

November 20, 2003

AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
November 20, 2003

- I. OPENING OF MEETING AT 10:30 A.M. AT 425½ SOUTH FOURTH STREET, SPRINGFIELD, ILLINOIS
- II. PRESENT
- III. APPROVAL OF MINUTES OF REGULAR MEETING HELD OCTOBER 16, 2003

WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR MEETING HELD OCTOBER 16, 2003?

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 | 107..... | 6 |
| Agriculture | 550..... | 14 |
| Arts Council | 21..... | 1 |
| Banks and Real Estate | 263..... | 2 |
| Central Management Services..... | 1,233..... | 40 |
| Children and Family Services | 3,472..... | 34 |
| Commerce & Econ. Opportunity..... | 476..... | 56 |
| Corrections | 14,101..... | 107 |
| Criminal Justice Authority | 73..... | 3 |
| Deaf and Hard of Hearing Comm. | 6..... | 1 |
| Developmental Disabilities Council... 14..... | 14..... | 1 |
| Elections Board | 51..... | 1 |
| Emergency Management Agency ... | 109..... | 1 |
| Employment Security | 1,949..... | 19 |
| Environmental Protect. Agency ... | 1,130..... | 7 |
| Financial Institutions | 81..... | 6 |
| Guardianship and Advocacy | 114..... | 6 |
| Historic Preservation Agency..... | 256..... | 2 |
| Human Rights Commission..... | 11..... | 2 |
| Human Rights Department..... | 142..... | 6 |
| Human Services..... | 15,653..... | 54 |
| Industrial Commission | 148..... | 8 |
| Insurance | 330..... | 6 |
| Investment Board | 4..... | 1 |
| Labor | 84..... | 7 |
| Labor Relations Board Educational ... 16..... | 16..... | 2 |
| Labor Relations Board State..... | 20..... | 2 |
| Law Enforce. Trng. & Standard Bd. .. 25..... | 25..... | 1 |
| Military Affairs | 140..... | 3 |
| Natural Resources | 1,755..... | 26 |
| Pollution Control Board | 28..... | 3 |
| Professional Regulation..... | 243..... | 13 |
| Property Tax Appeal Board..... | 24..... | 2 |
| Public Aid..... | 2,317..... | 17 |
| Public Health | 1,114..... | 27 |
| Revenue..... | 2,238..... | 42 |
| State Fire Marshal | 124..... | 5 |
| State Police | 1,507..... | 4 |
| State Police Merit Board | 5..... | 1 |
| State Retirement System | 79..... | 1 |
| Transportation | 3,032..... | 1 |
| Veterans Affairs | 1,125..... | 2 |
| TOTALS..... | 54,170..... | 542 |

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.

* * *

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

C. Department of Children & Family Services - Proposed Exemption

The following request for exemption was withdrawn by the Agency:

Position Title: Public Service Administrator
Position Number: 37015-16-23-400-10-99
Division: External Affairs
Incumbent: Vacant
Supervisor: PSA 37015-16-23-400-00-99
Location: Cook County

D. Department of Human Services - Proposed Exemption

The following request for 4d(3) exemption was continued at the October 16, 2003 meeting until November, 2003.

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

COPY

Dear Chairman Richards:

Secretary Adams of the Illinois Department of Human Services has requested 4d(3) exemption of the following position.

The position outlined below reports to SPSA #40070-10-11-000-00-01. As the manager, this position will oversee all aspects of the Bureau of Recruitment and Selection.

Position Title: Senior Public Service Administrator
Position Number: 40070-10-11-200-00-01
Division: Office of Human Resources
Incumbent: Mickey Haslett
Supervisor: SPSA 40070-10-11-000-00-01
Location: Sangamon

This position does not meet the criteria of Commission Rule 1.142 or possess principal administrative responsibility or determination of policy for the way in which policies are carried out. Considering the organizational placement of the position, the limitations on the nature and scope of its duties and responsibilities, and the status of comparable existing positions, we do not recommend that 4d(3) exemption be extended to this position.

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

To facilitate your staff's review, I have enclosed copies of the position descriptions, agency letter of request and the organization charts. If additional information is required, please contact Marianne Armento, Division Manager, at 782-5601 in the Division of Technical Services.

END OF COPY

COPY

Dear Director Rumman:

The Department of Human Services is requesting the Manager, Office of Human Resources, Bureau of Recruitment and Selection be made 4d(3). As the Manager, this position will formulate and implement policy which has statewide impact. This position will oversee and manage all aspects of recruitment and selection for the Department of Human Services. In addition, this position will serve as liaison with other Offices, Bureaus and Agencies in order to coordinate functions and services of the Office of Human Resources. As such, this individual will be responsible for formulating primary program policy and policy guidelines for administration and delivery of programs in Illinois, and the Department of Human Services.

Therefore, I am requesting that the position of Manager, Office of Human Resources, Bureau of Recruitment and Selection for the Department of Human Services be excluded from the Personnel Code and be granted 4d(3) exempt status. I have attached a copy of the position description for your review.

Thank you for your attention to this request.

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: | 40070-10-11-200-00-01 |
| Division: | Office of Human Resources |
| Incumbent: | Mickey Haslett |
| Supervisor: | SPSA 40070-10-11-000-00-01 |
| Location: | Sangamon |

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

E. Department of Children & Family Services - Proposed Exemption

The following request for 4d(3) exemption was continued at the October 16, 2003 meeting until November, 2003. Additional information has been provided by the agency and the Director of CMS is now recommending consideration of 4d(3) exemption as shown below.

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

COPY

Dear Chairman Richards:

Director Bryan Samuels of the Illinois Department of Children and Family Services has requested 4d(3) exemption of the following position:

| | |
|------------------|-------------------------------------|
| Position Title: | Senior Public Service Administrator |
| Position Number: | 40070-16-20-000-01-01 |
| Division: | Budget and Finance |
| Incumbent: | Vacant |
| Supervisor: | SPSA 40070-16-20-000-00-01 |
| Location: | Cook County |

This position serves as the Special Assistant to the Deputy Director of Budget and Finance. As the Special Assistant, this staff position makes decisions for the development and implementation of a new financial reporting program with a newly instituted policy of quarterly allotments established by the Office and Management and Budget. This position will coordinate functions and services of the Division of Budget and Finance and serves as a liaison to the Director and other related agencies in the absence of the Senior Public Service Administrator to whom the position reports.

