

April 19, 2007

AGENDA  
ILLINOIS CIVIL SERVICE COMMISSION  
April 19, 2007

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 MARCH 15, 2007

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR MEETING HELD MARCH 15, 2007?**

IV. APPROVAL OF MINUTES OF SPECIAL MEETING HELD APRIL 4, 2007

**WILL THE COMMISSION APPROVE THE MINUTES OF THE SPECIAL MEETING HELD APRIL 4, 2007?**

V. 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 .....	153.....	9
Agriculture .....	463.....	17
Arts Council.....	23.....	2
Capitol Development Board .....	32.....	0
Central Management Services .....	1,581.....	111
Children and Family Services.....	3,317.....	41
Civil Service Commission .....	4.....	0
Commerce & Economic Opportunity .....	422.....	64
Commerce Commission.....	52.....	0
Corrections.....	12,346.....	101
Criminal Justice Authority.....	64.....	6
Deaf and Hard of Hearing Comm. ....	6.....	1
Developmental Disabilities Council .....	10.....	1
Emergency Management Agency .....	102.....	1
Employment Security.....	1,713.....	26
Environmental Protection Agency .....	1,068.....	18
Financial & Professional Regulation .....	789.....	42
Guardianship and Advocacy .....	113.....	7
Healthcare and Family Services.....	2,367.....	29
Historic Preservation Agency .....	251.....	11
Human Rights Commission.....	11.....	2
Human Rights Department .....	136.....	8
Human Services .....	14,606.....	66
Investment Board.....	4.....	2
Juvenile Justice .....	1,296.....	18
Labor.....	71.....	8
Labor Relations Board Educational .....	14.....	2
Labor Relations Board Local.....	1.....	0
Labor Relations Board State .....	19.....	2
Law Enforcement Training & Standards Bd.....	20.....	1
Medical District Commission .....	2.....	0
Military Affairs .....	142.....	3
Natural Resources .....	1,443.....	27
Pollution Control Board.....	26.....	3
Prisoner Review Board .....	22.....	0
Property Tax Appeal Board .....	26.....	2
Public Health.....	1,097.....	35
Revenue .....	2,038.....	63
State Fire Marshal.....	157.....	11
State Police .....	1,479.....	6
State Police Merit Board.....	5.....	1
State Retirement Systems .....	81.....	1
Transportation.....	3,723.....	1
Veterans' Affairs.....	1,171.....	5
Workers' Compensation Commission .....	174.....	11
<b>TOTALS .....</b>	<b>52,640.....</b>	<b>765</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 Healthcare and Family Services – Proposed Exemption (continued from March 15, 2007)**

Position Number	40070-33-00-900-00-21
Position Title	Senior Public Service Administrator
Bureau/Division	Director’s Office
Functional Title	Deputy Director for Policy
Incumbent	None
Supervisor	Director
Location	Cook County

**CMS Recommendation:** “This position does meet the reporting criteria of the Commission Rules and considering similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

**D1. Illinois Dept. of Financial and Professional Regulation – Proposed Exemption (exemption granted March 15, 2007)**

**D2. Illinois Dept. of Financial and Professional Regulation – Proposed Exemption (continued from March 15, 2007)**

Position Number	40070-13-40-940-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Professional Regulation
Functional Title	Director of Real Estate Investigations
Incumbent	None
Supervisor	Director of State-wide Enforcement (who reports to Director, who in turn reports to Secretary)
Location	Cook County

**D3. Illinois Dept. of Financial and Professional Regulation – Proposed Exemption (continued from March 15, 2007)**

Position Number	40070-13-40-950-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Professional Regulation
Functional Title	Director of Pharmacy Investigations
Incumbent	Yashwant M. Amin
Supervisor	Director of State-wide Enforcement (who reports to Director, who in turn reports to Secretary)
Location	Cook County

**D4. Illinois Dept. of Financial and Professional Regulation – Proposed Exemption  
(continued from March 15, 2007)**

Position Number	40070-13-40-960-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Professional Regulation
Functional Title	Director of Athletics
Incumbent	Ronald A. Puccillo
Supervisor	Director of State-wide Enforcement (who reports to Director, who in turn reports to Secretary)
Location	Cook County

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

**E. Illinois Environmental Protection Agency – Proposed Exemption**

Position Number	40070-46-00-000-00-04
Position Title	Senior Public Service Administrator
Bureau/Division	Director’s Office
Functional Title	Assistant to the Director/Policy Advisor
Incumbent	None
Supervisor	Director
Location	Cook County

**CMS Recommendation:** “This position does meet the reporting criteria of the Commission Rules and considering similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

**F. Illinois Department of Corrections – Proposed Exemption**

Position Number	40070-29-00-000-00-002
Position Title	Senior Public Service Administrator
Bureau/Division	Assistant Director’s Office
Functional Title	Chief, Statewide Resources and Program Development
Incumbent	None
Supervisor	Assistant Director (who reports to Director)
Location	Cook County

**CMS Recommendation:** “This position does meet the reporting criteria of the Commission Rules and considering similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

**G. Illinois Historic Preservation Agency – Proposed Exemption**

Position Number	40070-48-00-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director’s Office
Functional Title	Deputy Director
Incumbent	None
Supervisor	Director
Location	Sangamon County

