

March 18, 2004

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
MARCH 18, 2004

I. OPENING OF MEETING AT 9:12 A.M. AT SUITE S-901, 160 NORTH LA SALLE STREET, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman; George Richards, Betty Bukraba, and Barbara J. Peterson, Commissioners; Daniel Stralka, Leonard F. Sacks and Andrew Barris of the Commission staff; Clara Larry, attorney; and LaTina Pickett and Keenan White, Respondents. Commissioner Raymond Ewell was not present.

Executive Director Daniel Stralka noted receipt of a missive from the Governor appointing Chris Kolker as Chairman effective March 16, 2004.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD FEBRUARY 19, 2004

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD FEBRUARY 19, 2004. CHAIRMAN KOLKER ABSTAINED.

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	106	5
Agriculture.....	523	15
Arts Council.....	22	1
Banks and Real Estate.....	261	6
Central Management Services	1,211	61
Children and Family Services.....	3,457	38
Commerce & Econ. Opportunity	501	59
Corrections.....	14,339	109
Criminal Justice Authority.....	75	3
Deaf and Hard of Hearing Comm.....	6	1
Developmental Disabilities Council ...	13	1
Elections Board.....	52	1
Emergency Management Agency	108	1
Employment Security	1,972	25
Environmental Protect. Agency... ..	1,129	12
Financial Institutions.....	81	5
Guardianship and Advocacy	112	6
Historic Preservation Agency	192	3
Human Rights Commission	10	2
Human Rights Department	140	6
Human Services	15,773	59
Industrial Commission.....	167	8
Insurance.....	332	7
Investment Board.....	4	1
Labor.....	80	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	1,656	7
Pollution Control Board.....	25	3
Professional Regulation	245	15
Property Tax Appeal Board	22	2
Public Aid	2328	20
Public Health.....	1,119	27
Revenue	2,208	42
State Fire Marshal.....	126	7
State Police	1,503	5
State Police Merit Board.....	5	1
State Retirement System.....	80	1
Transportation.....	4,475	1
Veterans Affairs.....	1,137	2
TOTALS.....	55,796	602

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

IT WAS MOVED BY COMMISSIONER RICHARDS, 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 Continued by the Commission

The following 4d(3) requests for exemption were continued at the March 18, 2004, meeting until April 15, 2004:

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-32-000-00-01
Bureau/Division: Bureau of Benefits/Risk Management Division
Incumbent: Vacant
Supervisor: Deputy Director of the Bureau of Benefits
SPSA 40070-37-30-000-01-01
Location: Sangamon County

Agency: Department of Children and Family Services
Position Title: Senior Public Service Administrator
Position Number: 40070-16-13-100-00-01
Bureau/Division: Monitoring/Quality Assurance
Incumbent: Vacant
Supervisor: SPSA 40070-16-13-000-00-01
Location: Cook County

Agency: Department of Commerce and Economic Opportunity
Position Title: Public Service Administrator
Position Number: 37015-42-00-020-00-01
Bureau/Division: Assistant Director's Office
Incumbent: Vacant
Supervisor: Assistant Director
Location: Cook County

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

Agency: Department of Revenue
Position Title: Senior Public Service Administrator
Position Number: 40070-25-07-100-00-01
Bureau/Division: Legal Services – Special Counsel Office
Incumbent: John T. Robinson
Supervisor: General Counsel
Location: Sangamon County

Agency: Department of Revenue
Position Title: Senior Public Service Administrator
Position Number: 40070-25-07-120-00-02
Bureau/Division: Legal Services – Sales/Excise Taxes Office
Incumbent: Vacant
Supervisor: General Counsel
Location: Sangamon County

Agency: Department of Revenue
Position Title: Senior Public Service Administrator
Position Number: 40070-25-07-140-30-01
Bureau/Division: Legal Services – Property Tax Law Office
Incumbent: Vacant
Supervisor: General Counsel
Location: Sangamon County

Agency: Department of Revenue
Position Title: Senior Public Service Administrator
Position Number: 40070-25-07-160-00-01
Bureau/Division: Legal Services Lottery Legal Division
Incumbent: Kurt D. Friedland
Supervisor: General Counsel
Location: Sangamon County

