Division of Examining and Counseling ask that we update the Veterans Service Officer to reflect the dates for the War on Terrorism, as this meets the criteria for inclusion as a time of hostility. The War on Terrorism began as a result of the terrorist attacks on the twin towers of the World Trade Center in New York City on September 11, 2001. We estimate that this hostility will end on December 31, 2006.

January 20, 2005

XII. AMENDMENTS IN CLASS SPECIFICATIONS (continued)

WILL THE COMMISSION APPROVE THE REVISION OF THE FOLLOWING CLASS TITLE TO BE EFFECTIVE FEBRUARY 1, 2005?

Veterans Service Officer

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

XIII. FY2004 ANNUAL REPORT

WILL THE COMMISSION APPROVE THE FISCAL YEAR 2004 ANNUAL REPORT?

XIV. REQUEST TO PROVIDE SEARCHABLE ONLINE CASE ANNOTATIONS

XV. STAFF REPORT

XVI. ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, February 17, 2005 at 9:00 a.m. in the Commission's Chicago Office.

XVII. MOTION TO ADJOURN