

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
February 20, 2003

I. OPENING OF MEETING AT 9:00 A.M. AT 160 NORTH LA SALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

George E. Richards, Chairman; John M. Dorgan, Dan P. Fabrizio, Ray W. Ewell, and Barbara J. Peterson, Commissioners; Robert B. Powers and Leonard F. Sacks of the Commission staff.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD JANUARY 16, 2003

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER FABRIZIO, AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD JANUARY 16, 2003. AYES: RICHARDS, DORGAN, FABRIZIO, EWELL, AND PETERSON. NAYES: NONE.

IV. MOTION TO GO INTO EXECUTIVE SESSION

IT WAS MOVED BY COMMISSIONER DORGAN, SECONDED BY COMMISSIONER PETERSON, AND THE MOTION UNANIMOUSLY ADOPTED TO HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS OF DISMISSAL FILED WITH THE COMMISSION. AYES: RICHARDS, DORGAN, FABRIZIO, EWELL, AND PETERSON. NAYES: NONE.

V. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Suite S-901, Chicago, Illinois.

Present: George E. Richards, Chairman, John M. Dorgan, Ray W. Ewell, Dan P. Fabrizio, and Barbara J. Peterson, Commissioners; Sue Gowen, Department of Central Management Services; Rick White, attorney-at-law; and Robert B. Powers and Leonard F. Sacks of the Commission staff.

VI. APPEALS 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.

Dismissals

<u>Name</u>	<u>Title</u>	<u>Department</u>
Glenn, Connie	Office Clerk	Human Services

Request for hearing filed: December 31, 2002
RESULTS: Employee withdrew her request for appeal by letter faxed to the Commission office on January 9, 2003. Case closed by letter dated January 14, 2003.

Anthony Knight	Storekeeper I	Transportation
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Request for hearing filed: December 27, 2002
RESULTS: Employee withdrew his request for appeal by letter faxed to the Commission office on January 9, 2003. Case closed by letter dated January 16, 2003.

Delois Standfield	Public Service Administrator	Dept. Children & Family Services
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Request for hearing filed: July 12, 2002
RESULTS: Stipulation to Dismiss filed with Commission on January 23, 2003. The parties have agreed to dismiss this appeal with prejudice and without leave to reinstate. They have also agreed to each bear their own costs, attorney's fees and expenses. Case closed by letter dated January 23, 2003.

Nelson, Nancy S.	Sr. Public Service Administrator	Department on Aging
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Request for hearing filed: January 27, 2003
RESULTS: Employee withdrew her request for appeal by letter hand-delivered to the Civil Service Commission's Springfield office on January 30, 2003. Case closed by letter dated January 31, 2003.

Grace M. Davis	Sr. Public Service Administrator	Dept. of Public Aid
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Request for hearing filed: January 28, 2003
RESULTS: On February 4, 2003, the Commission received a letter from Ms. Davis stating she did not want to be a part of the appeal process. Case closed by letter dated February 4, 2003.

IT WAS MOVED BY COMMISSIONER DORGAN, SECONDED BY COMMISSIONER FABRIZIO, AND THE MOTION UNANIMOUSLY ADOPTED TO CONCUR WITH THE STAFF DECISIONS IN THE ABOVE MATTERS. AYES: RICHARDS, DORGAN, EWELL, FABRIZIO, AND PETERSON. NAYES: NONE.

VII. APPEALS DENIED

Suspension

Theodore, Leneata Child Protection Specialist Children & Family Services

On January 8, 2003, the Commission received an Appeal of Disciplinary Action Totaling More Than Thirty Days Within a 12-Month Period from the employee's attorney, Rafael Molinary. Thirty-day suspensions pending discharge are not considered a final disciplinary action until the Agency implements its decision. Mr. Molinary was advised by letter dated January 14, 2003 that his appeal will be dismissed at this time for lack of jurisdiction. At such time as this becomes either a discharge or a suspension of more than 30 days within a 12-month period, he may re-file an appeal on behalf of the employee, Leneata Theodore.

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DORGAN, AND THE MOTION UNANIMOUSLY ADOPTED TO CONCUR WITH THE STAFF DECISION IN THE ABOVE MATTER. AYES: RICHARDS, DORGAN, EWELL, FABRIZIO, AND PETERSON. NAYES: NONE.

