

March 20, 2003

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
March 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 FEBRUARY 20, 2003

IT WAS MOVED BY COMMISSIONER DORGAN, SECONDED BY COMMISSIONER FABRIZIO, AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD FEBRUARY 20, 2003. AYES: RICHARDS, DORGAN, FABRIZIO, EWELL, AND PETERSON. NAYES: NONE.

IV. MOTION TO GO INTO EXECUTIVE SESSION

IT WAS MOVED BY COMMISSIONER FABRIZIO, SECONDED BY COMMISSIONER EWELL, 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; Marianne Armento, Manager, Tech Services, Department of Central Management Services; Daniel Stralha, Governor's Office; and Robert B. Powers and Leonard F. Sacks of the Commission staff.

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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>
Wendy M. Butler	Public Service Administrator	Natural Resources

Request for hearing filed: January 27, 2003

RESULTS: Employee withdrew her request for appeal by letter hand-delivered to the Commission office on February 27, 2003. Case closed by letter dated February 28, 2003.

Susan Roop	Public Service Administrator	Natural Resources
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Request for hearing filed: January 27, 2003

RESULTS: Employee withdrew her request for appeal by letter faxed to the Commission on February 28, 2003. Case closed by letter dated February 28, 2003.

Wanda D. Taylor	Sr. Public Service Administrator	Dept. Children & Family Services
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Request for hearing filed: January 29, 2003

RESULTS: Employee withdrew her request for appeal by e-mail to Administrative Law Judge Leonard Sacks on February 18, 2003. Case closed by letter dated February 21, 2003.

Judith Pardonnet	Sr. Public Service Administrator	Central Management Services
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Request for hearing filed: January 28, 2003

RESULTS: Employee withdrew her request for appeal by letter dated February 13, 2003 and faxed to the Commission office. Case closed by letter dated February 14, 2003.

IT WAS MOVED BY COMMISSIONER PETERSON, 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.

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VII. ADMINISTRATIVE REVIEW APPEALS

Circuit Court – Layoff Appeal Denied

<u>Case No.</u>	<u>Name</u>	<u>County</u>	<u>Appearance Filed</u>
03 M1-111889	Sam W. Jordan	Cook County, Municipal Dept., First District	Pending

The Commission denied Mr. Jordan's layoff appeal at its January, 2003 meeting. Mr. Jordan filed a Summons and Complaint in Circuit Court of Cook County against the Commission and Department of Human Services, claiming damages of \$25,000. Kimmel & Kiefer, P.C. entered their appearance on behalf of Plaintiff, Sam W. Jordan.

VIII. 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	508	8
Arts Council	23	1
Banks and Real Estate	259	2
Central Management Services	1,155	7
Children and Family Services	3,519	29
DCEO	426	20
Corrections	13,984	104
Deaf and Hard of Hearing Comm.	8	1
Developmental Disabilities Council ...	14	1
Elections Board	48	1
Employment Security	1,854	10
EPA	1,163	4
Financial Institutions	86	4
Guardianship and Advocacy	118	6
Historic Preservation Agency	191	2
Human Rights Commission	10	2
Human Rights Department	136	5
Human Services	15,688	39
Industrial Commission	151	8
Insurance	335	4
Investment Board	4	1
Labor	86	7
Labor Relations Board Educational ...	22	2
Labor Relations Board State	24	2
Law Enforce. Trng. & Standard Bd. ...	24	1
Liquor Control Commission	72	3
Lottery	237	7
Medical District Commission	5	1
Natural Resources	1,635	22
Pollution Control Board	30	3
Professional Regulation	263	9
Property Tax Appeal Board	39	2
Public Aid	2,379	14
Public Health	1,115	15
Revenue	1,985	29
State Fire Marshal	122	3
State Police	1,539	4
State Police Merit Board	6	1
State Retirement System	81	1
Veterans Affairs	1,150	2
TOTALS	50,599	392

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

C. Department of Agriculture - Proposed Exemption

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

COPY

Dear Chairman Richards:

Acting Director Sandra K. Rolando of the Illinois Department of Agriculture has requested 4d(3) exemption of the following established position:

Position Title:	Senior Public Service Administrator
Position Number:	40070-11-04-000-00-02
Division:	Executive Office
Incumbent:	Vacant
Supervisor:	Director of Agriculture
Location:	Springfield

This position directs and administers the Department of Agriculture's Human Resources Programs, formulates policies and procedures and with full authority of the Director negotiates statewide labor contracts, resolves grievances and arbitrations and testifies at formal and informal hearings.

