

April 17, 2003

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
April 17, 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, Sarajane Wright, and Leonard F. Sacks of the Commission staff.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD MARCH 20, 2003

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER FABRIZIO, AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD MARCH 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 DORGAN, 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 Stralka, Governor's Office; Gary Crompton and Bob Hewson, Department of Professional Regulation; Mike Grady, Commerce & Economic Opportunity; and Sarajane Wright, 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>
Ronnie A. Barnes, Sr.	Executive I	Human Services

Request for hearing filed: January 27, 2003

RESULTS: Employee withdrew his request for appeal by letter faxed to the Commission office on March 19, 2003. Case closed by letter dated March 20, 2003.

Leneata Theodore	Child Protection Specialist Worker	Dept. of Children & Family Services
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Request for hearing filed: January 31, 2003

RESULTS: The Commission was advised by telephone call from Respondent's attorney on March 17, 2003, that employee had decided to continue with the grievance process rather than pursue her appeal filed with the Commission. Case closed by letter dated March 18, 2003.

Susan M. Cavanaugh	Public Service Administrator	Dept. Natural Resources
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Request for hearing filed: February 3, 2003

RESULTS: The employee withdrew her request for appeal by letter faxed to the Commission on March 12, 2003. Case closed by letter dated March 12, 2003.

John T. Webb	Fiscal Officer	Dept. of Public Health
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Request for hearing filed: February 7, 2003

RESULTS: Employee withdrew his request for appeal by letter dated March 10, 2003 and faxed to the Commission. Case closed by letter dated March 10, 2003.

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL, 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. COURT DECISIONS ON ADMINISTRATIVE REVIEW

Circuit Court - Dismissal

Carol Zurkamer v. Civil Service Commission (No. 1993 MR 000352)

On February 19, 2002, Judge Donald Cadigan allowed a Motion to Dismiss. The cause was stricken and the case was closed.

VIII. COMPLAINTS FILED UNDER RULE 7 OF THE COMMISSION RULES

Deborah Pilapil

Staff received an appeal alleging that the Personnel Code and Rules were not followed in regard to her discharge as a probationary employee with the Department on Aging. The response was that her position of Public Administration Intern is qualified as a trainee position and persons appointed to such positions do not acquire any rights under Jurisdiction B of the Personnel Code. Based upon this cite, the Commission lacks jurisdiction to make a determination in this matter. The appeal was denied by letter dated March 24, 2003.

IT WAS MOVED BY COMMISSIONER DORGAN, 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.

Fred Lee Douglas

Mr. Douglas, a non-employee, complained that the Department of Transportation was violating the Personnel Code and Rules relative to the hiring process for Highway Maintainer positions for which he had applied. Staff's investigation determined that Mr. Douglas failed to score highest in each case where he applied. Staff recommended that the complaint be denied.

IT WAS MOVED BY COMMISSIONER FABRIZIO, 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.

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VIII. COMPLAINTS FILED UNDER RULE 7 OF THE COMMISSION RULES (continued)

Gary Crompton

Mr. Crompton was a probationary employee discharged in violation of the Personnel Code and Administrative Rules relating to discharge of probationary employees. Staff has recommended that Respondent be reinstated to his position and that CMS and DPR be directed to follow Code and Rule provisions and relative procedures required to discharge probationary employees.

PER SECTION 1.110, PARAGRAPH (C) OF THE COMMISSION'S RULES, IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DORGAN, AND THE MOTION UNANIMOUSLY ADOPTED TO SET THIS MATTER FOR HEARING BEFORE ADMINISTRATIVE LAW JUDGE LEONARD F. SACKS. AYES: RICHARDS, DORGAN, EWELL, FABRIZIO, AND PETERSON. NAYES: NONE.

IX. 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	518	9
Arts Council	23	1
Banks and Real Estate	261	2
Central Management Services.....	1,156	7
Children and Family Services	3,514	29
Commerce & Economic Opportunity.....	429	20
Corrections	14,093	103
Deaf and Hard of Hearing Comm.	8	1
Developmental Disabilities Council.....	13	1
Elections Board	49	1
Employment Security	1,894	10
Environmental Protection Agency	1,155	4
Financial Institutions	85	4
Guardianship and Advocacy	117	6
Historic Preservation Agency.....	191	2
Human Rights Commission.....	10	2
Human Rights Department.....	138	5
Human Services.....	15,731	40
Industrial Commission	152	8
Insurance	336	4
Investment Board	4	1
Labor	86	7
Labor Relations Board Educational.....	22	2
Labor Relations Board State.....	23	2
Law Enforcement Trng. & Standard Bd....	24	1
Liquor Control Commission.....	72	3
Lottery	236	7
Medical District Commission.....	5	1
Natural Resources.....	1,643	22
Pollution Control Board	30	3
Professional Regulation.....	266	9
Property Tax Appeal Board.....	39	2
Public Aid.....	2,382	14
Public Health	1,128	16
Revenue	1,991	29
State Fire Marshal	126	4
State Police.....	1,537	4
State Police Merit Board	6	1
State Retirement System	78	1
Veterans Affairs	1,144	2
TOTALS.....	50,821	395

