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To: Commissioners Moylan Krey, Cummings, Urlacher and Finch
From: Daniel Stralka
Date: October 18, 2016
Subject: Report on Section 4d(1) Exempt Positions.

This is the third report to Commissioners on this subject. The first was initially prepared on August 11, 2010 and updated on November 19, 2010. The second was prepared on April 15, 2015 and updated on both June 17 and September 16, 2015. These reports and updates were all made part of the Commission's meeting Minutes for those months. There is a significant amount of background information in the June 17, 2015 report that will not be reprinted here but would assist in understanding some of the vagaries in monitoring this section of the Personnel Code.

Section 4d(1) of the Personnel Code provides as follows:

In each department, board or commission that now maintains or may hereafter maintain a major administrative division, service or office in both Sangamon County and Cook County, 2 private secretaries for the director or chairman thereof, one located in the Cook County office and the other located in the Sangamon County office, shall be exempt from jurisdiction B; in all other departments, boards and commissions one private secretary for the director or chairman thereof shall be exempt from jurisdiction B. In all departments, boards and commissions one confidential assistant for the director or chairman thereof shall be exempt from jurisdiction B. This paragraph is subject to such modifications or waiver of the exemptions as may be necessary to assure the continuity of federal contributions in those agencies supported in whole or in part by federal funds.

In essence, each major State agency is allowed a total of three partially exempt positions to serve as private secretaries/confidential assistants. One must be in Sangamon County, one must be in Cook County, and there are no geographical restrictions on the third.

Commission Staff first started monitoring this provision in 2005 by requesting a listing of all 4d(1) coded positions from Central Management Services (CMS). Informal monitoring

continued over the years until 2010 when it was determined that a formal report be presented to the Commission to make a record of these activities. Follow up reports proceeded as described above though informal monitoring occurs throughout the year as issues arise.

CMS provided the Commission with a list of Section 4d(1) exempt positions. From that list it must be noted that the vast majority of agencies are utilizing Section 4d(1) exemptions in accordance with this provision of the Personnel Code. There were two anomalies that required additional investigation.

The Illinois Liquor Control Commission (ILCC) has three exempt positions, one of which is vacant, that are all located in Cook County. This is actually a carryover issue from 2015. That August, the ILCC agreed to a freeze on their Section 4d(1) exempt positions until one of them became vacant. At that time the agency would cause one of them to be assigned to Sangamon County. On October 5, 2015 one of the private secretary positions became vacant. However, it has yet to be relocated to Sangamon County. The ILCC has yet to provide an explanation for the delay in implementation.

The Department of Innovation and Technology (DoIT) has created two exempt private secretary positions both of which are presently vacant. The June 17, 2015 report included the following with regard to which State entities are entitled to Section 4d(1) exempt positions:

Therefore, it remains Staff's recommendation that for purposes of ascertaining which Departments of the State are entitled to Section 4d(1) exempt positions, the primary source shall be those set forth in the Civil Administrative Code. If not specifically listed, it shall include those specifically referenced in the Civil Administrative Code so long as the head of the Department is subject to Senate confirmation. For any other entity to be considered a "Department" as set forth in Section 4d(1) of the Personnel Code, it must have some statutory basis for that designation outside the Civil Administrative Code. This would preclude entities such as the "Divisions of Shared Services" referenced in Executive Order 2006-6 from being allowed to create exempt positions under Section 4d(1).

As of this time, DoIT remains a creation of Executive Order 16-1. However, DoIT staff has informed Commission staff that there will be legislation proposed this fall or next spring to include DoIT as a State agency under the Civil Administrative Code. Given that assurance Staff is satisfied with the establishment of these positions and will monitor the progress of the proposed legislation. The failure to enact such legislation may jeopardize the continued exemption of these positions. Staff has made DoIT aware of this.

Finally, the Class Specifications contain a Private Secretary series consisting of Private Secretary 1 and Private Secretary 2 titles. These titles are exclusive to positions that are exempt pursuant to Section 4d(1). Of the 122 positions included in the CMS listing, only 63 utilized one of these two titles. The other titles consisted of Executive 1, Administrative Assistant 1 and 2, Public Service Administrator, and Senior Public Service Administrator. There is no class series or title dedicated to Confidential Assistants though it appears to have been considered in the Private Secretary Series Discussion.