Considering the reporting relationship and the fact that the position represents the Director of Agriculture in the interpretation of program policies and procedures, I agree with Director Rolando and recommend 4d(3) exemption.

To facilitate your staff's review, I have enclosed a copy of the subject position, together with the agency's letter of request and the organization chart. If additional information is required, please contact Dee Vrabel, Assistant Manager, Pay and Job Allocation Services Section at 782-2048.

END OF COPY

COPY

Dear Director Rumman:

We are proposing the exemption of a new Senior Public Service Administrator, Opt. 1 (40070-11-04-000-00-02), as provided in Section 4d(3) of the Personnel Code.

This position reports directly to the Director of Agriculture and directs and administers policies and procedures effecting agency Human Resource Programs for the Agency. Acts in full authority for the Director in negotiating statewide labor

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

C. Department of Agriculture - Proposed Exemption (continued)

contracts, resolving grievances and arbitrations and testifies at formal and informal hearings.

The attached CMS-104 and organizational charts will depict the placement and responsibility of this position.

If additional information is needed, please contact Lynnette S. Jones at 217/785-5485.

END OF COPY

STAFF ANALYSIS

The position requested for exemption reports directly to the Director and, therefore, meets the requirement of Section 1.142(a)(2) of the Commission's rules. The position will be responsible for directing and administering the Department of Agriculture's human resource programs, policies and procedures and with full authority of the Director negotiates statewide labor contracts, resolves grievances and arbitrations, and testifies at formal and informal hearings; serving as a liaison representing the Director with governmental officials and interpreting Department's policies and procedures; developing and formulating the Bureau's budget. As such the responsibilities meet the requirements of Section 1.142(b)(1). Staff recommended that the request be granted.

HAVING MET THE REQUIREMENTS FOR EXEMPTION UNDER SECTION 1.142 OF THE COMMISSION'S RULES, IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL, AND THE MOTION UNANIMOUSLY ADOPTED TO GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITION. AYES: RICHARDS, DORGAN, EWELL, FABRIZIO, AND PETERSON. NAYES: NONE.

Position Title:	Senior Public Service Administrator
Position Number:	40070-11-04-000-00-02
Division:	Executive Office
Incumbent:	Vacant
Supervisor:	Director of Agriculture
Location:	Springfield

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

D. Department of Corrections - Proposed Exemption

The following recommendation and supporting materials were received from the Director of Central Management 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

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

D. Department of Corrections - Proposed Exemption (continued)

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.

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

The following was received from Ernesto Velasco, new Director of the Illinois Department of Corrections:

COPY

Dear Director Powers:

On January 28, 2003, the Illinois Department of Corrections submitted to the Department of Central Management Services a request to establish a Public Services Administrator position with the exempt status of 4(d)3.

I have reviewed this request since being named Director of this agency on February 24, 2003, and I am in agreement with the original request. This position will be responsible for Governor Blagojevich's new Outreach Program initiative as it relates to the Department of Corrections.

If you have any questions, please feel free to contact my office at 522-2666, extension 2002.

END OF COPY

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

D. Department of Corrections - Proposed Exemption (continued)

STAFF ANALYSIS

The position requested for exemption reports to the position of Chief of Staff which, itself, is a 4d1 exempt position. Section 1.142(a)(5) of the Commission's Rules, 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, therefore, suggested that the reporting relationship meets the requirements of Section 1.142(a)(5).

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 found that the responsibilities of this position meet the requirements of Section 1.142(b)(1) of the Commission's Rules and, therefore, recommended that the request be granted.

HAVING MET THE REQUIREMENTS FOR EXEMPTION UNDER SECTION 1.142 OF THE COMMISSION'S RULES, IT WAS MOVED BY COMMISSIONER FABRIZIO, SECONDED BY COMMISSIONER EWELL, AND THE MOTION UNANIMOUSLY ADOPTED TO GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITION. AYES: RICHARDS, DORGAN, EWELL, FABRIZIO, AND PETERSON. NAYES: NONE.

