

June 15, 2006

AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
June 15, 2006

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 MAY 17, 2006

WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR MEETING HELD MAY 17, 2006?

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	144.....	9
Agriculture.....	488.....	17
Arts Council.....	20.....	1
Capitol Development Board	29.....	0
Central Management Services	1,638.....	115
Children and Family Services.....	3,307.....	41
Civil Service Commission	4.....	0
Commerce & Econ. Opportunity	448.....	61
Commerce Commission.....	42.....	0
Corrections.....	13,855.....	117
Criminal Justice Authority	75.....	6
Deaf and Hard of Hearing Comm.	6.....	1
Developmental Disabilities Council	11.....	1
Emergency Management Agency	103.....	1
Employment Security.....	1,793.....	26
Environmental Protect. Agency	1,065.....	17
Financial. & Prof. Regulation	807.....	43
Guardianship and Advocacy	113.....	6
Healthcare and Family Services	2,308.....	29
Historic Preservation Agency	295.....	12
Human Rights Commission	11.....	2
Human Rights Department	129.....	8
Human Services	14,890.....	62
Investment Board.....	5.....	2
Labor.....	74.....	7
Labor Relations Board Educational	17.....	2
Labor Relations Board Local.....	1.....	0
Labor Relations Board State	17.....	2
Law Enforce. Trng. & Standard Bd.	22.....	1
Medical District Comm.....	2.....	0
Military Affairs.....	142.....	3
Natural Resources	1,643.....	27
Pollution Control Board.....	26.....	3
Prisoner Review Board	23.....	0
Property Tax Appeal Board	20.....	2
Public Health.....	1,130.....	35
Revenue	2,028.....	53
State Fire Marshal.....	151.....	9
State Police	1,470.....	6
State Police Merit Board.....	5.....	1
State Retirement Systems	84.....	1
Transportation.....	2,844.....	1
Veterans Affairs.....	1,184.....	5
Workers Comp. Commission.....	170.....	10
TOTALS	52,639.....	745

A. 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 Dept. of Financial and Professional Regulation – Proposed Exemption

Position Number	40070-13-40-860-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Professional Regulation
Functional Title	Nursing Act Coordinator
Incumbent	None
Supervisor	Director of Professional Regulation Division (Reports to Secretary)
Location	Cook

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. This position, with additional programmatic authority, replaces the Public Service Administrator, Nursing Act Coordinator (37015-13-40-860-00-01), which was 4d3 Exempt. This noted PSA has been abolished.”

V. 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?

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 Appointment Report as of May 31, 2006.

Agency	4/30/06	5/31/06
Agriculture	8	8
Arts Council	1	0
Central Management Services	3	3
Children and Family Services	10	10
Commerce and Economic Opportunity	2	2
Financial and Professional Regulation	1	6
Healthcare and Family Services	10	10
Historic Preservation	0	10
Human Rights Department	0	1
Human Services	2	3
Natural Resources	21	30
Property Tax Appeal Board	1	1
Transportation	27	23
Veterans Affairs	2	1
Totals	88	108

VIII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

- DISCHARGE APPEAL

DA-18-06

Petitioner	Thomas Abner	Appeal Date	9/23/05
Agency	DOT	Decision Date	6/02/06
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Disruptive conduct (verbal altercation/pushed his supervisor) and violence in the workplace	Recommended Decision	Charges are partially proven; ALJ recommends 90-day suspension in lieu because of the unique factual circumstances.

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

- **DISCHARGE APPEAL**

DA-30-06

Petitioner	Laureen Page	Appeal Date	1/18/06
Agency	DHFS	Decision Date	6/02/06
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Grabbed and pushed a co-worker	Recommended Decision	Charges are partially proven; ALJ recommends a 45-day suspension in lieu of discharge given the unique factual circumstances.

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

- **LAYOFF APPEAL**

LA-51-05

Petitioner	Doug Schnell	Appeal Date	1/20/05
Agency	DNR	Decision Date	5/24/06
Type	Layoff	ALJ	Andrew Barris
Charge(s)	Violation of Personnel Rules regarding layoff	Proposed Finding	No violation.