**CMS Recommendation:** “This position does meet the reporting criteria of the Commission Rules and considering similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

**H. Illinois Department of Human Services – Proposed Exemption**

Position Number	40070-10-02-100-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Assistant Secretary’s Office
Functional Title	Project Manager for the DHS New Framework Business Model
Incumbent	None
Supervisor	Assistant Secretary (who reports to the Secretary)
Location	Cook County

**CMS Recommendation:** “This position does meet the reporting criteria of the Commission Rules and considering similarities of this requested 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?**

- Item C: Deputy Director for Policy**
- Item D2: Director of Real Estate Investigations**
- Item D3: Director of Pharmacy Investigations**
- Item D4: Director of Athletics**
- Item E: Assistant to the Director/Policy Advisor**
- Item F: Chief of Statewide Resources and Program Development**
- Item G: Deputy Director**
- Item H: Project Manager**

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VI. CLASS SPECIFICATIONS

- None

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

VII. 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?**

VIII. RECONVENE MEETING

IX. 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>	<b>2/28/07</b>	<b>3/31/07</b>	<b>3/31/06</b>
Agriculture	2	<b>1</b>	8
Arts Council	1	<b>1</b>	1
Central Management Services	1	<b>1</b>	3
Children and Family Services	8	<b>7</b>	8
Commerce and Economic Opportunity	0	<b>1</b>	2
Emergency Management Agency	0	<b>0</b>	1
Employment Security	2	<b>2</b>	0
Financial and Professional Regulation	1	<b>1</b>	2
Healthcare and Family Services	6	<b>3</b>	8
Historic Preservation	1	<b>1</b>	0
Human Services	3	<b>2</b>	5
Natural Resources	3	<b>1</b>	3
Property Tax Appeal Board	2	<b>2</b>	1
State Fire Marshal	1	<b>0</b>	0
State Retirement Systems	1	<b>2</b>	0
Transportation	90	<b>57</b>	60
Veterans' Affairs	2	<b>1</b>	2
<b>Totals</b>	124	<b>83</b>	104

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X. REMANDED APPEAL OF DARYL SCHOLTENS<sup>1</sup>

**DA-33-06**

Petitioner	Daryl Scholtens	Appeal Date	2/28/06
Agency	DCFS	Decision Date	8/07/06
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Falsification of records; poor work performance	Recommended Decision	Charges partially proven; unique factual circumstances warrant a 90-day suspension.
Meeting Date	8/17/06	Commission Decision	Charges partially proven; discharge upheld.

**WILL THE COMMISSION ADOPT THE DECISION DETAILING ITS SPECIFIC FINDINGS OF FACT AND CONCLUSIONS OF LAW AND SETTING FORTH THE BASIS FOR ITS CONCLUSION THAT JUST CAUSE FOR DISCHARGE EXISTS IN THE ABOVE MATTER?**

XI. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

• **RULE VIOLATION APPEAL**

**RV-13-07**

Employee	Vincent Cacioppo	Appeal Date	11/27/06
Agency	DOR	Decision Date	03/27/07
Type	Rule Violation	ALJ	Andrew Barris
Charge(s)	Alleges violation of Section 301.170 of Personnel Rules in that his pay is not fair and equitable	Proposed Finding	No violation.

**DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSED FINDING IN THE ABOVE MATTER?**

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<sup>1</sup> Discharge upheld by the Commission on August 17, 2006; On administrative review (06-MR-482), remanded back to the Commission for a decision detailing its specific findings of fact and conclusions of law, and to set forth the basis for its conclusion that just cause for discharge exists.

XII. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

- **WITHDRAWN**

**DA-19-07**

Employee	Andre' Toguem	Appeal Date	12/20/06
Agency	DHS	Decision Date	03/28/07
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Failure to return to work after educational leave of absence	Recommended Decision	Dismissed subject to Commission approval; withdrawn (settlement).

**DOES THE COMMISSION APPROVE THE DISMISSAL OF THE ABOVE MATTER?**

- **WITHDRAWN**

**DA-23-07**

Employee	Khalil Shalabi	Appeal Date	01/09/07
Agency	DHS	Decision Date	04/10/07
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Personal use of state time and equipment for personal business and political activity; falsified timesheets	Recommended Decision	Dismissed subject to Commission approval; withdrawn (settlement).

**DOES THE COMMISSION APPROVE THE DISMISSAL OF THE ABOVE MATTER?**

- **WITHDRAWN**

**DA-31-07**

Employee	Manuel Acevedo	Appeal Date	03/13/07
Agency	DHS	Decision Date	04/10/07
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Conduct unbecoming a state employee	Recommended Decision	Dismissed subject to Commission approval; withdrawn (settlement).

**DOES THE COMMISSION APPROVE THE DISMISSAL OF THE ABOVE MATTER?**

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XIII. STAFF REPORT

XIV. PRESENTATION ON OPEN MEETINGS ACT

XV. ANNOUNCEMENT OF NEXT MEETING

The next regular meeting is to be held on Thursday, May 17, 2007 at 10:30 a.m. in the Commission's Springfield office.

XVI. MOTION TO ADJOURN