

February 19, 2004

MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
FEBRUARY 19, 2004

I. OPENING OF MEETING AT 9:01 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 Raymond W. Ewell, Commissioners; Daniel Stralka and Leonard F. Sacks of the Commission staff; Paul Campbell, Nancy Wuttke, CMS; Barb Jeffers, DHS; and Theodore Polley, John Kerley and George M. Monaco, attorneys.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD JANUARY 15, 2004

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL, AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD JANUARY 15, 2004.**

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 .....	105	5
Agriculture .....	521	14
Arts Council .....	21	1
Banks and Real Estate .....	262	6
Central Management Services .....	1,214	59
Children and Family Services .....	3,449	36
Commerce & Econ. Opportunity .....	499	56
Corrections .....	14,315	108
Criminal Justice Authority .....	75	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 .....	1,986	25
Environmental Protect. Agency ...	1,130	9
Financial Institutions .....	81	5
Guardianship and Advocacy .....	112	6
Historic Preservation Agency .....	190	3
Human Rights Commission .....	11	2
Human Rights Department .....	142	6
Human Services .....	15,607	57
Industrial Commission .....	166	8
Insurance .....	333	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 .....	141	3
Natural Resources .....	1,690	26
Pollution Control Board .....	24	3
Professional Regulation .....	248	15
Property Tax Appeal Board .....	23	2
Public Aid .....	2,318	18
Public Health .....	1,117	27
Revenue .....	2,202	41
State Fire Marshal .....	124	6
State Police .....	1,493	4
State Police Merit Board .....	5	1
State Retirement System .....	79	1
Transportation .....	3,896	1
Veterans Affairs .....	1,141	2
TOTALS .....	55,046	582

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

Assistant Director Paul Campbell appeared before the Commission to address issues related to agenda items I, M-R, U, V, and Y. He provided the Commissioners a brief report noting how these 10 agencies are responsible for 80% of the procurable spend for the State. In response to a number of questions from the Commissioners, Campbell noted how the procurement positions in many agencies had been reduced in importance to a ministerial position attached to some other position such as fiscal or administrative. These new positions will carry significantly more strategic importance and be dedicated to the revamped procurement function, which is also why it is not anticipated approval of these positions will result in any layoffs. A review of the day-to-day responsibilities of the positions as designed was presented, which led to additional questions regarding qualifications and training. Assistant Director Campbell also indicated that 4d3 status was requested to increase the practical accountability of these positions (as opposed to the line accountability to the agency Directors), and provided an example tying their performance to demonstrated cost-savings.

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

C. Requests for 4d(3) Exemption Withdrawn or Continued by the Commission

**The following 4d(3) request for exemption was withdrawn at the February 19, 2004 meeting:**

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

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

**The following 4d(3) requests for exemption were continued at the February 19, 2004, meeting until March 18, 2004:**

Agency: Dept. 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 County

Agency: Dept. 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 County

Agency: Department of Human Services  
Position Title: Senior Public Service Administrator  
Position Number: 40070-10-04-300-00-01  
Bureau/Division: Office of Contract Administration  
Incumbent: Vacant  
Supervisor: SPSA (40070-10-04-000-00-01)  
Location: Sangamon County

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

Agency: Illinois Environmental Protection Agency  
Position Title: Senior Public Service Administrator  
Position Number: 40070-46-30-200-00-01  
Division: Associate Director  
Incumbent: Vacant  
Supervisor: Associate Director  
Location: Cook County

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

Agency: Department of Children & Family Services  
Position Title: Public Service Administrator  
Position Number: 37015-16-00-100-00-01  
Division: Director's Office  
Incumbent: Vacant  
Supervisor: Director  
Location: Sangamon County

Agency: Department of Revenue  
Position Title: Public Service Administrator  
Position Number: 40070-25-12-000-00-01  
Division: Bureau of Personnel  
Incumbent: James Day  
Supervisor: SPSA - 40070-25-10-000-00-01  
Location: Sangamon County

Agency: Central Management Services  
Position Title: Senior Public Service Administrator  
Position Number: 40070-37-00-000-01-03  
Bureau/Division: Office of Strategic Sourcing and Procurement  
Incumbent: Vacant  
Supervisor: Director  
Location: Sangamon

