

January 15, 2004

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
January 15, 2004

I. OPENING OF MEETING AT 9:11 A.M. AT SUITE S-901, 160 NORTH LA SALLE STREET, CHICAGO, ILLINOIS

II. PRESENT

George E. Richards, Chairman; Betty Bukraba, Barbara J. Peterson and John M. Dorgan (via telephone), Commissioners; Daniel Stralka and Leonard F. Sacks of the Commission staff; Paul Campbell, Nancy Wuttke, CMS; Ann McElroy (via telephone) and Teyonda Wertz, Chief of Staff (via telephone), DHS; Marianne Armento, Technical Services Division Manager, CMS (via telephone); and James Nelson, Respondent. Commissioner Raymond W. Ewell was not present.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD DECEMBER 18, 2003

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD DECEMBER 18, 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	109	5
Agriculture	528	14
Arts Council	20	1
Banks and Real Estate	262	2
Central Management Services	1,231	40
Children and Family Services	3,463	36
Commerce & Econ. Opportunity	484	56
Corrections	14,167	107
Criminal Justice Authority	72	3
Deaf and Hard of Hearing Comm.	6	1
Developmental Disabilities Council ...	13	1
Elections Board	51	1
Emergency Management Agency	108	1
Employment Security	1,962	19
Environmental Protect. Agency	1,130	7
Financial Institutions	81	6
Guardianship and Advocacy	114	6
Historic Preservation Agency	198	3
Human Rights Commission	10	2
Human Rights Department	143	6
Human Services	15,637	55
Industrial Commission	149	8
Insurance	337	6
Investment Board	4	1
Labor	84	7
Labor Relations Board Educational ...	16	2
Labor Relations Board State	19	2
Law Enforce. Trng. & Standard Bd. ...	25	1
Military Affairs	140	3
Natural Resources	1,707	26
Pollution Control Board	28	3
Professional Regulation	245	13
Property Tax Appeal Board	23	2
Public Aid	2,326	17
Public Health	1,112	27
Revenue	2,224	41
State Fire Marshal	123	5
State Police	1,504	4
State Police Merit Board	5	1
State Retirement System	79	1
Transportation	3,026	1
Veterans Affairs	1,143	2
TOTALS	54,108	545

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.

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

- Executive Director reported that the Attorney General, responding to Commission inquiry, verbally indicated that use of the language "recommend consideration" did not constitute a "written recommendation" as contemplated by the Personnel Code. After further discussions with CMS, other conforming language will be used.
- Executive Director Stralka reported that supplemental information on Agenda Item VI.D. had apparently been submitted to CMS, but had not been forwarded to the Commission. Marianne Armento, Technical Services Manager, Central Management Services, confirmed this and that the agency had also substituted a number of position abolitions and clarifications which cleared up the issues that arose at last month's Commission meeting.
- Executive Director Stralka advised the Commission that no recommendation had been made on Agency items IV.G. through IV.N. yet because there was a question regarding the reporting requirement of these positions, and that he was notified that Paul Campbell, Assistant Director of CMS, would be attending the meeting to make a brief presentation to the Commission about these requests. Assistant Director Campbell then made his presentation to the Commission, addressing the magnitude of the positions' responsibilities including the amount of the procurement involved (\$15,000,000,000); the first year's anticipated savings (\$100,000,000), and the number of properties involved (7000+). He indicated that this was a substantial restructuring of the State's procurement process in accordance with the Governor's mandate and Executive Order #10 to provide centralized leadership in these areas. Associate Director Campbell provided a brief history of this initiative and addressed the applicability of the exemption criteria to these positions. In response to questions from Chairman Richards, Commissioner Peterson and Executive Director Stralka, Assistant Director Campbell indicated that all these positions are directly responsible to him as Associate Director even though there is an organizational layer on the chart above them. He further indicated that they all have the authority to bind not just the agency but all offices under the jurisdiction of the Governor, and that their decisions are reversible only by himself and not the organizational layer between them. He reviewed the qualifications he anticipates successful candidates for these positions will have. He noted that, without oversimplifying, the organizational layer above these positions will have principal administrative responsibility for the determination of policy, while these positions will have principal administrative responsibility for the way in which these policies are carried out. The Associate Director concluded by thanking the Commission for their consideration.

