

October 20, 2005

AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
October 20, 2005

- 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 SEPTEMBER 15, 2005

WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR MEETING HELD SEPTEMBER 15, 2005?

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

A. **Report on Exempt Positions**

<u>Agency</u>	<u>Positions</u>	Total	Number of Exempt <u>Employees</u>
Aging.....	153	.....	8
Agriculture	518	.....	17
Arts Council	22	.....	1
Capitol Development Board.....	17	.....	0
Central Management Services.....	1663	.....	120
Children and Family Services	3337	.....	41
Civil Service Commission.....	3	.....	0
Commerce & Econ. Opportunity.....	448	.....	61
Commerce Commission	43	.....	0
Corrections	14,138	.....	117
Criminal Justice Authority	82	.....	6
Deaf and Hard of Hearing Comm.	5	.....	1
Developmental Disabilities Council.....	13	.....	1
Emergency Management Agency.....	112	.....	1
Employment Security	1892	.....	26
Environmental Protect. Agency.....	1079	.....	16
Fin. & Prof. Regulation	800	.....	41
Guardianship and Advocacy	109	.....	5
Healthcare and Family Services.....	2189	.....	28
Historic Preservation Agency.....	300	.....	12
Human Rights Commission.....	11	.....	2
Human Rights Department.....	130	.....	6
Human Services.....	14,791	.....	59
Investment Board	4	.....	2
Labor	75	.....	7
Labor Relations Board Educational.....	16	.....	2
Labor Relations Board Local	1	.....	0
Labor Relations Board State.....	18	.....	2
Law Enforce. Trng. & Standard Bd.....	23	.....	1
Medical District Comm.	2	.....	0
Military Affairs	142	.....	3
Natural Resources	1555	.....	27
Pollution Control Board	26	.....	3
Prisoner Review Board.....	23	.....	0
Property Tax Appeal Board.....	23	.....	2
Public Health	1105	.....	35
Revenue.....	2029	.....	59
State Fire Marshal	137	.....	9
State Police.....	1453	.....	6
State Police Merit Board	5	.....	1
State Retirement Systems	81	.....	1
Transportation	2850	.....	1
Veterans Affairs	1118	.....	5
Workers Comp. Commission	166	.....	10
TOTALS	52,707	.....	746

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 Exemption¹

Position Number	40070-33-05-100-00-61
Position Title	Senior Public Service Administrator
Bureau/Division	Healthcare Purchasing
Functional Title	Assistant Chief, Healthcare Purchasing
Incumbent	None
Supervisor	Chief, Healthcare Purchasing (reports to Director)
Location	Sangamon

CMS Recommendation:

"Although these positions do not meet the strict reporting criteria of the Commission Rules, the programmatic responsibilities and authorities vested are similar to those of other administrative positions granted 4d3 exemption. Most notable Public Service Administrator in the Department of Commerce and Economic Opportunity 37015-42-00-050-11-01. In May 2005 the Commission granted exemption of this position, which serves as the Assistant Managing Director of the DCEO Film Office. Thus, I recommend 4d(3) exemption..."

D. Illinois Department of Human Services - Proposed Exemption²

Position Number	40070-10-11-700-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Training and Development
Functional Title	Bureau Chief, Training and Development
Incumbent	None
Supervisor	Bureau Chief, Human Resources (reports to Chief Operations Officer who reports to Secretary)
Location	Cook

CMS Recommendation:

"Although this position does not strictly meet the reporting criteria of the Commission, it is found to have equivalent authorities to other positions in Department of Human Services which have been granted 4d(3) exemption. These noted positions include: the Manager of Bureau of Policy and Review (40070-10-04-200-00-01), the Manager of Bureau of Contract Compliance (40070-10-04-300-00-01), the Manager of Bureau of Administrative Services (40070-10-10-100-00-01), and the Manager of Bureau of Recruitment and Selection (40070-10-11-200-00-01). Thus, I recommend 4d(3) exemption."