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

IX. **APPEALS TERMINATED WITHOUT DECISION ON THE MERITS**

- **DISMISSAL**

DA-10-06

Petitioner	James Young	Appeal Date	8/03/05
Agency	DCFS	Decision Date	5/31/06
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Unauthorized absences; failure to follow procedures	Recommended Decision	Default (refused to testify); dismissed subject to Commission approval.

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DOES THE COMMISSION APPROVE THE DISMISSAL OF THE ABOVE MATTER?

- **WITHDRAWN**

DA-46-06

Respondent	Quentin Grant	Appeal Date	5/16/06
Agency	Agriculture	Decision Date	5/24/06
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Falsification of records; unauthorized absences	Recommended Decision	Withdrawn; dismissed subject to Commission approval.

DOES THE COMMISSION APPROVE THE DISMISSAL OF THE ABOVE MATTER?

- **DISMISSAL**

S-37-06

Respondent	Darin Chitwood	Appeal Date	4/07/06
Agency	DOC	Decision Date	5/31/06
Type	Suspension	ALJ	Andrew Barris
Charge(s)	Suspended pending discharge (unauthorized absences)	Recommended Decision	Default (failure to appear); dismissed subject to Commission approval.

DOES THE COMMISSION APPROVE THE DISMISSAL OF THE ABOVE MATTER?

- **DISMISSAL**

S-43-06

Respondent	Felicia Kirk	Appeal Date	5/03/06
Agency	DHS	Decision Date	5/16/06
Type	Suspension	ALJ	Daniel Stralka
Charge(s)	Suspension pending discharge	Recommended Decision	No jurisdiction; dismissed subject to Commission approval.

DOES THE COMMISSION APPROVE THE DISMISSAL OF THE ABOVE MATTER?

X. AMENDMENTS IN CLASS SPECIFICATIONS

The Director of Central Management Services has submitted the following class titles for creation, revision or abolishment:

A. Position Title

Child Development Aide (new)

Classification Analysis

“The Department of Corrections is in the process of creating a “Moms and Babies” program and modifying the pregnant mothers’ program and the infant program to include incarcerated mothers who are either pregnant or who have recently given birth and retain custody of their infant children. Under these plans, an infant/toddler will reside with his/her mother in the Correctional facility and will receive supportive care/treatment from Corrections employees while the mother is working within the facility.

Corrections human resources staff suggested a modification to the Child Development Aide 3 class for paraprofessionals to assist in this work; the professional staff would consist of registered nurses and Correctional Counselors. Accordingly, the Child Development Aide 3 has been revised to include Elective C for positions serving in the Department of Corrections in the “Moms and Babies” programs, pregnant mothers’ programs and infant programs.

No modifications for Electives A or B were suggested or desired by the other user agencies.

We have also taken the opportunity to remove the Roman numeral “III” from the title, thus necessitating the use of a new 5-digit title code. The Child Development Aide I and II levels were both abolished due to lack of use in 1991.”

B. Position Title

Revenue Audit Supervisor (new)

Classification Analysis

“Department of Revenue human resources staff requested a class study of the Public Service Administrators (PSA’s) serving as supervisors of Revenue Audit 1-3, and Trainee and/or Revenue Computer Audit Specialist positions engaged in reviewing and analyzing Illinois taxpayers’ financial documents or performing post-audit functions of reviewing completed audits for correctness and consistency with the various tax laws. Due to increases in the salary ranges for the subordinate staff and the lack of pay advancements for the PSA supervisors, Revenue staff expressed a desire to have the PSA positions reclassified to another class with a higher pay grade.

After analyzing the classification and compensation aspects of the perceived problem, CMS staff agrees with Revenue staff and recommends the creation of the Revenue Audit Supervisor class.”

C. Position Title

- Terrorism Research Specialist 1 (new)
- Terrorism Research Specialist 2 (new)
- Terrorism Research Specialist 3 (new)
- Terrorism Research Specialist Trainee (new)

Classification Analysis

“This new series is most closely related to the Criminal Intelligence Analyst series. However, the principal work differs in subject matter, and involves rapid information support and exchange in response to potential terrorist activity, situations and information requests from law enforcement personnel. Fourteen contractual workers have initially been identified for inclusion in the new series. The positions are in the Statewide Terrorism and Intelligence Center (STIC) program located at the new State Emergency Operations Center. We were advised that Federal startup money was available only for contractual services to initialize this new program. State Police management now wishes to fully fund permanent positions for this new occupational area.