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE OR CONTINUE THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS, IN ACCORDANCE WITH STAFF RECOMMENDATION:

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

Requests for 4d(3) Exemption Continued by the Commission

Agency: Department of Professional Regulation
Position Title: Senior Public Service Administrator
Position Number: 40070-24-11-000-00-01
Division: Web Management Services
Incumbent: Vacant
Supervisor: Director
Location: Cook

Agency: Department of Professional Regulation
Position Title: Senior Public Service Administrator
Position Number: 40070-24-05-200-00-01
Division: Statewide Enforcement
Incumbent: Wayne Straza
Supervisor: SPSA 40070-24-05-000-00-01
Location: Cook

Agency: Department of Professional Regulation
Position Title: Senior Public Service Administrator
Position Number: 40070-24-05-500-00-01
Division: Statewide Enforcement
Incumbent: Vacant
Supervisor: SPSA 40070-24-05-000-00-01
Location: Cook

Requests for 4d(3) Exemption Approved by the Commission

Agency: Department of Children & Family Services
Position Title: Senior Public Service Administrator
Position Number: 40070-16-00-000-40-01
Division: Director's Office
Incumbent: Vacant
Supervisor: Director Samuels
Location: Cook County

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

Agency Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-41-810-01-02
Division: Bureau of Strategic Sourcing and Procurement/Division
of General Services Sourcing
Incumbent: Vacant
Supervisor: Division of General Services Sourcing Portfolio Mgr.
Location: Sangamon County

Agency Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-41-810-01-01
Division: Bureau of Strategic Sourcing and Procurement/Division
of General Services Sourcing
Incumbent: Vacant
Supervisor: Division of General Services Sourcing Portfolio
Manager
Location: Sangamon County

Agency Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-41-710-01-02
Division: Bureau of Strategic Sourcing and Procurement/
Division of Medical and Healthcare Services
Incumbent: Vacant
Supervisor: Division of Medical and Healthcare Services
Portfolio Manager
Location: Sangamon County

Agency Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-41-710-01-01
Division: Bureau of Strategic Sourcing and Procurement/Division
of Medical and Healthcare Services
Incumbent: Vacant
Supervisor: Division of Medical and Healthcare Services
Portfolio Manager
Location: Sangamon County

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

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-41-610-01-02
Division: Bureau of Strategic Sourcing and Procurement/Division of Information Technology and Telecommunications Strategic Sourcing
Incumbent: Vacant
Supervisor: Division of Information Technology and Telecommunications Portfolio Manager
Location: Sangamon County

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-41-610-01-01
Division: Bureau of Strategic Sourcing and Procurement/Division of Information Technology and Telecommunications Strategic Sourcing
Incumbent: Vacant
Supervisor: Division of Information Technology and Telecommunications Portfolio Manager
Location: Sangamon County

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-41-410-01-02
Division: Bureau of Strategic Sourcing and Procurement/Division of Equipment and Commodities Strategic Sourcing
Incumbent: Vacant
Supervisor: Division of Equipment and Commodities Portfolio Manager
Location: Sangamon County

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-41-410-01-01
Division: Bureau of Strategic Sourcing and Procurement/Division of Equipment and Commodities Strategic Sourcing
Incumbent: Vacant
Supervisor: Division of Equipment and Commodities Portfolio Manager
Location: Sangamon County

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

Agency: Department of Revenue
Position Title: Senior Public Service Administrator
Position Number: 40070-25-07-110-00-02
Division: Legal Services - Income Tax Division
Incumbent: Paul Caselton
Supervisor: SPSA 40070-25-07-000-00-001
Location: Sangamon County

Agency: Department of Human Services
Position Title: Senior Public Service Administrator
Position Number: 40070-10-04-200-00-01
Division: Office of Contract Administration
Incumbent: Dennis Sharkey
Supervisor: SPSA (40070-10-04-000-00-01)
Location: Cook County

Agency: Department of Human Services
Position Title: Senior Public Service Administrator
Position Number: 40070-10-10-100-00-01
Division: Office of Facility Administration
Incumbent: Vacant
Supervisor: SPSA (40070-10-10-000-00-01)
Location: Cook County

V. MOTION TO GO INTO EXECUTIVE SESSION

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER BUKRABA AND THE MOTION UNANIMOUSLY ADOPTED TO HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS OF DISMISSAL FILED WITH THE COMMISSION.

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VI. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 10:20 A.M. at Suite S-109, 160 North LaSalle Street, Chicago, Illinois.

Present

George E. Richards, Chairman; Betty Bukraba, Barbara J. Peterson and John M. Dorgan (via telephone), Commissioners; Daniel Stralka and Leonard F. Sacks of the Commission staff; Marianne Armento, Technical Services Division Manager(via telephone) CMS; and James Nelson, Respondent. Commissioner Raymond W. Ewell was not present.