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

C. Department of Commerce and Economic Opportunity - Proposed Exemption

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

COPY

Dear Chairman Richards:

Director Jack Lavin of the Department of Commerce and Economic Opportunity has requested 4d(3) policy exemption of the following established position:

Position Title:	Senior Public Service Administrator
Position Number:	40070-42-00-090-00-01
Division:	Illinois Trade Office
Incumbent:	Vacant
Supervisor:	Director Lavin
Location:	Cook County

This position reports to the Director and will be responsible for administrative authority and policy development in the identification of effective marketing, specifically targeted to both importing and exporting economic development that benefit the agency's marketing approach, as well as the State of Illinois' economic strength at an international level.

Considering the reporting relationship directly to the Director and comparable to other program policy exemptions, I agree with Director Lavin 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 organizational 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 Mr. Rumman:

I am requesting 4d(3) exemption for a Senior Public Service Administrator, position number 40070-42-00-090-00-01.

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

C. Department of Commerce and Economic Opportunity - Proposed Exemption
(continued)

The position reports to the Agency Director and serves as the Manager of the Illinois Trade Office. The position was recently moved to the Bureau of Business Development, but with changes occurring within the Agency, the focus of this position has been returned to report directly to the Director to manage a very strategic part of this Agency's economic development mission. The position must exercise administrative authority and policy development in the identification of effective marketing, specifically targeted to both importing and exporting economic development that benefit the Agency's marketing approach, as well as the State of Illinois' economic strength at an international level. With these functions, it is critical that this position report to the Director, particularly with the current economic challenges impacting this program.

The policy and administrative responsibility of the position warrants consideration to be exempt under Section 4d(3) of the Personnel Code.

I ask for your approval of my request to make this position a 4d(3) exemption and to be effective as soon as possible.

END OF COPY

STAFF ANALYSIS

This position has been relocated from the Bureau of Business Development to the Director's Office as the focus of the duties has been changed to manage a strategic part of the Agency's economic development mission. As this now reports to the Director of the Department of Commerce & Economic Opportunity it meets the requirements of Section 1.142(a)(2) of the Commission's rules. As the Manager of the Illinois Trade Office, this individual will be responsible for the formulation of policy, directing and administering activities for the Trade Office Programs that will include International Trade Centers, Foreign Direct Investment, Office of Administration, International Tourism Grants, International Relations, and International/Overseas Offices. Staff found that the responsibilities meet the criteria of Section 1.142(b)(1).

HAVING MET THE REQUIREMENTS FOR EXEMPTION UNDER SECTION 1.142 OF THE COMMISSION'S RULES, IT WAS MOVED BY COMMISSIONER DORGAN, 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.

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

C. Department of Commerce and Economic Opportunity - Proposed Exemption
(continued)

Position Title: Senior Public Service Administrator
Position Number: 40070-42-00-090-00-01
Division: Illinois Trade Office
Incumbent: Vacant
Supervisor: Director Lavin
Location: Cook County

D. Department of Commerce and Economic Opportunity - Proposed Exemption

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

COPY

Dear Chairman Richards:

Director Jack Lavin of the Department of Commerce and Economic Opportunity has requested 4d(3) policy exemption of the following established position:

Position Title: Senior Public Service Administrator
Position Number: 40070-42-00-100-00-01
Division: Director's Office
Incumbent: Vacant
Supervisor: Director Lavin
Location: Chicago

This position will report to the Agency Director and will serve as the Manager of Women's Business Development Program for the agency. The position is moving from the Bureau of Business Development to the Director's office in order to integrate all women's business issues throughout the agency to present and provide a cohesive agency-wide program for Women's Business Development. This position will serve as a policy-formulating manager that develops the agency programs and directs the department in all facets of women's business issues. Additionally, the position will exercise administrative authority and policy development in the identification of effective techniques to promote the Agency's Women's Business Development Programs.