¹ Continued from September 15, 2005 meeting.

² Continued from September 15, 2005 meeting.

E. Illinois Department of Natural Resources - Proposed Exemption

Position Number	37015-12-00-210-00-01
Position Title	Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Equal Employment Opportunity Officer
Incumbent	None
Supervisor	Director
Location	Sangamon

CMS Recommendation:

"The position meets the reporting requirement of the Commission's Rules and is vested with similar authorities to those of other 4d(3) exempt positions. An example is the Equal Employment Officer in the Department of Revenue (40070-25-00-100-50-01) which was granted 4d(3) status in June, 2005. In light of the reporting structure, authorities vested, and similarities to other 4d(3) exempt positions, I recommend 4d(3) exemption of the Public Service Administrator listed above."

F. Illinois Department of Human Services - Proposed Exemption

Position Number	40070-10-00-000-11-01
Position Title	Senior Public Service Administrator
Bureau/Division	Secretary's Office
Functional Title	Governor's Office Liaison
Incumbent	None
Supervisor	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."

G. Illinois Department of Central Management Services - Proposed Exemption

Position Number	40070-37-00-000-10-04
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Deputy Chief Operating Officer
Incumbent	None
Supervisor	Chief Operating Officer (reports to Director)
Location	Cook

CMS Recommendation:

"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."

H1. Illinois Department of Human Rights - Proposed Exemption

Position Number	40070-49-10-300-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Administration
Functional Title	Operations Manager
Incumbent	Burley D. Howard
Supervisor	Director
Location	Cook

H2. Illinois Department of Human Rights - Proposed Exemption

Position Number	40070-49-30-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Compliance Division
Functional Title	Manager, Compliance Division
Incumbent	None
Supervisor	Director
Location	Cook

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) exemptions."

I. Illinois Department of Financial & Professional Regulation - Proposed Exemption

Position Number	40070-13-05-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Administrative Services
Functional Title	Deputy Director, Administrative Services
Incumbent	None
Supervisor	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."

J. Illinois Department of Financial & Professional Regulation - Proposed Exemption

Position Number	40070-13-20-150-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Consumer Credit, Financial Institutions
Functional Title	
Incumbent	None
Supervisor	Director, Financial Institutions (a Senate approved position that 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."

K1. Illinois Department of Financial & Professional Regulation - Proposed Exemption

Position Number	40070-13-10-304-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Banks & Trust Companies, Banks & Real Estate
Functional Title	Division Director, Springfield Commercial Bank Supervision
Incumbent	Marc A. Edwards
Supervisor	Assistant Commissioner (reports to Senate approved position of Director, Banks & Real Estate that reports to Secretary)
Location	Sangamon

K2. Illinois Department of Financial & Professional Regulation - Proposed Exemption

Position Number	40070-13-10-305-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Banks & Trust Companies, Banks & Real Estate
Functional Title	Division Director, Chicago Commercial Bank Supervision
Incumbent	Richard Brunskill
Supervisor	Assistant Commissioner (reports to Senate approved position of Director, Banks & Real Estate

	that reports to Secretary)
Location	Cook

K3. Illinois Department of Financial & Professional Regulation - Proposed Exemption

Position Number	40070-13-10-306-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Banks & Trust Companies, Banks & Real Estate
Functional Title	Division Director, International Bank Supervision
Incumbent	Craig S. Volk
Supervisor	Assistant Commissioner (reports to Senate approved position of Director, Banks & Real Estate that reports to Secretary)
Location	Cook

K4. Illinois Department of Financial & Professional Regulation - Proposed Exemption

Position Number	40070-13-10-403-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Residential Finance, Banks & Real Estate
Functional Title	Division Director, Thrifts Division
Incumbent	James R. Copley
Supervisor	Assistant Commissioner (reports to Senate approved position of Director, Banks & Real Estate that reports to Secretary)
Location	Cook

CMS Recommendation:

"Subsequent to the May and July, 2005 Commission meetings, the agency has finalized the structuring of organizational reporting relationships and programmatic authorities vested in administrative positions. Under the finalized structure, these noted positions will continue to hold the same authorities and report to the same 4d(3) exempt Senior Public Service Administrator positions that serve as Assistant Commissioners. The Assistant Commissioners will continue to report to the Director of Banking who is appointed by the Governor, by and with the advice and consent of the Senate."