Agency: Department of Revenue
Position Title: Senior Public Service Administrator
Position Number: 40070-25-07-210-00-01
Bureau/Division: Legal Services Special Counsel Office
Incumbent: Paul G. Badanski
Supervisor: General Counsel
Location: Sangamon County

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

Agency: Department of Revenue
Position Title: Senior Public Service Administrator
Position Number: 40070-25-07-220-00-01
Bureau/Division: Legal Services – Asst. Attorney General Support Office
Incumbent: James D. Newbold
Supervisor: General Counsel
Location: Sangamon County

Agency: Department of Revenue
Position Title: Senior Public Service Administrator
Position Number: 40070-25-07-230-00-01
Bureau/Division: Legal Services – Liquor Control Commission
Incumbent: Vacant
Supervisor: General Counsel
Location: Cook County

Agency: Illinois State Police
Position Title: Senior Public Service Administrator
Position Number: 40070-21-11-000-00-01
Bureau/Division: Administration
Incumbent: Vacant
Supervisor: Deputy Director, Division of Administration, Sworn Officer
Location: Sangamon County

Agency: Illinois State Police
Position Title: Senior Public Service Administrator
Position Number: 40070-21-12-000-00-01
Bureau/Division: Administration
Incumbent: Vacant
Supervisor: Deputy Director, Division of Administration, Sworn Officer
Location: Sangamon County

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

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

The following 4d(3) requests for exemption were approved by the Commission.

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 County

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 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

Agency: Office of Banks and Real Estate
Position Title: Senior Public Service Administrator
Position Number: 40070-50-92-110-00-01
Bureau/Division: Bureau of Real Estate Professions
Incumbent: Vacant
Supervisor: SPSA (40070-50-92-100-00-01)
Location: Sangamon County

Agency: Office of Banks and Real Estate
Position Title: Senior Public Service Administrator
Position Number: 40070-50-92-500-00-01
Bureau/Division: Community Relations
Incumbent: Vacant
Supervisor: Commissioner
Location: Sangamon County

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

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-14-000-01-01
Bureau/Division: Bureau of Communications and Computer Services,
LAN & Office Systems Services Division
Incumbent: Vacant
Supervisor: Deputy Director of the Bureau of Communications
and Computer Services
Location: Sangamon County

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-41-500-01-01
Bureau/Division: Bureau of Strategic Sourcing and Procurement,
Division of Facilities Sourcing
Incumbent: Vacant
Supervisor: Assistant Director
Location: Cook County

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-41-510-01-01
Bureau/Division: Bureau of Strategic Sourcing and Procurement,
Division of Facilities Sourcing
Incumbent: Vacant
Supervisor: Division of Facilities Sourcing Portfolio Manager
Location: Sangamon County

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-41-510-01-02
Bureau/Division: Bureau of Strategic Sourcing and Procurement,
Division of Facilities Utilities and Professional
Services Sourcing
Incumbent: Vacant
Supervisor: Division of Facilities Sourcing Portfolio Manager
Location: Sangamon County

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

Agency: Illinois Historic Preservation Agency
Position Title: Senior Public Service Administrator
Position Number: 40070-48-40-000-00-01
Division: Abraham Lincoln Presidential Library & Museum
Incumbent: Kathryn Harris
Supervisor: Director
Location: Sangamon County

Agency: Illinois Historic Preservation Agency
Position Title: Senior Public Service Administrator
Position Number: 40070-48-00-000-30-01
Division: Director's Office
Incumbent: Vacant
Supervisor: Director
Location: Sangamon County

Agency: Department of Human Rights
Position Title: Senior Public Service Administrator
Position Number: 40070-49-60-000-00-02
Division: Housing
Incumbent: Vacant
Supervisor: SPSA (40070-49-01-000-00-01)
Location: Cook County

Agency: Department of Natural Resources
Position Title: Administrative Assistant II
Position Number: 00502-12-06-000-01-01
Division: Office of Legislation & Constituency Services
Incumbent: Vacant
Supervisor: 40070-12-06-000-00-01
Location: Sangamon County