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

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

E. Department of State Fire Marshal - Proposed Exemption

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

COPY

Dear Chairman Richards:

State Fire Marshal, Ernest Russell has requested 4d(3) exemption of the following established position:

Position Title:	Public Service Administrator
Position Number:	37015-50-50-000-02-84
Division:	Executive
Incumbent:	Vacant
Supervisor:	State Fire Marshal
Location:	Springfield

This position will serve as the Office of the State Fire Marshal's Legislative Liaison and report directly to the State Fire Marshal. As Legislative Liaison, this position will direct and execute the legislative activity for the Office of the State Fire Marshal and establish and maintain an effective liaison with the Governor's Office, legislature, other state agencies and the public interpreting the Office of the State Fire Marshal's policies and programs.

Considering the reporting relationship and the fact that the position represents the State Fire Marshal in the interpretation of policies and programs, I agree with the State Fire Marshal, Ernest Russell and recommend 4d(3) exemption.

To facilitate your staff's review, I have enclosed a copy of the subject position, together with the agency's letter of request and the organization chart. If additional information is required, please contact Dee Vrael, Assistant Manager, Pay and Job Allocation Services Section at 782-2048.

END OF COPY

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

E. Department of State Fire Marshal - Proposed Exemption (continued)

COPY

Dear Director Rumman:

I would like to request the following Public Service Administration position be 4d(3) Exempt. This position will be our Legislative Liaison and report directly to the State Fire Marshal. As Legislative Liaison for the Agency, this position will be responsible for all legislative action for the State Fire Marshal as well as maintaining an effective liaison with the Governor's Office, legislature, other state agencies and the public in interpreting the Office of the State Fire Marshal's policies and programs.

If you have any questions, please contact me at 217-785-1026.

END OF COPY

STAFF ANALYSIS

This position reports directly to the State Fire Marshal and, thus, meets the requirements of Section 1.142(a)(2) of the Commission's rules. Legislative liaisons are not policymaking positions as defined by the Commission's rule Jurisdiction B Exemptions. However, the Commission has declared them by policy to be positions that upon request should be exempted from Jurisdiction B because of their unique nature. Accordingly, staff in accordance with this policy, recommended that the request be granted.

HAVING MET THE COMMISSION'S POLICY FOR EXEMPTION OF POSITIONS IN THE LEGISLATIVE AREA, IT WAS MOVED BY COMMISSIONER FABRIZIO, SECONDED BY COMMISSIONER PETERSON, AND THE MOTION UNANIMOUSLY ADOPTED TO GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITION. AYES: RICHARDS, DORGAN, EWELL, FABRIZIO, AND PETERSON. NAYES: NONE.

Position Title:	Public Service Administrator
Position Number:	37015-50-50-000-02-84
Division:	Executive
Incumbent:	Vacant
Supervisor:	State Fire Marshal
Location:	Springfield

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

F. Department of Human Services - Proposed Exemption

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

COPY

Dear Chairman Richards:

Secretary Carol L. Adams of the Department of Human Services, has requested 4d(3) policy exemption of the following established position:

Position Title:	Senior Public Service Administrator
Position Number:	40070-10-00-300-00-01
Division:	Secretary's office
Incumbent:	Vacant
Supervisor:	Secretary Carol L. Adams
Location:	Springfield

As confidential policy advisor to the Secretary, this position will formulate and implement policy that has statewide impact. This position will manage all aspects of the Department's response to and support of the Governor, the Human Resource Investment Council and the Illinois Workforce Investment Board and partner agencies in coordinating and integrating the workforce development system. In addition, this position will plan and implement programmatic changes required by legislative and regulatory changes, as well as reviewing existing and proposed policy and procedural directives and legislation emanating from the federal/state government relative to workforce development. This position will be responsible for formulating primary program policy and policy guidelines for administration and delivery of these programs.

Considering the reporting relationship directly to the Secretary and comparable to other program policy exemptions, I agree with Secretary Adams and recommend 4d(3) exemption.

To facilitate your staff's review, I have enclosed copies of the position description, agency's letter of request and organization charts. If additional information is required, please contact Marianne Armento, Division Manager at 782-5601 in the Division of Technical Services.

END OF COPY

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

F. Department of Human Services - Proposed Exemption (continued)

COPY

Dear Director Rumman:

The Department of Human Services' Policy Advisor position reports directly to the Secretary. As Policy Advisor, this position will formulate and implement policy which has statewide impact. In addition this position will manage all aspects of the Department's response to, and support of the Governor, the Human Resource Investment Council (HRIC), and the Illinois Workforce Investment Board (IWIB), and partner agencies in coordinating and integrating the workforce development system. This position will also provide administrative direction to the programs, plan and implement programmatic changes required by legislative and regulatory changes, as well as reviewing existing and proposed policy and procedural directives and legislation emanating from the federal/state government relative to workforce development. As such, this individual will be responsible for formulating primary program policy and policy guidelines for administration and delivery of these programs.