This position was previously submitted for 4d(3) exemption review by the Civil Service Commission as a Public Service Administrator with fiscal reporting responsibilities. We were unable to recommend 4d(3) exemption at that time, and the Department of Children and Family Services has now resubmitted this clarification. If a position meets the reporting criteria, the Commission Rules state that, in order to warrant 4d(3) exemption, such positions must also hold responsibilities such as noted in b(2):

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

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.

Although the clarified position description uses the same words as the Commission's Rule, the position description is not sufficiently descriptive of actual job duties, responsibilities, and decision making authority to enable us to recommend 4d(3) exemption. A position within DHS that similarly reported to the Chief Fiscal Officer has recently been exempted by the Commission, but the scope and level of supervisory and managerial responsibilities and decision making authority of that position were substantially greater than those evident in this position. Accordingly, I do not recommend 4d(3) exemption of this position.

To facilitate your staff's review, I have enclosed copies of the subject position, together with the agency's letter of request and the organizational chart. If additional information is required, please contact Marianne Armento, Division Manager, Technical Services Division, at 782-5601.

END OF COPY

COPY

Dear Director Rumman:

I am requesting that the position of Special Assistant to the Deputy Director/Chief Fiscal Officer of the Division of Budget & Finance for the Department of Children & Family Services be considered for 4d(3) exemption.

This position will function as a Special Assistant and will have policy-making authority and principal administrative responsibility for the determination and execution of fiscal policy that fixes objectives or states principles to control actions toward operating objectives of the agency as a whole. The position will direct and make decisions in exercising principal responsibility for the development and implementation of a new financial reporting program defined and imposed by the Office of Management and Budget to enable the Department to monitor spending in accordance with the newly instituted policy of quarterly allotments. As a principal policy administrator, the incumbent will possess significant authority to bind the agency as the director of this program. Furthermore, this position will serve as financial liaison to the Director of the Department and attend budget meetings in the absence of the Deputy Director. Reporting directly to the Deputy Director of the Division of Budget & Finance, the incumbent will exercise considerable decision-making latitude and

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

independence with respect to the establishment, development, and implementation of agency policy relating to fiscal management as well as advice and counsel regarding Department operations and initiatives.

Due to the nature and scope of the duties of this position, as well as the sensitivity of the issues and policy-making responsibilities, I am requesting this position be granted exempt status. Enclosed are the position description, position review/determination form, and before and after organizational charts.

Your assistance in reviewing and forwarding this position to the Civil Service Commission for exemption review is appreciated.

END OF COPY

11/5/03 UPDATE

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

COPY

Dear Chairman Richards:

Director Bryan Samuels of the Illinois Department of Children and Family Services has requested 4d(3) exemption of Senior Public Service Administrator No. 40070-16-20-000-01-01. I am now recommending consideration of 4d(3) exemption from Jurisdiction B of the Personnel Code.

To facilitate your staff's review, I have enclosed copies of the subject position, together with the agency's letter of request and the organizational chart. If additional information is required, please contact Marianne Armento, Division Manager, Technical Services Division, at 782-5601.

END OF COPY

COPY

Dear Director Rumman:

I am writing in response to your correspondence of October 15, 2003 to the Civil Service Commission regarding the proposed 4d(3) exemption of the attached position. Based upon the substance of that letter, it is clear that additional clarification is needed as follows:

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

1. This position will have significant authority and responsibility for the design and implementation of a new financial reporting system as imposed by the Governor's Office of Management and Budget (OMB). DCFS is responsible for a budget of more than \$1.4 billion, much of which is monitoring expenditures to various service providers. It has already been determined that the present accounting methods are inadequate, and a new system must be designed and implemented to improve upon the agency's accountability to its various constituents including the legislature and the public. This new system is as much a policy statement as it is a financial reporting system.
2. This position will not only have authority to bind the agency in the absence of the Deputy Director, but will also have its own authority to do so especially in the development of the new financial reporting system which will require substantial interaction with the representatives of the Governor's senior leadership and OMB.
3. The actual job duties, responsibilities and decision-making authority of this position have a statewide impact, but within the Agency's Office of Budget and Finance.
4. The position has limited supervisory and managerial responsibilities for the following reasons:
 - The position is located in Cook County. The vast majority of the Budget and Finance staff are located in Sangamon County. However, the majority of our providers are located in or around Cook County.
 - This position is responsible for managing and supervising a high-level professional assistant and an Accountant position. It will have authority over other fiscal staff for monitoring the new financial reporting system.

Please note that I have instructed my staff to revise the job description to further reflect the responsibilities set forth above and a copy is enclosed herewith. With that, I am renewing my request that this position be recommended for exemption.

Thank you for your consideration. My staff stands ready to address any additional concerns you may have.

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: 40070-16-20-000-01-01
Division: Budget and Finance
Incumbent: Vacant
Supervisor: SPSA 40070-16-20-000-00-01
Location: Cook County

F. Illinois Historic Preservation Agency - Proposed Exemption

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

COPY

Dear Chairman Richards:

Director Crossland of the Illinois Historic Preservation Agency has requested 4d(3) exemption of the following position.

This position reports to the Director of the Abraham Lincoln Presidential Library and Museum (ALPLM) and serves as the Sales and Marketing Manager for the ALPLM and will have the authority to administer the ALPLM's Public Relations, Publicity, Promotions, Advertisement and Sales & Development Programs. In addition, this position will develop and implement policies and make decisions in exercising principal responsibility for a major agency program.

Position Title: Senior Public Service Administrator
Position Number: 40070-48-50-100-00-01
Division: Abraham Lincoln Presidential Library & Museum
Incumbent: Vacant
Supervisor: Director
Location: Sangamon

Although the ALPLM is administratively part of the Illinois Historic Preservation Agency, the Director of the ALPLM is appointed by the Governor with the advice and consent of the Senate. Considering the scope and nature of the policy responsibilities, the reporting relationship directly to the director and the similarity to comparable positions that have been exempted by the Civil Service Commission, I agree with Director Crossland and recommend 4d(3) exemption of this position.

To facilitate your staff's review, I have enclosed copies of the position description, agency letter of request and organization charts. If additional

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

information is required, please contact Marianne Armento, Division Manager, at 782-5601 in the Division of Technical Services.