VIII. ADMINISTRATIVE REVIEW APPEALS

Circuit Court – Dismissal

<u>Case No.</u>	<u>Name</u>	<u>County</u>	<u>Record Filed</u>
DA-31-02	Alexis M. Celani Department of Human Services Decision dated: 11-8-02 CHARGE: Abuse of a recipient	Cook	January 30, 2003

IX. COURT DECISIONS ON ADMINISTRATIVE REVIEW

7th Judicial Circuit Court - Dismissal

People of the State of Illinois, ex. rel. the Illinois Property Tax Appeal Board v. Mary Jones-Wiley and CSC (No. 02-MR-224)

Settlement Agreement and General Release presented to Judge Eggers. Agreed Order Dismissing this Proceeding with Prejudice entered 1/23/03.

X. APPEALS FILED UNDER RULE 6 OF THE COMMISSION RULES

Bernadine M. Foltz, LA-15-03

On September 30, 2002, the Commission received an appeal from Bernadine M. Foltz, who was laid off from the Department of Corrections as a Correctional Lieutenant at the Ed Jenison Workcamp, Danville Correctional Center. The employee complained that she was not offered voluntary reduction in lieu of layoff. The Commission recognizes that the title of Correctional Lieutenant is included in the CU-500 contract and is a separate agreement from the AFSCME Master Contract, while the titles of Correctional Sergeant and Correction Officer are included in the RC-6 agreement of the Master Contract. The layoff language in CU-500 is different than that of the Master Contract. Accordingly, Ms. Foltz has been placed on the re-employment list for her classification series – Lieutenant, Sergeant and Officer. Re-employment to a Lieutenant position will be based upon availability of funded vacancies and order of seniority. Re-employment to a Sergeant or Officer will be based upon availability of funded vacancies, first to be offered to laid off Sergeants and Officers in order of seniority in accordance with the RC-6 agreement with AFSCME. Once that listing is exhausted, the re-employment list for Lieutenant would be considered. The Department may have had vacant positions in these titles, but due to budgetary constraints may not have been able to fund those positions.

Having found no violation of the Personnel Code or Rules occurred in relationship to her layoff, it is the staff's recommendation that her layoff appeal be denied.

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER DORGAN, AND THE MOTION UNANIMOUSLY ADOPTED TO CONCUR WITH THE STAFF DECISION IN THE ABOVE MATTER. AYES: RICHARDS, DORGAN, EWELL, FABRIZIO, AND PETERSON. NAYES: NONE.

Janette Spink, LA-6-03

On August 12, 2002, the Commission received an appeal from Janette Spink, who was laid off from the Department of Corrections as an Executive Secretary III at the Illinois Youth Center - Valley View.

The employee complained that she was not offered a voluntary reduction in lieu of layoff or afforded an opportunity to discuss her options with anyone from Personnel. A Merit Comp employee cannot be offered a bargaining unit position unless there are no bargaining unit employees available for the position. Because of this, Merit Compensation employees were not provided a list of vacant/funded bargaining unit positions at the time of the layoff. In addition, our investigation revealed that Kathleen

Danner met with Ms. Spink on May 15, 2002 to discuss the vacancy list with her. While Ms. Spink expressed interest in certain vacant positions at that time, these positions apparently were not funded and therefore, not available. Staff concluded that no violation of the Personnel Code or Rules occurred in relationship to her layoff. Ms. Spink was notified by letter dated January 10, 2003 that the staff would recommend that her layoff appeal be denied.

IT WAS MOVED BY COMMISSIONER FABRIZIO, SECONDED BY COMMISSIONER EWELL, AND THE MOTION UNANIMOUSLY ADOPTED TO CONCUR WITH THE STAFF DECISION IN THE ABOVE MATTER. AYES: RICHARDS, DORGAN, EWELL, FABRIZIO, AND PETERSON. NAYES: NONE.