Agency: Central Management Services  
Position Title: Senior Public Service Administrator  
Position Number: 40070-37-19-000-01-01  
Bureau/Division: Multicultural Outreach Program  
Incumbent: Vacant  
Supervisor: Assistant Director  
Location: Cook County

Agency: Department of Human Services  
Position Title: Senior Public Service Administrator  
Position Number: 40070-10-00-800-00-01  
Bureau/Division: Secretary's Office  
Incumbent: Vacant  
Supervisor: Secretary  
Location: Cook County

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

Agency: Department of Human Services  
Position Title: Senior Public Service Administrator  
Position Number: 40070-10-00-700-00-01  
Bureau/Division: Office of Strategic Sourcing and Procurement  
Incumbent: Vacant  
Supervisor: Secretary  
Location: Sangamon County

Agency: Illinois State Police  
Position Title: Senior Public Service Administrator  
Position Number: 40070-21-00-600-00-01  
Bureau/Division: Office of Strategic Sourcing and Procurement  
Incumbent: Vacant  
Supervisor: Director  
Location: Sangamon County

Agency: Dept. of Children & Family Services  
Position Title: Senior Public Service Administrator  
Position Number: 40070-16-00-600-00-01  
Bureau/Division: Director's Office  
Incumbent: Vacant  
Supervisor: Director  
Location: Sangamon County

Agency: Department of Natural Resources  
Position Title: Senior Public Service Administrator  
Position Number: 40070-12-03-000-00-01  
Bureau/Division: Office of Strategic Sourcing & Procurement  
Incumbent: Vacant  
Supervisor: Director  
Location: Sangamon County

Agency: Department of Corrections  
Position Title: Senior Public Service Administrator  
Position Number: 40070-29-00-300-00-01  
Bureau/Division: Director's Office/Strategic Sourcing & Procurement  
Incumbent: Vacant  
Supervisor: Director  
Location: Sangamon County

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

Agency: Department of Public Aid  
Position Title: Senior Public Service Administrator  
Position Number: 40070-33-00-040-00-61  
Bureau/Division: Office/Strategic Sourcing & Procurement  
Incumbent: Vacant  
Supervisor: Director  
Location: Sangamon County

Agency: Department of Public Aid  
Position Title: Senior Public Service Administrator  
Position Number: 40070-33-00-100-00-61  
Bureau/Division: Office of the Director  
Incumbent: Vacant  
Supervisor: Director  
Location: Cook County

Agency: Dept. of Commerce & Economic Opportunity  
Position Title: Senior Public Service Administrator  
Position Number: 40070-42-00-700-00-01  
Bureau/Division: Director's Office/Entrepreneurial/Small Business  
Incumbent: Vacant  
Supervisor: Director  
Location: Cook County

Agency: Dept. of Commerce & Economic Opportunity  
Position Title: Senior Public Service Administrator  
Position Number: 40070-42-00-800-00-01  
Bureau/Division: Office of Strategic Sourcing and Procurement  
Incumbent: Vacant  
Supervisor: Director  
Location: Sangamon County

Agency: Illinois Environmental Protection Agency  
Position Title: Senior Public Service Administrator  
Position Number: 40070-46-00-000-00-06  
Bureau/Division: Office of Strategic Sourcing and Procurement  
Incumbent: Vacant  
Supervisor: Director  
Location: Sangamon County



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

Agency: Illinois Environmental Protection Agency  
Position Title: Senior Public Service Administrator  
Position Number: 40070-46-00-000-00-03  
Bureau/Division: Director's Office  
Incumbent: Vacant  
Supervisor: Director  
Location: Cook County

Agency: Department of Insurance  
Position Title: Public Service Administrator  
Position Number: 37015-14-00-000-00-09  
Bureau/Division: Executive  
Incumbent: Vacant  
Supervisor: Director  
Location: Sangamon County

Agency: Department of Agriculture  
Position Title: Senior Public Service Administrator  
Position Number: 40070-11-01-800-00-01  
Bureau/Division: Office of Strategic Sourcing and Procurement  
Incumbent: Vacant  
Supervisor: Director  
Location: Sangamon County

Agency: Illinois State Fire Marshal  
Position Title: Senior Public Service Administrator  
Position Number: 40070-50-50-024-00-01  
Bureau/Division: Management Services  
Incumbent: Kay Ackerman  
Supervisor: State Fire Marshal  
Location: Sangamon County

Agency: Department on Aging  
Position Title: Senior Public Service Administrator  
Position Number: 40070-47-10-000-00-01  
Bureau/Division: Finance and Administration  
Incumbent: Vacant  
Supervisor: Director  
Location: Sangamon County

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V. MOTION TO GO INTO EXECUTIVE SESSION

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

VI. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Chicago, Illinois, at 11:20 a.m.