VII. AMENDMENTS IN CLASS SPECIFICATIONS

A. Comments on Class Specifications

1. Program Integrity Auditor Trainee
2. Program Integrity Auditor I
3. Program Integrity Auditor II

Marianne Armento from CMS explained how the Program Integrity Auditor series came into being from previous collective bargaining involving the Department of Public Aid, and that the series was created so as not to be limited to that agency only.

Commissioner Bukraba questioned the use of the word "integrity" in the series and how that may have a negative impact on other employees.

B. Recommendations for Commission Action

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

New Class Titles

1. Program Integrity Auditor Trainee
2. Program Integrity Auditor I
3. Program Integrity Auditor II

VII. AMENDMENTS IN CLASS SPECIFICATIONS (Continued)

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DORGAN, AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE CLASS SPECIFICATIONS FOR THE FOLLOWING CLASSES, TO BE EFFECTIVE FEBRUARY 1, 2004.

New Class Titles

1. Program Integrity Auditor Trainee
2. Program Integrity Auditor I
3. Program Integrity Auditor II

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION UNANIMOUSLY ADOPTED TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.

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 December 31, 2003.

	<u>11/30/03</u>	<u>12/31/03</u>
Agriculture	1	1
Central Management Services	7	5
Employment Security	2	0
Historic Preservation	1	1
Natural Resources	33	49
State Police	1	0
Transportation	0	2
Veterans' Affairs	<u>1</u>	<u>1</u>
	46	59

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IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

Dismissal of Appeal – Failure to Appear at Hearing

<u>Name</u>	<u>Title</u>	<u>Department</u>
Patricia Rotello	Support Service Worker	Human Services

Charge: Conduct Unbecoming A State Employee

Request for hearing filed: August 20, 2003

Results: The appeal was dismissed with prejudice due to Respondent's failure to appear at the hearing.

Decision dated: 12/18/03

Administrative Law Judge: Daniel Stralka

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER BUKRABA, AND BY ROLL CALL VOTE, THE MOTION UNANIMOUSLY ADOPTED TO DISMISS THE APPEAL OF PATRICIA ROTELLO WITH PREJUDICE DUE TO HER FAILURE TO APPEAR AT THE HEARING.

Dismissal

James A. Nelson	SPSA	Employment Security
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Charge: Appointment Was Accomplished By Illegally Promulgated Rules

Request for hearing filed: March 13, 2003

Results: The charges for discharge were proven and discharge was upheld.

Decision dated: 01/15//03

Administrative Law Judge: Leonard Sacks

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER BUKRABA, AND BY ROLL CALL VOTE, THE MOTION UNANIMOUSLY ADOPTED TO UPHOLD THE DISCHARGE OF JAMES A. NELSON.

Dismissal

Theresa Perry	Child Protection Specialist	Children and Family Services
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Charge: Negligent Performance of Duties; Falsification; Poor Work Performance and Failure to Follow Supervisory Directive

Request for hearing filed: May 16, 2003

Results: The charges for discharge were proven and discharge was upheld.

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IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS (Continued)

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER BUKRABA, AND BY ROLL CALL VOTE, THE MOTION UNANIMOUSLY ADOPTED TO UPHOLD THE DISCHARGE OF THERESA PERRY.

X. STAFF REPORT

- The FY05 budget was submitted earlier in the week at approximately \$395,000.
- Executive Director Stralka reported that Linda Fleming has started work as the administrative assistant for the Commission and is working out well.
- Executive Director Stralka was successful in presenting Barbara Hayes with her retirement gift which she accepted with grace and thanked the Commissioners for their consideration.
- Sandy Guppy fell and broke her ankle Tuesday and will be out for several weeks – contingency plans are being worked on to cope during her absence.
- The new Ethics Bill took effect and Executive Director Stralks requested authority to take action to bring the Commission in compliance.

IT WAS MOVED BY COMMISSIONER PETERSON AND SECONDED BY COMMISSIONER BUKRABA, THE MOTION UNANIMOUSLY ADOPTED TO CHARGE THE EXECUTIVE DIRECTOR TO TAKE ALL STEPS NECESSARY TO BRING THE COMMISSION IN COMPLIANCE WITH THE NEW ETHICS LEGISLATION.

- A general discussion over the propriety of Saturday hearings was held.

XI. ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, February 19, 2004 at 9:00 a.m. in the Commission's Chicago Office.

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XII. MOTION TO ADJOURN.

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY
COMMISSIONER BUKRABA, AND THE MOTION UNANIMOUSLY
ADOPTED TO ADJOURN THE MEETING AT 10:40 A.M.**