XI. COMPLAINTS FILED UNDER RULE 7 OF THE COMMISSION RULES

Jean Michaels, RV-17-03

The employee complained of improper processing of her promotional application for Executive Secretary III, Option 2, and because of this, claimed she was "cheated out of a promotion." Ms. Michaels also indicated that her participation in the union may have been an issue with the grading process. Ms. Michaels had received an "A" grade through the Upward Mobility Program (UMP) for Executive Secretary I, but failed to indicate a date for that grade with her first submission of the application. The CMS grader did not have access to UMP performance scores and was unable to ascertain that the date of the score was current; therefore, the application was returned to Ms. Michaels for additional information. She re-submitted her application to CMS with the additional information and subsequently received a promotional grade of "A" for the title of Executive Secretary III (Option 2). Further, as this title is not subject to the UMP or collective bargaining agreement, the selection would be based upon the results of the interview process and not controlled by seniority. Therefore, her claims of "being cheated out of a promotion" are speculative, at best. The work experience indicated on her application met the experience criteria required for the Executive Secretary III; therefore, the union affiliation was not a factor in the processing of the application. Ms. Michaels was notified by letter dated January 21, 2003, that it is staff's conclusion that no violation of the Personnel Code or Rules occurred in the processing of her application.

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER FABRIZIO, AND THE MOTION UNANIMOUSLY ADOPTED TO CONCUR WITH THE STAFF DECISION IN THE ABOVE MATTER. AYES: RICHARDS, DORGAN, EWELL, FABRIZIO, AND PETERSON. NAYES: NONE.

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Linda Glispie (RV-18-03)

Brenda Cherry (RV-19-03)

Both Ms. Glispie and Ms. Cherry complained of rule violation pertaining to their layoff from Auburn Park Local Office. Both accepted positions through voluntary reduction. Section 302.570 of the Personnel Rules, Re-employment List, relates only to those individuals who have been indeterminately laid off.

Also, the transfer of employees from this facility to alternate work locations within the Department were completed prior to the official notification of layoff and were based upon merit in accordance with Personnel Rule 302.410, Intra-Agency Transfer. The Department does not have a record of either Ms. Glispie or Ms. Cherry requesting a transfer prior to the layoff.

Ms. Glispie and Ms. Cherry were notified by letter dated January 27, 2003, that it is staff's conclusion that no violation of the Personnel Code or Rules occurred in relationship to their layoff.

IT WAS MOVED BY COMMISSIONER FABRIZIO, SECONDED BY COMMISSIONER PETERSON, AND THE MOTION UNANIMOUSLY ADOPTED TO CONCUR WITH THE STAFF DECISION IN THE ABOVE MATTER. AYES: RICHARDS, DORGAN, EWELL, FABRIZIO, AND PETERSON. NAYES: NONE.

XII. 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	101	5
Agriculture	513	8
Arts Council	23	1
Banks and Real Estate.....	260	2
Central Management Services	1,162	7
Children and Family Services.....	3,522	29
Commerce and Community Affairs..	433	20
Corrections.....	13,966	104
deaf and Hard of Hearing Comm.....	8	1
Developmental Disabilities Council ...	13	1
Elections Board.....	48	1
Employment Security	1,862	10
EPA.....	1,167	4
Financial Institutions.....	86	4
Guardianship and Advocacy	117	6
Historic Preservation Agency	190	2
Human Rights Commission	10	2
Human Rights Department	138	5
Human Services	15,706	39
Industrial Commission.....	151	8
Insurance.....	334	4
Investment Board.....	4	1
Labor.....	87	7
Labor Relations Board Educational ...	22	2
Labor Relations Board State	24	2
Law Enforce. Trng. & Standard Bd....	24	1
Liquor Control Commission	73	3
Lottery.....	237	7
Medical District Commission	5	1
Natural Resources	1,671	22
Pollution Control Board.....	30	3
Professional Regulation	258	9
Property Tax Appeal Board	41	2
Public Aid	2,353	14
Public Health.....	1,109	16
Revenue	1,991	29
State Fire Marshal.....	149	3
State Police	1,526	4
State Police Merit Board.....	6	1
State Retirement System.....	80	1
Veterans Affairs.....	1,160	2
TOTALS	50,660	393

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

C. Department of Corrections - Proposed Exemption

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

COPY

Dear Chairman Richards:

Director Donald N. Snyder, Jr. of the Department of Corrections, has requested 4d(3) policy exemption of the following established position:

Position Title:	Public Service Administrator
Position Number:	37015-29-01-000-10-01
Division:	Chief of Staff
Incumbent:	Vacant
Supervisor:	Andrew W. Walter
Location:	Rock Island County

This position reports to the Chief of Staff and will be administratively responsible for planning, directing and promoting the Public Relations - Outreach Program for the Department. This position will be responsible for developing and implementing policy and procedures regarding the dissemination of information on the programs and services of the agency and represents the Department with the media, public, civic and private organizations.