Present: George E. Richards, Chairman; Betty Bukraba, Barbara J. Peterson and Raymond W. Ewell, Commissioners; Daniel Stralka and Leonard F. Sacks of the Commission staff; Barb Jeffers, DHS; and Theodore Polley, John Kerley and George M. Monaco, attorneys.

VII. AMENDMENTS IN CLASS SPECIFICATIONS

A. Comments on Class Specifications

<u>Class Title</u>	<u>Position Code</u>
Social Worker I	41411
Social Worker II	41412
Social Worker III	41413
Social Worker IV	41414

B. Recommendations for Commission Action

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

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

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VII. AMENDMENTS IN CLASS SPECIFICATIONS

<u>Class Title</u>	<u>Position Code</u>
Social Worker I	41411
Social Worker II	41412
Social Worker III	41413
Social Worker IV	41414

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

VIII. 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>12/31/03</u>	<u>1/31/03</u>
Agriculture	1	1
Central Management Services	5	4
Historic Preservation	1	0
Natural Resources	49	37
Transportation	2	5
State Fire Marshal	0	1
Veterans' Affairs	<u>1</u>	<u>1</u>
	59	49

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IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

Dismissal

<u>Name</u>	<u>Title</u>	<u>Department</u>
Mary Ann Rohrback	SPSA	Employment Security

Charge: Conduct Unbecoming A State Employee  
Request for hearing filed: April 7, 2003  
Decision dated: 2/19/04  
Administrative Law Judge: Leonard Sacks

**IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER BUKRABA, COMMISSIONER PETERSON ABSTAINING, AND BY ROLL CALL VOTE, THE MOTION ADOPTED TO AFFIRM AND MODIFY THE RECOMMENDED DECISION OF THE ADMINISTRATIVE LAW JUDGE NOT INCONSISTENT WITH THE FINDINGS OF THE COMMISSION AS READ INTO THE RECORD AND AS SET FORTH AS FOLLOWS:**

FINDINGS AND DECISION OF THE COMMISSION

The undersigned, having read the recommended decision of the Administrative Law Judge dated February 6, 2004 hereby adopt said decision to the extent not inconsistent with the findings set forth below and hereby certify it to the Director of Central Management Services, State of Illinois, for enforcement.

We do not agree with the Administrative Law Judge's Conclusion and Recommendation. The totality of the evidence indicates that no resignation from the position of Regional Manager as contemplated by the Personnel Code occurred. The Petitioner has proven by a preponderance of the evidence that the Respondent did not intent to relinquish the position, nor did an unequivocal act of relinquishment occur. Therefore, the Respondent was unable to be appointed to the second term from which she was discharged.

Additionally, we do not agree that the Respondent did not knowingly attempt to improperly extend her term of employment.

It is hereby determined that the written charges for discharge approved by the Director of the Department of Central Management Services, State of Illinois, have been proven in part. Said partially proven charges warrant a 90-day suspension and the return of the Respondent to her initial term position that ends April 2005.

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IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS (continued)

Dismissal

Virginia Wood  
DA-94-03

SPSA

Natural Resources

Charge: Personal Conduct, False Statements and Representations  
Request for hearing filed: April 3, 2003  
Decision dated: 2/19/04  
Administrative Law Judge: Leonard Sacks

**IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER BUKRABA, AND BY ROLL CALL VOTE, THE MOTION UNANIMOUSLY ADOPTED TO AFFIRM AND MODIFY THE RECOMMENDED DECISION OF THE ADMINISTRATIVE LAW JUDGE NOT INCONSISTENT WITH THE FINDINGS OF THE COMMISSION AS READ INTO THE RECORD AND AS SET FORTH AS FOLLOWS:**

FINDINGS AND DECISION OF THE COMMISSION

The undersigned, having read the recommended decision of the Administrative Law Judge dated February 6, 2004 hereby adopt said decision to the extent not inconsistent with the findings set forth below and hereby certify it to the Director of Central Management Services, State of Illinois, for enforcement.