Therefore, I am requesting that the position of manager of the Policy Advisor Office for the Department of Human Services be excluded from the Personnel Code and be granted 4d(3) exempt status. I have attached a copy of the position description for your review.

Thank you for your attention to this request.

END OF COPY

STAFF ANALYSIS

The position requested for exemption reports directly to the Secretary of Human Services and, therefore, meets the requirement of Section 1.142(a)(2) of the Commission's rules. The position will serve as the Manager of the Policy Advisor Office for the Department. Specifically, this position will formulate and implement policy for the total management process of the Department, establish policies utilized in implementation and maintenance of programs, and will act authoritatively on policy-making issues impacting agency management and statewide agency operations. Staff recommends that the request be granted as having met the requirements of Section 1.142(b)(2).

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

F. Department of Human Services - Proposed Exemption (continued)

HAVING MET THE REQUIREMENTS FOR EXEMPTION UNDER SECTION 1.142 OF THE COMMISSION'S RULES, IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER FABRIZIO, AND THE MOTION UNANIMOUSLY ADOPTED TO GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITION. AYES: RICHARDS, DORGAN, EWELL, FABRIZIO, AND PETERSON. NAYES: NONE.

Position Title: Senior Public Service Administrator
Position Number: 40070-10-00-300-00-01
Division: Secretary's office
Incumbent: Vacant
Supervisor: Secretary Carol L. Adams
Location: Springfield

IX. 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 28, 2003.

	<u>1-31-03</u>	<u>2-28-03</u>
Central Management Services	5	5
DCEO	2	2
Corrections	0	1
Human Services	1	4
Labor Relations Board Educ.	1	1
Military Affairs	0	1
Natural Resources	34	15
Professional Regulation	0	3
State Police	0	1
Transportation	<u>21</u>	<u>21</u>
	64	54

X. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

Dismissal of Appeal - Failure to Appear at Hearing

Unauthorized Absence - S-29-03

<u>Name</u>	<u>Title</u>	<u>Department</u>
David Jackson	Youth Supervisor II	Corrections

CHARGE: Violated Employee Rule #21, Unauthorized Absence and A.D. 03.01.301 Affirmative Attendance on September 29, 2002.

Request for hearing filed: December 30, 2002.

RESULTS: Appeal dismissed with prejudice due to his failure to appear at the hearing.

Administrative Law Judge: Leonard F. Sacks

Decision dated: February 20, 2003

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

Dismissal

Conduct Unbecoming:

Providing False Information During an Investigation - DA-26-03

Timothy Smith	Mental Health Tech II	Human Services
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CHARGE: Conduct Unbecoming of a State Employee and Providing False Information During an Investigation to the Illinois State Police and subsequently, during an interview with the Office of the Inspector General.

Request for hearing filed: December 26, 2002

RESULTS: Charges were not proved. The discharge of employee was rescinded and the employee was reinstated to his position.

Administrative Law Judge: Leonard F. Sacks

Decision dated: March 7, 2003

XI. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS (continued)

Dismissal - Timothy Smith (continued)

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER FABRIZIO, AND THE MOTION UNANIMOUSLY ADOPTED TO RESCIND THE DISCHARGE OF THE RESPONDENT, TIMOTHY SMITH, AND REINSTATE HIM TO HIS POSITION. AYES: RICHARDS, DORGAN, EWELL, FABRIZIO, AND PETERSON. AYES: NONE.

Reporting for Work in an Unfit Condition - DA-8-03

Sammy L. Hines Mental Health Tech II Human Services

CHARGE: Reporting for Work in an Unfit Condition
Request for hearing filed: August 15, 2002
RESULTS: Charges proven in part, but said partially proven charges warrant a 60-day suspension in lieu of discharge
Administrative Law Judge: Leonard F. Sacks
Decision dated: March 7, 2003

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER FABRIZIO, AND THE MOTION UNANIMOUSLY ADOPTED TO SUBSTITUTE A 60-DAY SUSPENSION OF RESPONDENT, SAMMY L. HINES, IN LIEU OF DISCHARGE. AYES: RICHARDS, DORGAN, EWELL, FABRIZIO, AND PETERSON. NAYES: NONE.

ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, April 17, 2003 at 9:00 a.m. in the Commission's Chicago Office.

MOTION TO ADJOURN.

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