END OF COPY

COPY

Dear Director Rumman:

The Illinois Historic Preservation Agency is requesting a 4d(3) exemption from the Personnel Code for a Senior Public Service Administrator, position #40070-48-50-100-00-01 in the Abraham Lincoln Presidential Library & Museum's (ALPLM) Director's Office.

This position will act as the Sales & Marketing Manager for the ALPLM and will be responsible for administering the ALPLM's Public Relations & Publicity, Promotions & Advertisement, and Sales & Development Programs. We feel that this position meets the criteria for exemption from 4d3 of the Personnel Code in that:

- The position reports directly to the ALPLM Director of the Illinois Historic Preservation Agency
- The position is responsible for developing and implementing an Agency sales and marketing program
- Establishes, develops, and implements policies and makes decisions in exercising principal responsibility for a major agency program.

If you have any questions or need additional information for consideration of our request, please feel free to contact Ednita Murdock, Human Resource Administrator, at 217/785-4674.

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: | 40070-48-50-100-00-01 |
| Division: | Abraham Lincoln Presidential Library & Museum |
| Incumbent: | Vacant |
| Supervisor: | Director |
| Location: | Sangamon |

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

G. Department of Corrections - Proposed Exemption

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

COPY

Dear Chairman Richards:

Director Roger E. Walker, Jr. of the Department of Corrections has requested 4d(3) exemption of the following position:

| | |
|------------------|-------------------------------------|
| Position Title: | Senior Public Service Administrator |
| Position Number: | 40070-29-08-000-00-01 |
| Division: | Labor Relations |
| Incumbent: | Vacant |
| Supervisor: | Director |
| Location: | Sangamon |

This position reports directly to the Director and is responsible for directing the total operation of all Labor Relation activities as well as serving as the principal Administrator responsible for development and implementation of labor relation policies and procedures impacting the Department of Corrections. The incumbent of the position will speak on behalf of the Director regarding labor relations issues, participate in contract negotiations, committing the Agency to a specific course of action.

Considering the reporting relationship and the fact that the position is responsible for representing the director of the agency in the interpretation of labor relation programs and policies, I agree with Director Walker and recommend 4d(3) exemption.

To facilitate your staff's review, I have enclosed a copy of the subject position, together with the agency's letter of request and the organization chart.

If additional information is required, please contact Marianne Armento, Division Manager, Technical Services Division, at 782-5601.

END OF COPY

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

COPY

Dear Director Rumman:

The Department of Corrections has recently made a change in the reporting structure of the Labor Relations Administrator and staff. The Administrator will now report to the Director of the Agency, enhancing the overall operational needs of the Agency. This position will be responsible for directing the total operation of all Labor Relation activities as well as serving as the principal Administrator responsible for development and implementation of labor relation policies and procedures impacting this Agency. The incumbent of this position will speak on behalf of the Director regarding labor relations issues, participate in contract negotiations, committing the Agency to a specific course of action. We are requesting you approve and forward to the Civil Service Commission the request for 4d(3) exempt status of the Senior Public Service Administrator position over Labor Relations.

Attached, you will find a job description for the position and an organizational chart.

If you have any questions regarding this request, please feel free to contact Barbara Hamilton at 522-2666.

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: | 40070-29-08-000-00-01 |
| Division: | Labor Relations |
| Incumbent: | Vacant |
| Supervisor: | Director |
| Location: | Sangamon |

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

H. Department of Children & Family Services - Proposed Exemption

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

COPY

Dear Chairman Richards:

Director Bryan Samuels of the Department of Children & Family Services has requested 4d(3) exemption of the following position:

| | |
|------------------|-------------------------------------|
| Position Title: | Senior Public Service Administrator |
| Position Number: | 40070-16-09-200-00-01 |
| Division: | Planning and Performance Management |
| Incumbent: | Vacant |
| Supervisor: | Director Samuels |
| Location: | Sangamon County |

This position reports directly to the Director of Children and Family Services and serves as the Agency's Chief Information Technology Manager and has the authority to act in the capacity of the Director. This position serves as the principal policy-formulating administrator developing and implementing policies and procedures for Information and Technology Services. Considering the reporting relationship and the programmatic responsibilities of the above position, I agree with Director Samuels and recommend 4d(3) exemption.

To facilitate your staff's review, I have enclosed copies of the subject position, together with the agency's letter of request and the organization chart. If additional information is required, please contact Marianne Armento, Division Manager, Technical Services Division, at 782-5601.

END OF COPY

COPY

Dear Director Rumman:

I am requesting that the position of Information Technology Manager in the Division of Planning and Performance Management for the Department of Children and Family Services be considered for 4d(3) exemption.

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

This position will function as the Department's Chief Information Technology Manager and will serve as the principal policy-formulating administrator for information services and issues for the Department. The incumbent of this position will have the authority to act in the capacity of the Director in committing the Agency's course of operational actions and resources in information technology. The position will formulate policies and procedures to implement long-term strategic goals associated with information services and issues. Reporting directly to the Director of the Department of Children & Family Services, the incumbent will serve as the Agency's Chief Information Services administrator and exercise complete decision-making latitude and independence with respect to the establishment, development and implementation of agency policy relating to information services and issues as well as advice and counsel regarding Department operations and initiatives.

Due to the nature and scope of the duties of this position, as well as the sensitivity of the issues and policy-making responsibilities, I am requesting this position be granted exempt status. Enclosed are the clarified position description, position review/determination form, the before and after organizational charts.

Your assistance in reviewing and forwarding this clarification to the Civil Service Commission for exemption review is appreciated.

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: | 40070-16-09-200-00-01 |
| Division: | Planning and Performance Management |
| Incumbent: | Vacant |
| Supervisor: | Director Samuels |
| Location: | Sangamon County |

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

I. Department of Public Health - Proposed Exemption

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

COPY

Dear Chairman Richards:

Director Eric E. Whitaker of the Department of Public Health has requested 4d(3) exemption of the following position:

| | |
|------------------|-----------------------------|
| Position Title: | Administrative Assistant II |
| Position Number: | 00502-20-01-100-10-81 |
| Division: | Assistant Director's Office |
| Incumbent: | Vacant |
| Supervisor: | Assistant Director |
| Location: | Cook |

This position reports directly to the Assistant Director. As an administrative assistant, the incumbent has the authority to represent the Assistant Director and advocate the Assistant Director's position on issues. Additionally, this position serves as liaison to department managers, supervisors, employees, other state agencies, private organizations and individuals regarding the Department's policies and programs, rules, regulations and general managerial practices.