We do not agree with the Administrative Law Judge's Conclusion and Recommendation. The totality of the evidence indicates that no resignation from the position of Executive in the Office of Land Management as contemplated by the Personnel Code occurred. The Petitioner has proven by a preponderance of the evidence that the Respondent did not intend to relinquish the position, nor did an unequivocal act of relinquishment occur. Therefore, the Respondent was unable to be appointed to the second term from which she was discharged.

Additionally, we do not agree that the Respondent did not knowingly attempt to improperly extend her term of employment.

It is hereby determined that the written charges for discharge approved by the Director of the Department of Central Management Services, State of Illinois, have been proven in part. Said partially proven charges warrant a 90-day suspension and the return of the respondent to her initial term position that ended March 2003.

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IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS (continued)

Dismissal

Mark Schmidt  
DA-08-04

Accountant Advanced

Guardianship & Advocacy  
Commission

Charge: Insubordination and Conduct Unbecoming A State Employee

Request for hearing filed: July 30, 2003

Results: The charges have been partially proven and the discharge was upheld.

Decision dated: 2/19/04

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 AFFIRM THE RECOMMENDED DECISION OF THE ADMINISTRATIVE LAW JUDGE AND THE DISCHARGE OF MARK SCHMIDT.**

Dismissal

James D. Kline  
DA-56-04

Mental Health Technician II

Human Services

Charge: Mistreatment of Service Residents

Request for hearing filed: 8-18-03

Results: The Commission found that the charges for discharge have been proven in part, but do not warrant the discharge of Respondent. A 30-day suspension was substituted in lieu of the discharge.

Decision dated: 2/19/04

Administrative Law Judge: Daniel Stralka

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL, AND BY ROLL CALL VOTE, THE MOTION UNANIMOUSLY ADOPTED TO AFFIRM THE RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE AND SUBSTITUTE A 30-DAY SUSPENSION IN LIEU OF THE DISCHARGE OF JAMES D. KLINE.**

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IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS (continued)

Dismissal

Bryan Veronesi                      Mental Health Technician II              Human Services  
DA-78-04

Charge: Physical Abuse to Service Recipients

Request for hearing filed: 12-2-03

Results: It was found that the charges were not proven and the discharge of  
Respondent reversed. Respondent reinstated.

Decision dated: 2/19/04

Administrative Law Judge: Daniel Stralka

**IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY  
COMMISSIONER BUKRABA, AND BY ROLL CALL VOTE, THE MOTION  
UNANIMOUSLY ADOPTED TO AFFIRM THE RECOMMENDED DECISION  
OF THE ADMINISTRATIVE LAW JUDGE TO REINSTATE THE  
RESPONDENT, BRYAN VERONESI, TO HIS POSITION.**

Layoff Appeal

Angela M. Young                      Executive I                      Revenue  
LA-66-04

Request for appeal filed: 10-15-03

Result: The Commission agreed with findings of the ALJ finding no violation of  
the Personnel Code or Rules with regard to the Layoff Appeal of the  
Respondent

Decision dated: 2/19/04

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 AFFIRM THE RECOMMENDATION OF  
THE ADMINISTRATIVE LAW JUDGE TO DISMISS THE LAY OFF  
APPEAL OF ANGELA M. YOUNG.**

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X. ADMINISTRATIVE REVIEW APPEALS

Circuit Court – Dismissed

<u>Case No.</u>	<u>Name</u>	<u>County</u>	<u>Record Filed</u>
DA-104-03	Robert Powers	U.S. District Court Sangamon	Pending Pending
DA-38-01	Elizabeth Terrell	Cook	Pending

XI. STAFF REPORT

Executive Director Stralka noted that a significant amount of staff time was spent responding to the Illinois State Legislative (ISL) request for information consisting of 50 spreadsheet forms and a 39 question narrative.

XII. ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, March 18, 2004 at 9:00 a.m. in the Commission's Chicago Office.

XIII. MOTION TO ADJOURN.

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL, AND THE MOTION UNANIMOUSLY ADOPTED TO ADJOURN THE MEETING AT 11:34 A.M.**