Agency: Department of Revenue
Position Title: Senior Public Service Administrator
Position Number: 40070-25-07-150-00-01
Bureau/Division: Legal Services Income Tax Technical Office
Incumbent: Vacant
Supervisor: General Counsel
Location: Sangamon County

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

Agency: Department of Revenue
Position Title: Senior Public Service Administrator
Position Number: 40070-25-07-240-00-01
Bureau/Division: Legal Services-Racing Board Office
Incumbent: Vacant
Supervisor: General Counsel
Location: Sangamon County

Agency: Illinois State Police
Position Title: Senior Public Service Administrator
Position Number: 40070-21-00-000-00-02
Bureau/Division: Director's Office
Incumbent: Vacant
Supervisor: Director
Location: Cook County

The following 4d(3) request for exemption was approved by the Commission until September 15, 2005

Agency: Department of Veteran Affairs
Position Title: Senior Public Service Administrator
Position Number: 40070-34-00-000-10-01
Bureau/Division: Administration
Incumbent: Vacant
Supervisor: Agency Director
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.

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 10:53 a.m.

Present: Chris Kolker, Chairman; George Richards, Betty Bukraba, and Barbara J. Peterson, Commissioners; Daniel Stralka, Leonard F. Sacks and Andrew Barris of the Commission staff; Clara Larry, attorney; and LaTina Pickett and Keenan White, Respondents. Commissioner Raymond Ewell was not present.

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 February 29, 2004.

	<u>1/31/03</u>	<u>2/29/04</u>
Agriculture	1	0
Arts Council	0	1
Central Management Services	4	3
Comm & Econ. Opportunity	0	1
Natural Resources	37	4
Public Aid	0	1
Revenue	0	3
Transportation	5	16
State Fire Marshal	1	1
State Retirement Systems	0	1
Veterans' Affairs	<u>1</u>	<u>0</u>
Totals	49	31

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IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

Discharge

<u>Name</u>	<u>Title</u>	<u>Department</u>
LaTina Pickett DA-34-02	Mental Health Tech II	DHS

Charge: Recipient Abuse
Request for hearing filed: April 8, 2002
Result: Charges were not proven; Commission voted 4-0 for reinstatement of respondent.
Decision dated: March 18, 2004
Administrative Law Judge: Leonard Sacks

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER PETERSON, AND BY ROLL CALL VOTE, THE MOTION UNANIMOUSLY ADOPTED TO AFFIRM THE RECOMMENDED DECISION OF THE ADMINISTRATIVE LAW JUDGE TO REINSTATE THE RESPONDENT, LATINA PICKETT, TO HER POSITION.

Discharge

<u>Name</u>	<u>Title</u>	<u>Department</u>
Sandra Topps DA-94-03	Certified Child Welfare Specialist	DCFS

Charge: Insubordination, Conduct Unbecoming a State Employee and Falsification of Records
Request for hearing filed: November 6, 2002
Result: Charges proven in part; Commission voted 3-1 for discharge of respondent.
Decision dated: March 18, 2004
Administrative Law Judge: Leonard Sacks

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER BUKRABA, 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 SET FORTH AS FOLLOWS:

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IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

FINDINGS AND DECISION OF THE COMMISSION

THE UNDERSIGNED, HAVING READ THE RECOMMENDED DECISION OF THE ADMINISTRATIVE LAW JUDGE DATED MARCH 5, 2004, HEREBY ADOPT SAID DECISION TO THE EXTENT NOT INCONSISTENT WITH THE FINDINGS SET FORTH BELOW AND HEREBY CERTIFY IT TO THE DIRECTOR OF THE DEPARTMENT OF CENTRAL MANAGEMENT SERVICES, STATE OF ILLINOIS, FOR ENFORCEMENT.

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 AND THAT SAID PARTIALLY PROVEN CHARGES OF INSUBORDINATION AND CONDUCT UNBECOMING A STATE EMPLOYEE WARRANT THE DISCHARGE OF THE RESPONDENT, SANDRA TOPPS, FROM HER POSITION OF CERTIFIED CHILD WELFARE SPECIALIST WITH THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES, STATE OF ILLINOIS.