Considering the reporting relationship and the existence of similar Administrative Assistant II positions at this level of the organization with a 4d(3) exemption, I agree with Director Whitaker and recommend 4d(3) exemption.

To facilitate your staff's review, I have enclosed a copy of the subject position, together with the agency's letter of request and the organization chart.

If additional information is required, please contact Marianne Armento, Division Manager, Technical Services Division, at 782-5601.

END OF COPY

COPY

Dear Director Rumman:

I am seeking the 4d(3) exemption of a newly established Administrative Assistant II position in my Assistant Director's office. The position is:

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

Position Title: Administrative Assistant II
Position Number: 00502-20-01-100-10-81
Division: Assistant Director's Office
Incumbent: Vacant
Supervisor: Assistant Director
Location: Cook

This position reports directly to the Assistant Director and is vested with major administrative responsibilities for the Assistant Director's Office. Since the position is vested with major administrative responsibilities and reports directly to the Assistant Director, it appears to meet the requirements of the Civil Service Commission. I am requesting that it be forwarded for consideration for 4d(3) exemption, under Commission Rule 11. Also attached are copies of the most recent job description for the above listed position and an overview organizational chart.

If additional information is needed by your staff, please have them contact our Personnel and Labor Relations section at 785-2031. Your attention to this matter will be appreciated.

END OF COPY

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

Position Title: Administrative Assistant II
Position Number: 00502-20-01-100-10-81
Division: Assistant Director's Office
Incumbent: Vacant
Supervisor: Assistant Director
Location: Cook

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

J. Illinois State Police - Proposed Exemption

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

COPY

Dear Chairman Richards:

Illinois State Police Director Larry Trent has requested the policy exemption of the following position, subject to the provisions of Section 4d(3) of the Personnel Code:

| | |
|------------------|-------------------------------------|
| Position Title: | Senior Public Service Administrator |
| Position Number: | 40070-21-00-200-00-01 |
| Division: | Director's Office |
| Incumbent: | Vacant |
| Supervisor: | Director Trent |
| Location: | Sangamon County |

This new position reports directly to the Director and will function as the Chief Legal Advisor to the Director, rendering legal determinations and advice on statutes, court decisions, rules, policies and procedures relating to the operation of the agency. The position serves as spokesperson on behalf of the Director and the agency on all matters related to Legal Services, and possesses the authority to bind the agency. In addition, this position directs a staff of technical advisors as head of the agency's Law office. I concur with Director Trent's request and recommend consideration of this position for exemption.

To facilitate your staff's review, I have enclosed copies of the subject position, together with the agency's letter of request and the organization chart. If additional information is required, please contact Marianne Armento, Division Manager, Technical Services Division, at 782-5601.

END OF COPY

COPY

Dear Director Rumman:

The Illinois State Police is proposing the exemption of an established Senior Public Service Administrator, Option 8L position 40070-21-00-200-00-01 as provided in Section 4d(3) of the Personnel Code. This position serves as the chief technical advisor for the Illinois State Police.

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

This position will exercise considerable decision-making latitude and independence with respect to the policies and procedures of the Department. As the Chief Legal Advisor, this position will serve as spokesperson on my behalf and the agency and possess the authority to bind the agency. Due to the nature and scope of the duties of this position, as well as the sensitivity of the issues encountered, I am requesting this position be granted exempt status. Enclosed are a position description and an organizational chart of our agency.

Your early review and positive presentation of this proposal to the Civil Service Commission would be greatly appreciated. If additional information is needed, please contact Ms. Katherine Parmenter, Chief, Human Resource Bureau, at 217/785-1325, so that we may respond most effectively and expeditiously.

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: | 40070-21-00-200-00-01 |
| Division: | Director's Office |
| Incumbent: | Vacant |
| Supervisor: | Director Trent |
| Location: | Sangamon County |

K. Department of Central Management Services - Proposed Exemption

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

COPY

Dear Chairman Richards:

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

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

| | |
|------------------|--|
| Position Title: | Senior Public Service Administrator |
| Position Number: | 40070-37-60-000-01-03 |
| Bureau/Division: | Deputy Director's Office |
| Incumbent: | Vacant |
| Supervisor: | Deputy Director/Sr. Public Service Administrator |
| Location: | Cook County |

This position reports to the Deputy Director of Property Management, serves authoritatively as policy formulating administrator in the planning, directing, implementing and administering, through subordinate managers, the bringing to fruition of the consolidation and on-going administration of management for all real property for all State Agencies, Boards and Commissions called for by Executive Order Number 10 including: serves as an expert authority in collaboration with the Deputy Director and Director in the planning and development of all aspects of policy development of statewide facility management; has independent responsibility for the direction, implementation and on-going administration of statewide policies, procedures and guidelines; develops legislative initiatives to enhance statewide facility management and researches issues to substantiate revisions to existing legislation to enhance statewide facility management; oversees through subordinate staff the developing and conducting of statewide facility surveys and site inspections in order to identify space and cost efficient methods of facility utilization and management to most effectively meet user agency requirements; as a result of such surveys and inspections, develops comprehensive plans for the restructuring of statewide facility utilization including resultant construction/remodeling projects and budgetary requirements; administers space planning review and evaluation of space requests for all agencies; oversees subordinate staff in the inspection of proposed space for relocation; for new construction/remodeling initiatives, coordinates all aspect of the projects with the Capital Development Board; develops and implements strategic planning and evaluation efforts for Facility Management; develops the Division's annual budget encompassing all state facilities for the Deputy Director and Director; serves as official agency spokesperson on behalf of the Deputy Director and Director to all internal and external entities including the Governor's Office, the legislature, public, private and federal officials on Facilities Management issues, possessing full authority to negotiate and redefine scope of work on projects and contracts; and possesses independent authority to commit resources and reallocate resources to enhance efficiency and services provided on behalf of the department.

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

November 20, 2003

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

To facilitate your review I have enclosed copies of the position description and organization charts. If additional information is required, please contact Tricia Pineda, Internal Personnel Office at 782-7638.

