

December 15, 2005

AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
December 15, 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 NOVEMBER 17, 2005

WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR MEETING HELD NOVEMBER 17, 2005?

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

A. Report on Exempt Positions

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging	154	8
Agriculture	504	17
Arts Council	22	1
Capitol Development Board	16	0
Central Management Services	1651	119
Children and Family Services	3304	41
Civil Service Commission	4	0
Commerce & Econ. Opportunity	442	61
Commerce Commission	42	0
Corrections.....	14,070	117
Criminal Justice Authority	78	6
Deaf and Hard of Hearing Comm.	5	1
Developmental Disabilities Council	13	1
Emergency Management Agency.....	112	1
Employment Security	1862	26
Environmental Protect. Agency	1071	16
Fin. & Prof. Regulation	794	38
Guardianship and Advocacy	109	5
Healthcare and Family Services.....	2170	28
Historic Preservation Agency.....	255	12
Human Rights Commission.....	11	2
Human Rights Department	130	8
Human Services	14,808	60
Investment Board	4	2
Labor.....	71	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	143	3
Natural Resources.....	1472	27
Pollution Control Board	26	3
Prisoner Review Board	23	0
Property Tax Appeal Board	22	2
Public Health	1106	35
Revenue.....	2017	59
State Fire Marshal	140	9
State Police	1456	6
State Police Merit Board	5	1
State Retirement Systems	79	1
Transportation	2869	1
Veterans Affairs	1134	5
Workers Comp. Commission	165	9
TOTALS	52,419	743

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 Central Management Services - Proposed Exemption (Continued from November)

Position Number	40070-37-80-000-25-01
Position Title	Senior Public Service Administrator
Bureau/Division	Illinois Office of Communication and Information
Functional Title	Media Administrator
Incumbent	None
Supervisor	Deputy Director of the Illinois Office of Communication and Information (Reports to Director)
Location	Cook

CMS Recommendation:

"This request is being made to correct a mutual administrative oversight on behalf of Central Management Services and the Civil Service Commission from the July, 2004 CSC meeting at which it was mutually believed this position was exempted at that meeting however conflicting records subsequently exist."

"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."

D. Illinois Department of Revenue - Proposed Exemption (Continued from November)

Position Number	40070-25-91-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Lottery Sales
Functional Title	Deputy Director
Incumbent	Kristine A. Hanlon
Supervisor	Lottery Superintendent
Location	Cook

CMS Recommendation:

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

E. Illinois Environmental Protection Agency - Proposed Exemption

Position Number	37015-46-00-000-00-01
Position Title	Public Service Administrator
Bureau/Division	Legislative Affairs
Functional Title	Legislative Liaison
Incumbent	None
Supervisor	Legislative Liaison
Location	Sangamon

CMS Recommendation:

"Although the position does not meet the strict reporting criteria of the Commission Rules, the legislative spokesperson responsibilities and duties vested are similar to those of other legislative liaison positions granted 4d3 exemption."

F. Guardianship & Advocacy Commission - Proposed Exemption

Position Number	40070-50-70-060-00-02
Position Title	Senior Public Service Administrator
Bureau/Division	Human Resources Office
Functional Title	Human Resources Director
Incumbent	None
Supervisor	Director
Location	Cook

CMS Recommendation:

"This position meets the reporting criteria of the Commission Rules and considering similarities of the requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption."

G. Illinois Department of Public Health - Proposed Exemption

Position Number	40070-20-07-100-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office-Hearing Review
Functional Title	Chief Administrative Law Judge
Incumbent	None
Supervisor	Assistant Director
Location	Sangamon

CMS Recommendation:

"This position does meet the reporting criteria of the Commission Rules and considering the similarities of these (sic) requested position with those of other 4d(3) exempt positions, I recommend 4d(3) 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 November 30, 2005.

Agency	10/31/2005	11/30/2005
Aging	0	1
Agriculture	3	3
Arts Council	0	1
Central Management Services	3	6
Children & Family Services	4	5
Comm. & Econ. Opportunity	1	1
Emergency Mgmt. Agency	1	1
Environmental Protection	0	1
Healthcare & Family Services	12	11
Historic Preservation	9	1
Human Services	0	1
Human Rights	1	1
Natural Resources	22	25
State Retirement Systems	1	0
Transportation	29	11
Veterans Affairs	0	2
Total	86	71

VIII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

- **CONSOLIDATED LAYOFF APPEAL**¹

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?

- **DISCHARGE APPEAL**

DA-79-05

Petitioner	Hope Stoldt	Appeal Date	06/01/05
Agency	DCFS	Decision Date	12/05/05
Type of Appeal	Discharge	ALJ	Andrew Barris
Charge(s)	Conduct unbecoming; misuse of state equipment (telephone)	Recommended Decision	Charges are partially proven and warrant a 1-day suspension in lieu of discharge.

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

¹ 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.

- **DISCHARGE APPEAL**

DA-2-06

Petitioner	Abbe Eldred	Appeal Date	07/07/05
Agency	Dept. of Agriculture	Decision Date	12/05/05
Type of Appeal	Discharge	ALJ	Andrew Barris
Charge(s)	Failure to provide medical documentation for disability leave	Recommended Decision	Charges are proven but circumstances warrant 90-day suspension in lieu of discharge

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

IX. **APPEALS TERMINATED WITHOUT DECISION**

- **WITHDRAWN**

DA-3-06

Respondent	Mardi Hartshorn	Appeal Date	07/07/05
Agency	DHS	Decision Date	12/02/05
Type of Appeal	Discharge	ALJ	Daniel Stralka
Charge(s)	Breach of security; failure to report contraband.	Recommended Decision	Settlement; withdrawn subject to Commission approval.

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

- **DISMISSAL**

DA-19-06

Petitioner	Rickey Pritchard	Appeal Date	09/27/05
Agency	CMS	Decision Date	12/02/05
Type of Appeal	Discharge	ALJ	Andrew Barris
Charge(s)	Ethical Standards (theft), Misuse, Abuse, Conduct unbecoming.	Recommended Decision	Settlement; dismissal subject to Commission approval.

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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, January 19, 2006 at 9:00 a.m. in the Commission's Chicago Office.

XIII. MOTION TO ADJOURN