The agency requires professionally developed staff, with a Bachelor’s degree or higher. Academic, cultural and linguistic backgrounds of staff are diversified and complimentary for this program, providing a range of skills within the team to effectively respond to information needs rapidly and effectively. Candidate selection is job-specific due to the types of assignments called for, and some assignments require fluency in one or more foreign languages, or knowledge of cultural backgrounds, and groups, threat categories and targets of interest. Due to the specialized nature of this work, selection should provide for specialized skills required for this group of jobs, and educational minimums as called for in the classification series.”

D. Current Position Title

- Water Plant Operator (revise)

Classification Analysis

“The Department of Corrections requested a revision to the requirements for this class; Corrections is the sole user of the class. The Department has an opening for a Water Plant Operator at Dixon Correctional Center, but the applicant lacks the Class “A” Water Supply Operator Certificate required in the class specification. However, as the Dixon facility is supplied by well water and not surface water, an applicant possessing a current Class “B” Water Supply Operator Certificate could legally serve

as the Water Plant Operator at the Dixon Correctional Center. Therefore, after reviewing the statute (Public Water Supply Operations Act) pertaining to the class of license required to perform the functions of this class, we have agreed to modify the class specification to allow for a Class “B” certificate for those operations devoid of surface water supplies. Other minor changes were made to the class specification to clarify terminology and correct typographical errors.”

E. Current Position Title

Educator Aide (revise)

Classification Analysis

“Prior to 2004, the education requirement for the Educator Aide class was a minimum of thirty semester hours of college or the completion of a Teacher Aide Program. In 2004, educational requirements were modified according to the provisions of Title I, Part A of the federal Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB), which requires that teacher aides providing instructional support in programs with Title I funding possess a minimum of two years of college coursework or an associate’s (or higher) degree. The educational requirement in place prior to 2004 is recommended for reinstatement to allow for the existence of positions in programs with sources of funding other than Title I, Part A, while the present educational requirement will be retained for certain positions within programs that are supported in whole or in part by federal Title I, Part A funds.

Thus, the proposed modification for the Educator Aide class specification involves offering two education and experience options. Certification as a paraprofessional (teacher aide) by the Illinois State Board of Education (ISBE) will stand as the main criterion. Option A is proposed for programs with funding sources other than Title I, Part A; Option B is proposed for programs supported in whole or in part by federal Title I, Part A funds. These two options are consistent with ISBE and federal requirements, as well as the education and experience standards mentioned in the first paragraph. The integrity of the selection and eligibility processes will be maintained by this method.”

F. Current Position Title

Child Welfare Supervisor (abolish)

Classification Analysis

“The Department of Children & Family Services is the only agency that uses the Child Welfare Supervisor title and it has not been used since August 1, 1999. They currently use Public Service Administrator, Option 6 positions to serve as supervisors of the child welfare and child protection teams. They are requesting that we abolish the Child Welfare Supervisor class specification.”

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WILL THE COMMISSION APPROVE THE CREATION, REVISION OR ABOLISHMENT OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE JULY 1, 2006?

Child Development Aide (new)

Revenue Audit Supervisor (new)

Terrorism Research Specialist 1 (new)

Terrorism Research Specialist 2 (new)

Terrorism Research Specialist 3 (new)

Terrorism Research Specialist Trainee (new)

Water Plant Operator (revise)

Educator Aide (revise)

Child Welfare Supervisor (abolish)

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

XI. AMENDMENT TO THE PERSONNEL RULES

80 ILAC, Subpart B: Leave of Absence, Section 303.175 Disaster Service Leave With Pay

The above Personnel Rule change has been proposed to expand the scope of the “Disaster Service Leave With Pay” section in the following ways:

1. Previously, this benefit was available only for disasters within the State of Illinois. The amendment will expand that to disasters within the United States or its territories.
2. Previously, this benefit was available only when a disaster had been declared by the American Red Cross. The amendment will expand that to allow it to be granted for disasters declared by the Illinois Emergency Management Agency.

XII. STAFF REPORT

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XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, July 20, 2006 at 9:00 a.m. in the Commission's Chicago Office.

XIV. MOTION TO ADJOURN