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: | 40070-37-60-000-01-03 |
| Bureau/Division: | Deputy Director's Office |
| Incumbent: | Vacant |
| Supervisor: | Deputy Director/Sr. Public Service Administrator |
| Location: | Cook County |

L. Department of Central Management Services - Proposed Exemption

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

COPY

Dear Chairman Richards:

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

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

| | |
|------------------|--|
| Position Title: | Senior Public Service Administrator |
| Position Number: | 40070-37-60-000-01-04 |
| Bureau/Division: | Deputy Director's Office |
| Incumbent: | Vacant |
| Supervisor: | Deputy Director/Sr. Public Service Administrator |
| Location: | Cook County |

This position reports to the Deputy Director of Property Management, serves authoritatively as policy formulating administrator in the planning, directing, implementing and administering, through subordinate managers, all aspects of contract administration associated with the consolidation and on-going administration of management for all real and leased property for all State Agencies, Boards and Commissions called for by Executive Order Number 10 including: serves as an expert authority in collaboration with the Deputy Director and Director in the planning and development of all aspects of policy development of contract administration for statewide property management, has independent responsibility for the direction, implementation and on-going administration of statewide policies, procedures and guidelines; develops legislative initiatives when necessitated by the magnitude and complexity of contractual arrangements associated with the consolidation and researches issues to substantial revisions to existing legislation; works closely in concert with the Property Management Deputy Director, General Manager of Facilities and Chief Financial Officer of Property Management to identify and prioritize initial and on-going contractual requirements and associated budgetary issues; oversees the initial development of bid specifications, defining scope of work, services, and physical specifications for equipment and commodity contracts pertaining to facility services; oversees the bid openings and review process; negotiates logistics and timeframes of contracts with vendors and contractors in order to most efficiently and effectively meet the user agencies requirements; administers the bid award process and monitors progress and quality of services and goods provided pertaining to facility services; submits routine reports on progress of contacts to Deputy Director and Director; develops and implements strategic planning and evaluation efforts for Contract Administration; develops annual budget encompassing all current and future contractual needs for the Deputy Director and Director; serves as official agency spokesperson on behalf of the Deputy Director and Director to all internal and external entities including the Governor's Office, the legislature, public, private and federal officials on Property Management Contract Administration issues, possessing full authority to negotiate and redefine scope of work on projects and contracts, possesses independent authority to commit resources and reallocate resources to enhance efficiency and services provided on behalf of the department; researches and resolves all vendor/contractor protests and serves as primary point of contact for

November 20, 2003

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

problem resolution associated with contractual arrangements; investigates alternative sources of goods and services and methods of procurement to optimize quality and cost effectiveness; develops and maintains spending plan for contracts with the Chief Financial Officer of Property Management and submits routine reports on the plan to the Deputy Director and Director.

Considering similarities of this requested position with those of other policy exemptions 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 Tricia Pineda, Internal Personnel Office at 782-7638.

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: | 40070-37-60-000-01-04 |
| Bureau/Division: | Deputy Director's Office |
| Incumbent: | Vacant |
| Supervisor: | Deputy Director/Sr. Public Service Administrator |
| Location: | Cook County |

M. Department of Central Management Services - Proposed Exemption

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

COPY

Dear Chairman Richards:

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

| | |
|------------------|--|
| Position Title: | Senior Public Service Administrator |
| Position Number: | 40070-37-60-000-01-05 |
| Bureau/Division: | Deputy Director's Office |
| Incumbent: | Vacant |
| Supervisor: | Deputy Director/Sr. Public Service Administrator |
| Location: | Cook County |

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

This position reports to the Deputy Director of Property Management, serves authoritatively as policy formulating administrator in the planning, directing, implementing and administering, through subordinate managers, all aspects of fiscal administration associated with the consolidation and on-going administration of fiscal management for all real and leased property for all State Agencies, Boards and Commissions called for by Executive Order Number 10 including: serves as an expert authority in collaboration with the Deputy Director and Director in the planning and development of all aspects of policy development of fiscal administration for statewide property management, has independent responsibility for the direction, implementation and on-going administration of statewide policies, procedures and guidelines; develops legislative initiatives when necessitated by the magnitude and complexity of budgetary management associated with the consolidation and researches issues for substantial revisions to existing legislation; works closely in concert with the Property Management Deputy Director, Director, Chief Fiscal Officer, General Manager of Facilities and Manager of Contract Administration to identify and prioritize initial and on-going budgetary requirements and associated issues; oversees and controls Property Management budget preparation and appropriation requests submitted on an annual basis including requests for supplemental requests to the Governor's Office and the Office of Management and Budget; reviews Property Management programs and initiatives to define areas requiring increases/decreases in appropriations for program expansion/streamlining in order to most efficiently and effectively meet the user agencies requirements; initiates analysis of existing fiscal operations, internal accounting systems, budgetary requests, etc. in order to make recommendations to agency administration to enhance control and increase cost savings leading to greater efficiency and economy for the statewide Property Management function, initiates proposals for new or amended legislation which will enhance operational efficiency of Property Management given the intricacies of this consolidation; develops and implements strategic planning and evaluation efforts for the Property Management Fiscal Office; develops the office's annual budget encompassing all current and foreseeable needs for the Deputy Director and Director; serves as official agency spokesperson on behalf of the Deputy Director and Director to all internal and external entities including the Governor's Office, the legislature, public, private and federal officials on Financial Office of Property Management issues, possesses independent authority to commit resources and reallocate resources to enhance efficiency and services provided on behalf of the department; serves as primary point of contact for problem resolution associated with fiscal and budgetary issues.

November 20, 2003

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

Considering similarities of this requested position with those of other policy exemptions 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 Tricia Pineda, Internal Personnel Office at 782-7638.