Considering the reporting relationship directly to the Chief of Staff and comparable to other program policy exemptions, I agree with Director Snyder and recommend 4d(3) exemption.

To facilitate your staff's review, I have enclosed copies of the position description, together with the agency's letter of request and organization chart. 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:

This letter is to request that you approve and forward to the Civil Service Commission the request for exempt status 4(d)3 of the Public Service Administrator, Public Relations - Outreach Program, for the Illinois Department of Corrections.

February 20, 2003

This position will report to the Chief of Staff and be administratively responsible for planning, directing and promoting the Public Relations - Outreach Program for the Department. This individual will develop and implement policy and procedures regarding the dissemination of information on the programs and services of the Agency and represent the Department with the media, public, civic and private organizations.

To assist you in your review, the position description and an organization chart are attached.

If you have any questions regarding this request, please contact Barbara Hamilton at (217) 522-2666 ext. 2107

END OF COPY

STAFF ANALYSIS

The position requested for exemption reports to the position of Chief of Staff which, itself, is a 4d1 exempt position. Commission Rule 11a(5) Jurisdiction B Exemptions, permits exemptions where there is a vacant statutory assistant director position and there is a deputy director position exercising full authority for the operating entities of the department. In this instance the Chief of Staff does act as a deputy director exercising full authority over all of the operating entities of the department. Staff would, therefore, suggest that the reporting relationship meets the requirements of Commission Rule 11.

This position will be administratively responsible for the planning, directing and promoting the Public Relations Outreach Program for the Department. It will develop and implement policy and procedures regarding the dissemination of information of the programs and services of the agency and represent the Department with the media, public, civic and private organizations. Staff finds that the responsibilities of this position meet the requirements of Commission Rule 11b3 and, therefore, recommends that the request be granted.

IT WAS MOVED BY COMMISSIONER DORGAN, SECONDED BY COMMISSIONER EWELL, AND THE MOTION UNANIMOUSLY ADOPTED TO REMAND THE REQUEST FOR EXEMPTION OF THE ABOVE POSITION BACK TO THE COMMISSION STAFF IN ORDER TO CONFER WITH THE DEPARTMENT OF CORRECTIONS. AYES: RICHARDS, DORGAN, EWELL, FABRIZIO, AND PETERSON. NAYES: NONE.

XIII. 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 January 31, 2003.

	<u>12-31-02</u>	<u>1-31-03</u>
Agriculture	3	0
Central Management Ser.	6	5
Comm. & Comm. Affairs	2	2
Historic Preservation	1	0
Human Services	2	1
Labor Relations Bd. Educ.	2	1
Natural Resources	43	34
Transportation	<u>13</u>	<u>21</u>
	72	64

XIV. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

Dismissal of Appeal - (Failure to Appear), DA-3-03

<u>Name</u>	<u>Title</u>	<u>Department</u>
Finch, Almentia	Licensed Practice Nurse II	Human Services

CHARGE: Unauthorized/unexcused absence from the workplace.
Request for hearing filed: August 6, 2002

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DORGAN, AND THE MOTION UNANIMOUSLY ADOPTED TO DISMISS THE APPEAL OF ALMENTIA FINCH WITH PREJUDICE FOR HER FAILURE TO APPEAR AT THE HEARING. AYES: RICHARDS, DORGAN, EWELL, FABRIZIO, AND PETERSON. AYES: NONE.

February 20, 2003

Dismissal

Gabriela Beckman Human Services Caseworker Human Services

CHARGE: Falsification of Employment Status, Filing a False Report, Failure to Follow Instructions, and Conduct Unbecoming a State Employee.
Request for hearing filed: September 25, 2002

IT WAS MOVED BY COMMISSIONER DORGAN, SECONDED BY COMMISSIONER PETERSON, AND THE MOTION ADOPTED TO UPHOLD THE DISCHARGE OF GABRIELA BECKMAN. AYES: RICHARDS, DORGAN, EWELL, AND PETERSON. NAYES: FABRIZIO.

ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, March 20, 2003 at 9:00 a.m. in the Commission's Chicago Office.

MOTION TO ADJOURN.

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DORGAN, AND THE MOTION UNANIMOUSLY ADOPTED TO ADJOURN THE MEETING. AYES: RICHARDS, DORGAN, EWELL, FABRIZIO, AND PETERSON. NAYES: NONE.