"Because the Agency has now finalized its organizational structure, and the reporting relationships and authorities vested in these noted positions have not changed from that resulting in granting the interim approval, I recommend 4d(3) exemptions be granted."

L. Illinois Department of Central Management Services - Proposed Rescission

Position Number	40070-37-00-000-15-04
Position Title	Senior Public Service Administrator
Bureau/Division	Program Management

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Functional Title	Initiative Administrator
Incumbent	None
Supervisor	Director
Location	Cook

This position's duties and responsibilities are being absorbed by Agenda Item G, so this rescission request is made pending approval of that 4d(3) exemption request. This position's 4d(3) exemption was granted in April, 2004 for 24 months.

M. Illinois Workers' Compensation Commission - Proposed Rescission

Position Number	00501-50-37-500-20-02
Position Title	Administrative Assistant 1
Bureau/Division	Arbitration Support
Functional Title	Staff Assistant
Incumbent	Joanne R. Cozzo
Supervisor	Manager, Arbitration Support Unit
Location	Cook

This position was recently absorbed into a collective bargaining unit, and no longer satisfied the requirements of Commission's Rules for exemption.

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 report as of September 30, 2005.

Agency	August 31, 2005	September 30, 2005
Agriculture	3	4
Central Management Services	5	5
Children & Family Services	7	5
Comm. & Econ. Opportunity	1	1
Healthcare & Family Services	10	12
Historic Preservation	31	22
Human Rights	1	1
Natural Resources	26	18
State Fire Marshal	2	0
State Retirement Systems	1	1
Transportation	11	42
Total	98	111

VIII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

- **LAYOFF APPEAL**

LA-22-05

Petitioner	Diane Kitchen	Appeal Date	10/27/04
Agency	DNR	Decision Date	9/28/05
Type of Appeal	Layoff Appeal	ALJ	Daniel Stralka
Charge(s)	Violation of Personnel Rules	Proposed Finding	No Violation

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

- **LAYOFF APPEAL**

LA-34-05

Petitioner	Barbara Rebbe	Appeal Date	12/16/04
Agency	DFPR	Decision Date	9/28/05
Type of Appeal	Layoff Appeal	ALJ	Andrew Barris
Charge(s)	Violation of Personnel Rules	Proposed Finding	No Violation

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

- **CONSOLIDATED LAYOFF APPEAL**³

LA-42-05

Petitioner	Timothy D. Kielar	Appeal Date	1/25/05
Agency	DNR	Decision Date	9/28/05
Type of Appeal	Layoff Appeal	ALJ	Andrew Barris
Charge(s)	Violation of Personnel Rules	Proposed Finding	No Violation with the exception of LA-45-05 in which reinstatement is ordered for failure to provide an explanation for any layoff not in order of continuous service.

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

- **CONSOLIDATED LAYOFF APPEAL**⁴

LA-61-05

Petitioner	Richard Belcher	Appeal Date	3/15/05
Agency	CMS	Decision Date	9/28/05
Type of Appeal	Layoff Appeal	ALJ	Andrew Barris
Charge(s)	Violation of Personnel Rules	Proposed Finding	No Violation

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

³ The following layoff appeals were consolidated under Timothy D. Kielar, LA-42-05: Jeffrey Wepprecht, LA-43-05; Charles Montgomery, LA-44-05; Loren Swanson, LA-45-05; David Pinski, LA-46-05; Andy K. West, LA-47-05; Robert Myers, LA-48-05; Nick Ignelzi, LA-49-05; Ray Coleman, LA-50-05; Molie Oliver, LA-52-05; and Greg Behm, LA-53-05.