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: | 40070-37-60-000-01-05 |
| Bureau/Division: | Deputy Director's Office |
| Incumbent: | Vacant |
| Supervisor: | Deputy Director/Sr. Public Service Administrator |
| Location: | Cook County |

N. Department of Central Management Services - Proposed Exemption

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

COPY

Dear Chairman Richards:

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

| | |
|------------------|--|
| Position Title: | Senior Public Service Administrator |
| Position Number: | 40070-37-60-000-01-06 |
| Bureau/Division: | Deputy Director's Office |
| Incumbent: | Vacant |
| Supervisor: | Deputy Director/Sr. Public Service Administrator |
| Location: | Cook County |

This position reports to the Deputy Director of Property Management, serves authoritatively as policy formulating administrator in the planning, directing, implementing and administering, through subordinate managers, the initial development and on-going administration of a Statewide Facility Energy

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

Management Program for all real and leased property for all State Agencies, Boards and Commissions as an integral component of the efficiency and cost savings measures called for by Executive Order Number 10 including: serves as an expert authority in collaboration with the Deputy Director and Director in the planning and development of all aspects of policy development of statewide energy management; has independent responsibility for the direction, implementation and on-going administration of statewide policies, procedures and guidelines; develops statutory initiative to enhance statewide energy management; oversees through subordinate staff the developing and conducting of statewide facility surveys and site inspections in order to identify cost efficient alternate providers of all energy sources for all state facilities; as a result of such surveys and inspections, develops comprehensive plans for the restructuring of statewide utility sources including associated construction, remodeling projects to enhance energy efficiency and increased utilization of automated systems to enhance energy conservation; negotiates scope of service, timeframes of agreements and all other logistics with new energy suppliers and renegotiates terms, when feasible, with existing providers; responsible for the development of a comprehensive Statewide Energy Consumption Plan to standardize usage reductions and goals; responsible for overseeing the development of site-specific Individual Facility Development Plans for all State owned or leased facilities; develops the Energy Management annual budget for the Director, Deputy Director and Chief Financial Officer of Property Management; serves as official agency spokesperson on behalf of the Deputy Director and Director to all internal and external entities including the Governor's Office, the legislature, public, private and federal officials on Energy Management issues, possessing full authority to negotiate and redefine scope and logistics of energy initiatives with energy providers; and possesses independent authority to commit resources and reallocate resources to enhance efficiency and services provided on behalf of the department; responsible for the development and implementation of a statewide contingency plan to be utilized in the event of utility outages or shortages.

Considering similarities of this requested position with those of other policy exemptions 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 Tricia Pineda, Internal Personnel Office at 782-7638.

END OF COPY

November 20, 2003

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

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: 40070-37-60-000-01-06
Bureau/Division: Deputy Director's Office
Incumbent: Vacant
Supervisor: Deputy Director/Sr. Public Service Administrator
Location: Cook County

O. Environmental Protection Agency - Proposed Exemption

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

COPY

Dear Chairman Richards:

Director Renee Cipriano of the Environmental Protection Agency has requested 4d(3) exemption of the following position:

Position Title: Senior Public Service Administrator
Position Number: 40070-46-00-200-00-02
Division: Director
Incumbent: Vacant
Supervisor: Director
Location: Cook County

I am recommending consideration of exemption from Jurisdiction B under Section 4d(3) of the Personnel Code.

To facilitate your staff's review, I have enclosed a copy of the subject positions, together with the Department's letter of request and the organization chart. If additional information is required, please contact Marianne Armento, Division Manager, Technical Services Division, at 782-5601.

END OF COPY

November 20, 2003

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

COPY

Dear Mr. Rumman:

We are requesting approval to exempt the position of Senior Public Service Administrator (40070-46-00-200-00-00) in accordance with Section 4d(3) of the Personnel Code.

This position reports directly to me and is located in Chicago. The position serves as a member of the Director's executive staff and is the Agency Communications Manager which directs the agency Communication office, and serves as primary liaison between the Agency, the public, and the media.

The attached CMS-104 (Position Description) and organizational chart depicts the placement and responsibilities of this position.

If additional information is needed, please contact me so that we may respond effectively and expeditiously.

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: | 40070-46-00-200-00-02 |
| Division: | Director |
| Incumbent: | Vacant |
| Supervisor: | Director |
| Location: | Cook County |

P. Office of the State Fire Marshal - Proposed Exemption

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

COPY

Dear Chairman Richards:

State Fire Marshal, Peter Viña has requested 4d(3) exemption of the following established position:

November 20, 2003

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

| | |
|------------------|-------------------------------------|
| Position Title: | Senior Public Service Administrator |
| Position Number: | 40070-50-50-000-02-84 |
| Division: | Executive Office |
| Incumbent: | Vacant |
| Supervisor: | State Fire Marshal |
| Location: | Sangamon County |

This position will serve as the Office of the State Fire Marshal's Chief of Staff and report directly to the State Fire Marshal. As Chief of Staff, this position will establish and implement cohesive programmatic developments that achieve the goals and missions of the Office of the State Fire Marshal (OSFM). Furthermore, this position will advise the State Fire Marshal on program changes that would benefit programs and on major program changes that impact the Office of the State Fire Marshal projects.

Considering the reporting relationship and the fact that the position will formulate and implement policies to enhance the OSFM's mission, I agree with State Fire Marshal Peter Viña and recommend 4d(3) exemption.

To facilitate your staff's review, I have enclosed a copy of the subject position, together with the agency's letter of request and the organization chart. If additional information is required, please contact Marianne Armento, Division Manager, Technical Services Division, at 782-5601.

END OF COPY

COPY

Dear Director Rumman:

I would like to request the following Senior Public Service Administrator position be 4D3 exempt. This position will be our Chief of Staff and report directly to the State Fire Marshal. As Chief of Staff for the Agency, this position will implement and formulate Office of the State Fire Marshal policies with respect to the Fire Service, agency missions, strategic planning, and reorganization, as well as maintaining an effective liaison with the Governor's Office, legislature, other state agencies and the public in interpreting the OSFM's policies and programs.

Thank you in advance for the expedition in processing this request. If you have any questions, please contact me at 217/785-1026.

END OF COPY

November 20, 2003

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

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: | 40070-50-50-000-02-84 |
| Division: | Executive Office |
| Incumbent: | Vacant |
| Supervisor: | State Fire Marshal |
| Location: | Sangamon County |

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. APPEAL TERMINATED WITHOUT DECISION

Listed below for the record is a summary of appeals in which termination was achieved by action other than formal decision by the Commission. All records pertaining to the appeals are a matter of record in the Commission files.

Dismissal

Klockenkemper, Terry Site Technician II Department of Natural Resources

CHARGES: Conduct Unbecoming, Damaging Property Owned by the State and Others, Safety Violations, Making Threatening Comments to Co-workers, Workplace Violence

Request for hearing filed: October 8, 2003

The employee faxed a letter to the Commission on October 24, 2003, stating he wished to dismiss his appeal. File closed by letter dated October 24, 2003.