Discharge

<u>Name</u>	<u>Title</u>	<u>Department</u>
Lynn Houston-White DA-10-03	Human Services Caseworker	DHS

Charge: Abuse of Time

Request for hearing filed: September 10, 2002

Result: The charges were partially proven; Commission voted 4-0 for discharge of respondent.

Decision dated: March 18, 2004

Administrative Law Judge: Leonard Sacks

IT WAS MOVED BY COMMISSIONER RICHARDS, 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 SET FORTH AS FOLLOWS:

IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

FINDINGS AND DECISION OF THE COMMISSION

THE UNDERSIGNED, HAVING READ THE DECISION OF THE ADMINISTRATIVE LAW JUDGE DATED MARCH 5, 2004, HEREBY ADOPT SAID DECISION TO THE EXTENT NOT INCONSISTENT WITH THE FINDINGS SET FORTH BELOW AND HEREBY CERTIFY IT TO THE DIRECTOR OF THE DEPARTMENT OF CENTRAL MANAGEMENT SERVICES, STATE OF ILLINOIS, FOR ENFORCEMENT.

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 AND THAT SAID PROVEN CHARGES WARRANT THE DISCHARGE OF THE RESPONDENT, LYNN HOUSTON-WHITE, FROM HER POSITION OF CASEWORKER WITH THE DEPARTMENT OF HUMAN SERVICES, STATE OF ILLINOIS.

Discharge

<u>Name</u>	<u>Title</u>	<u>Department</u>
Gregory Holston DA-01-04	Forensic Director	DHS
Charge: Conduct Unbecoming a State Employee		
Request for hearing filed: July 1, 2003		
Results: The Commission voted 4-0 for reinstatement of respondent.		
Decision dated: March 18, 2004		
Administrative Law Judge: Leonard Sacks		

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER PETERSON, AND BY ROLL CALL VOTE, THE MOTION UNANIMOUSLY ADOPTED TO AFFIRM THE RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE TO REINSTATE THE RESPONDENT, GREGORY HOLSTON, TO HIS POSITION.

IT WAS FURTHER MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER PETERSON THAT THE EXECUTIVE DIRECTOR DRAFT A REQUEST TO THE SECRETARY OF THE DEPARTMENT OF HUMAN SERVICES THAT SHE RE-EXAMINE THE EVIDENCE IN THIS MATTER AGAINST THE RESPONDENT.

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IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

Dismissal

<u>Name</u>	<u>Title</u>	<u>Department</u>
Keenan D. Williams	Office Assistant	CMS

DA-02-03
Charge: Violated CMS Rules of Conduct
Request for appeal filed: July 22, 2002
Result: Charges were proven; Commission voted 4-0 to affirm the discharge of respondent.
Decision dated: March 18, 2004
Administrative Law Judge: Leonard Sacks

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER BUKRABA, AND BY ROLL CALL VOTE, THE MOTION UNANIMOUSLY ADOPTED TO AFFIRM THE RECOMMENDED DECISION OF THE ADMINISTRATIVE LAW JUDGE TO DISCHARGE THE RESPONDENT, KEENAN D. WILLIAMS.

X. SEMI-ANNUAL REVIEW OF EXECUTIVE SESSION MINUTES PURSUANT TO OPEN MEETINGS ACT

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER RICHARDS AND THE MOTION UNANIMOUSLY ADOPTED THAT AFTER SEMI-ANNUAL REVIEW OF EXECUTIVE SESSION MINUTES PURSUANT TO THE OPEN MEETINGS ACT, THE MINUTES SHALL REMAIN CLOSED INDEFINITELY REGARDING ALL PERSONNEL MATTERS.

XI. STAFF REPORT

Executive Director Daniel Stralka reported on the introduction of the first personnel policy for the Commission to bring it in compliance with the new ethics ordinance. He also advised the Commission on the House Appropriation Hearing for the Commission's proposed FY05 budget.

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XII. ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, April 15, 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 BUKRABA, AND THE MOTION UNANIMOUSLY ADOPTED TO ADJOURN THE MEETING AT 11:05 A.M.