⁴ The following layoff appeals were consolidated under Richard Belcher, LA-61-05: Richard Cruse, LA-62-05; Henry Daufenbach, LA-63-05; Andrew Eldred, LA-64-05; David Levan, LA-65-05; Jerald Margaron, LA-66-05; James McDougall, LA-67-05; Larry Opiola, LA-68-05; Richard Owsley, LA-69-05; Steve Peterson, LA-70-05; Gary Swick, LA-71-05; and Robert Tipsword, LA-72-05.

- **DISCHARGE APPEAL**

DA-74-05

Respondent	Julian D. Delmore	Appeal Date	4/15/05
Agency	DOC	Decision Date	10/7/05
Type of Appeal	Discharge Appeal	ALJ	Andrew Barris
Charge(s)	Socializing with an offender without permission; Providing false information; Falsification of employment application	Recommended Decision	Charges partially proven; ALJ recommends 90-day suspension in lieu of discharge

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

IX. **APPEALS TERMINATED WITHOUT DECISION**

- **DISMISSAL**

DA-01-06

Respondent	James M. Caldwell	Appeal Date	7/7/05
Agency	DOC	Decision Date	10/6/05
Type of Appeal	Discharge	ALJ	Andrew Barris
Charge(s)	Patient Abuse; Failure to Perform Duties	Recommended Decision	Settlement - Dismissal Subject to Commission Approval.

DOES THE COMMISSION APPROVE THE DISMISSAL OF THE ABOVE MATTER?

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- **DISMISSAL**

LA-36-05

Petitioner	Marcy Trowbridge	Appeal Date	12/17/04
Agency	DFPR	Decision Date	10/6/05
Type of Appeal	Layoff	ALJ	Andrew Barris
Charge(s)	Violation of Personnel Rules	Recommended Decision	Settlement - Dismissal Subject to Commission Approval.

DOES THE COMMISSION APPROVE THE DISMISSAL OF THE ABOVE MATTER?

- **DISMISSAL**

RV-07-06

Petitioner	Usha Karton	Appeal Date	8/2/05
Agency	DHS	Decision Date	9/26/05
Type of Appeal	Rule Violation	ALJ	Daniel Stralka
Charge(s)	Violation of Personnel Code and Rules	Recommended Decision	Default-Failure to Provide Information; Dismissed Subject to Commission Approval.

DOES THE COMMISSION APPROVE THE DISMISSAL OF THE ABOVE MATTER?

- **DISMISSAL**

RV-08-06

Petitioner	Cristito Leyba	Appeal Date	8/2/05
Agency	DHS	Decision Date	9/26/05
Type of Appeal	Rule Violation	ALJ	Daniel Stralka
Charge(s)	Violation of Personnel Code and Rules	Recommended Decision	Default-Failure to Provide Information; Dismissed Subject to Commission Approval.

DOES THE COMMISSION APPROVE THE DISMISSAL OF THE ABOVE MATTER?

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- **DISMISSAL**

RV-09-06

Petitioner	Jagnandon Garcha	Appeal Date	8/2/05
Agency	DHS	Decision Date	9/26/05
Type of Appeal	Rule Violation	ALJ	Daniel Stralka
Charge(s)	Violation of Personnel Code and Rules	Recommended Decision	Default-Failure to Provide Information; Dismissed Subject to Commission Approval.

DOES THE COMMISSION APPROVE THE DISMISSAL OF THE ABOVE MATTER?

X. **AMENDMENTS IN 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?

XI. **STAFF REPORT**

XII. **ANNOUNCEMENT OF NEXT MEETING**

Announcement of the next regular meeting to be held on Thursday, November 17, 2005 at 10:30 a.m. in the Commission's Springfield Office.

XIII. **MOTION TO ADJOURN**