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

VIII. APPEAL DENIED - DISMISSAL

Martha I. Smith

On October 16, 2003, the Commission received a request for hearing from Martha I. Smith concerning her discharge from her position with the Department of Public Aid. The Personnel Code and Rules require that an employee file a request for hearing no later than 15 days after receipt of the approved charges for discharge. Staff investigation disclosed that Ms. Smith received such charges on September 19, 2003, but her request was not hand-delivered to the Commission until October 16, 2003, 27 days following service of the charges. Therefore, Ms. Smith was advised by letter dated October 21, 2003 that the Commission is without jurisdiction to grant her a hearing.

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

IX. ADMINISTRATIVE REVIEW APPEALS

Circuit Court – Dismissal

| <u>Case No.</u> | <u>Name</u> | <u>County</u> | <u>Record Filed</u> |
|-----------------|--|---------------|---------------------|
| 03 MR 426 | Michael P. Murphy Jerry R. Turnbull | Sangamon | Pending |

X. COURT DECISIONS ON ADMINISTRATIVE REVIEW

Circuit Court - Dismissal

Terry Jenkins vs. Illinois Department of Transportation; Director, Department of Transportation; Civil Service Commission; Bruce J. Finne, Executive Director, State of Illinois Civil Service Commission and as Administrative Law Judge; Commissioners William G. Stratton, Dan P. Fabrizio, and George E. Richards; Department of Central Management Services, and Director, Department of Central Management Services.
(No. 2000-MR-65)

On October 20, 2003, Judge Sauer of the Circuit Court of Marion County found that the decision of Administrative Law Judge Finne, upholding the discharge of Mr. Jenkins, was against the manifest weight of the evidence. Particularly, Judge Sauer found that the practice of contacting Mr. Jenkins' doctors for comment on an ex parte basis was improper and that, because Mr. Finne's decision was not based on any medical evidence, it was against the manifest weight of the evidence. Order is forthcoming.

X. COURT DECISIONS ON ADMINISTRATIVE REVIEW (continued)

Circuit Court - Dismissal

Elizabeth Terrell vs. State of Illinois Civil Service Commission, Department of Central Management Services, and Illinois Department of Human Services. (No. 02-CH-20877)

On October 17, 2002, the Commission found that it did not have jurisdiction in the discharge appeal of Elizabeth Terrell and dismissed the appeal with prejudice. Judge Julia Norwicki of the Circuit Court of Cook County recently found that Commission does have jurisdiction over this matter and remanded the case to the Commission for a final decision on the merits of the case.

Circuit Court - Allocation Appeal

David Chesko, Lisa Henderson, and Cindy Snyder vs. State of Illinois Civil Service Commission

On November 15, 2001 the Commission issued its decision denying this allocation appeal filed by three Day Care Licensing Representatives. Their appeal stems from the Commission's June 21, 2001 approval of an amendment to the class specifications for six other DCFS positions, the benefits of which these employees believed they were entitled to also. The Commission adopted the staff recommendation that the employees had not filed a proper reconsideration request with the Director of CMS, so the Commission did not have jurisdiction to hear their appeal. The employees filed a Complaint for Administrative Review and, on behalf of the Commission, the Attorney General filed a Motion to Dismiss which the court denied. On August 12, 2003 the court issued a finding for the employees on the merits of their appeal, making several findings of fact from the record. The Attorney General filed a Motion to Vacate or Certify Question for Review, averring that: 1) It was improper for the court to make findings of fact in this case since the Commission never addressed any factual issues in its final administrative decision; 2) the court never acquired jurisdiction since the Commission's decisions with regard to classification issues are quasi-legislative and not reviewable by a circuit court as opposed to quasi-judicial decisions which are; and 3) the employees lacked standing since they were not directly affected by the classification change. The Motion also asks the court to certify these issues for appellate review if the court fails to vacate its prior order. The court has yet to rule on this Motion.

XI. APPEALS FILED UNDER RULE 6 OF THE COMMISSION RULES

Louis Bertucci

On April 16, 2003, the Commission received an appeal from Louis Bertucci, who was laid off from the Department of Central Management Services (CMS) as a Building/Grounds Supervisor at the James R. Thompson Center, Chicago.

The employee complained that his layoff was due to a lack of funds, but the Agency continued to hire others the same day he was terminated. Layoff appeals are governed by Section 1.100 of the Rules of the Commission, which provides that a layoff appeal “shall set forth with particularity a statement of facts and a designation of the applicable provisions of the Personnel Code or Rules of the Department of Central Management Services which are alleged to have been violated.” Mr. Bertucci failed to provide any facts in support of his allegations of a “potential for prejudice” and “many hires within the same agency at more than double my laid off salary.” Staff has concluded that no rule violations occurred in the layoff procedures followed by the Department of CMS. Mr. Bertucci was advised by letter dated July 15, 2003 that the staff would recommend that his layoff appeal be denied.

On August 18, 2003, the Commission received a request from Mr. Bertucci to continue this matter, pending his Freedom of Information Act request. Accordingly, the Commission continued this matter until September, 2003. On September 9, 2003, Mr. Bertucci’s response was received by the Commission. This matter was continued by the Commission at the September 18, 2003 meeting until October 16, 2003. The Commission received a response from CMS to Mr. Bertucci’s submissions on October 1, 2003, further stating that no violation of the Personnel Code or Rules occurred. The Commission continued this matter at its October 16, 2003 meeting until November, 2003.

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

Marsha Ornellas Andersen

On July 15, 2003, the Commission received an appeal from Marsha Ornellas Andersen, who was laid off from the Department of Veterans’ Affairs (DVA) as a Senior Public Service Administrator (SPSA).

Ms. Andersen alleged that:

- The individual responsible for making the layoff decision was an SPSA with less continuous service than her and thus, was not objective in their decision-making process.
- Her layoff was retaliatory for being vocal regarding “illegal wrongdoings” at DVA.

VII. APPEALS FILED UNDER RULE 6 OF THE COMMISSION RULES (continued)

- DVA's use of lack of funds as a justification for her layoff was "inaccurate" since there are other SPSAs making higher salaries who were not laid off and that she recently secured \$13,000,000 in funds for the agency that "covers" her annual salary.
- She was the only employee in the Central Office with a health care background and knowledge in the operations of the Veterans Home.

Layoff appeals are governed by Section 1.100 of the Rules of the Commission which provides that a layoff appeal "shall set forth with particularity a statement of facts and a designation of the applicable provisions of the Personnel Code or Rules of the Department of Central Management Services which are alleged to have been violated." Staff investigation found that Ms. Andersen failed to provide any facts to support her first two allegations. The DVA layoff plan provides that layoffs shall be within organizational units, not job classifications, and DVA indicated that there were no SPSAs with less continuous service in that organizational unit. Further, the securing of funds for the agency, though noteworthy, does not insulate her from a layoff plan that is otherwise in compliance with the Personnel Rules. Lastly, DVA indicated that the Veterans Homes themselves have staff with health care background and operations knowledge which results in a duplication of services which the agency cannot afford in the current fiscal climate. Ms. Andersen was advised by letter mailed September 30, 2003 that the staff would recommend that her layoff appeal be denied. She has 21 days from the service of this letter to file a response with the Commission. This matter was continued by the Commission at its October 16, 2003 meeting until November, 2003. The Commission did not receive a response to the findings from Ms. Andersen.

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

XI. AMENDMENTS IN CLASS SPECIFICATIONS

A. Comments on Class Specifications

1. Plumbing Inspector

Plumbing Inspectors perform inspections of public swimming pools, licensed long-term nursing care facilities and hospitals, and other plumbing installations to assure compliance with the Illinois State Plumbing Code and the Illinois Plumbing License Law.

The Department of Public Health asked the Department of Central Management Services (CMS) to revise the class specification for the Plumbing Inspector due to statutorily mandated requirements for plumbing inspectors. Effective August 1, 2000, all new plumbing inspectors are

XI. AMENDMENTS IN CLASS SPECIFICATIONS (continued)

required to be certified by the Department of Public Health; prerequisites include a valid plumber's license and seven years of experience as a licensed plumber. CMS has revised the class standard requirements to reflect the changes in the statutes.

2. Corrections Parole Assistant Supervisor

The Illinois Department of Corrections is requesting the abolishment of the Corrections Parole Assistant Supervisor class. They no longer have a need for this title because of the creation of the Corrections Senior Parole Agent and the Corrections Parole Agent titles and the use of the Public Service Administrator as the Parole Supervisor.

B. Recommendations for Commission Action

The class specifications for the following classes, submitted by the Director of Central Management Services, were found satisfactory.

WILL THE COMMISSION APPROVE THE CLASS SPECIFICATIONS FOR THE FOLLOWING CLASSES TO BE EFFECTIVE DECEMBER 1, 2003?

Revised Class
Plumbing Inspector

Abolitions
Corrections Parole Assistant Supervisor

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

XII. 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 October 31, 2003.

| | <u>9/30/03</u> | <u>10/31/03</u> |
|-----------------------------|----------------|-----------------|
| Agriculture | 2 | 0 |
| Central Management Services | 8 | 7 |
| Children & Family Services | 1 | 1 |
| Employment Security | 2 | 0 |
| Historic Preservation | 2 | 2 |
| Human Services | 1 | 0 |
| Lottery | 1 | 0 |
| Natural Resources | 27 | 26 |
| Public Health | 1 | 1 |
| Revenue | 2 | 0 |
| State Police | 1 | 1 |
| State Retirement Systems | 1 | 0 |
| Transportation | 1 | 1 |
| Veterans' Affairs | <u>0</u> | <u>1</u> |
| | 50 | 40 |

XIII. APPEALS PENDING DECISION

Dismissals

| <u>Name</u> | <u>Title</u> | <u>Department</u> |
|---------------|-----------------------|-------------------|
| Patrick Kagan | Mental Health Tech II | Human Services |

CHARGE: Physical abuse of a service recipient
 Request for Hearing filed: August 12, 2002

WHAT IS THE DECISION OF THE COMMISSION?

XIII. APPEALS PENDING DECISION (continued)

Motion to Dismiss

Mark R. Schmidt SPSA Guardianship & Advocacy

CHARGES: Insubordination and Conduct Unbecoming a State Employee
Request for hearing filed: 7/30/03

On July 17, 2003 Mark Schmidt was served his notice of discharge by the Guardianship and Advocacy Commission effective July 21, 2003. That same day, his Union filed a grievance on his behalf that was signed by his Union representative, but not Schmidt. Schmidt learned of this grievance by July 29 when he met with the Union representative to discuss it. On the morning of July 30, he attended a third step grievance meeting with his Union representative and agency representatives. There was no resolution at that time. Later that same day, he met with an attorney to discuss his discharge. He then authorized his attorney to file a Civil Service appeal on his behalf which was timely filed on July 30. On August 4, the agency sent a letter to the Union denying the grievance. Sometime afterwards, the Union learned of the Civil Service appeal and notified Schmidt that he must choose one or the other. Schmidt elected to proceed with the Civil Service appeal, so the Union withdrew the grievance. Subsequently, the agency filed a Motion to Dismiss for lack of jurisdiction citing the grievance that had been filed on Schmidt's behalf two weeks prior to the Civil Service appeal.

WHAT IS THE DECISION OF THE COMMISSION?

XIV. FY 2003 ANNUAL REPORT

WILL THE COMMISSION APPROVE THE FISCAL YEAR 2003 ANNUAL REPORT?

XV. STAFF REPORT

XVI. MEETING SCHEDULE FOR 2004

WILL THE COMMISSION APPROVE THE FOLLOWING AS ITS MEETING SCHEDULE FOR 2004?

| | | | |
|-------------------|-------------|--------------------|-------------|
| January 15, 2004 | Chicago | July 15, 2004 | Chicago |
| February 19, 2004 | Chicago | August 19, 2004 | Chicago |
| March 18, 2004 | Chicago | September 16, 2004 | Chicago |
| April 15, 2004 | Chicago | October 21, 2004 | Chicago |
| May 20, 2004 | Springfield | November 18, 2004 | Springfield |
| June 17, 2004 | Chicago | December 16, 2004 | Chicago |

November 20, 2003

XVII. ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, December 18, 2003 at 9:00 a.m. in the Commission's Chicago Office.

XVIII. MOTION TO ADJOURN.