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

D. Department of Commerce and Economic Opportunity - Proposed Exemption
(continued)

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

To facilitate your staff's review, I have enclosed copies of the position description, the agency's letter of request and organizational 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 Mr. Rumman:

I am requesting a 4d(3) exemption for a Senior Public Service Administrator, position number 40070-42-00-100-00-01.

The position reports to the Agency Director and serves as the Manager of Women's Business Development Programs for the Agency. The position is moving from the Business Development Bureau to the Director in order to integrate all women's business issues throughout the Agency and to present and provide a cohesive Agency-wide program for Women's Business Development. The position is a policy formulating manager that develops the Agency's programs and directs the department in all facets of women's business issues.

With the above responsibilities, the position must exercise administrative authority and policy development in the identification of effective techniques to promote the agency's Women's Business Development Programs.

The policy and administrative responsibility of the position warrant consideration to be exempt under Section 4d(3) of the Personnel Code.

I ask for your approval of my request to make this position a 4d(3) exemption and to be effective as soon as possible.

END OF COPY

- IX. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (Continued)
D. Department of Commerce and Economic Opportunity - Proposed Exemption
(continued)

STAFF ANALYSIS

This position has been relocated from the Bureau of Business Development to the Director's Office to integrate all women's business issues throughout the agency to provide a cohesive agency-wide program for Women's Business Development. As this now reports to the Director of the Department of Commerce & Economic Opportunity it meets the requirements of Section 1.142(a)(2) of the Commission's rules. As Manager of the Women's Business Development Program, this individual will be responsible for formulating policy and implementing agency-wide women's business development programs, including all research, women, minority and small business issues and development of new program initiatives; directing and managing annual program budget. Staff found that the responsibilities meet the criteria of Section 1.142(b)(1).

HAVING MET THE REQUIREMENTS FOR EXEMPTION UNDER SECTION 1.142 OF THE COMMISSION'S RULES, IT WAS MOVED BY COMMISSIONER DORGAN, 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:	Senior Public Service Administrator
Position Number:	40070-42-00-100-00-01
Division:	Director's Office
Incumbent:	Vacant
Supervisor:	Director Lavin
Location:	Chicago

- E. Department of Commerce and Economic Opportunity - Proposed Exemption

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

COPY

Acting Director Jack Lavin of the Department of Commerce and Economic Opportunity has requested 4d(3) exemption of the following established position:

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

E. Department of Commerce and Economic Opportunity - Proposed Exemption
(continued)

Position Title: Senior Public Service Administrator
Position Number: 40070-42-00-050-00-01
Division: Illinois Film Office
Incumbent: Vacant
Supervisor: Director
Location: Cook County

This position serves as Manager of the Illinois Film Office and reports directly to the Agency Director. As Manager, this position has sole management and programmatic responsibility to the effective administration of Illinois' film programs. It formulates and implements policies specific to its programs.

Considering the reporting relationship and the fact that the position formulates and implements policies for the Illinois Film Office programs, I agree with Acting Director Jack Lavin 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 Mr. Rumman:

I am requesting a 4d(3) exemption for a Senior Public Service Administrator, position number 40070-42-00-050-00-01.

The position reports to the Agency Director and serves as the Manager of the Illinois Film Office. The position changed its reporting structure to the Director in 1999, however, there was an incumbent in the position at the time, and exclusion from Jurisdiction B of the Personnel Code was not necessary. The incumbent retired in December of 2002, and the Agency would now like to request exemption from 4d(3) of the code due to the position's reporting relationship and the policy development and administrative responsibilities incumbent to this position. This position has sole management and programmatic responsibility to the effective administration of Illinois' film programs. With constantly changing economic and filming trends, it is critical this position target effective markets to promote and impact economic development in the Illinois Film Industry.

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IX. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (Continued)
E. Department of Commerce and Economic Opportunity - Proposed Exemption
(continued)

The policy and administrative responsibility of the position warrants consideration to be exempt under Section 4d(3) of the Personnel Code.

I ask for your approval of my request to make this position a 4d(3) exemption and to be effective as soon as possible.

END OF COPY

STAFF ANALYSIS

The position of Manager of the Illinois Film Office reports to the Director of the Department of Commerce & Economic Opportunity meeting the requirements of Section 1.142(a)(2) of the Commission's rules. This individual will have sole management and programmatic responsibility of the administration of Illinois' film programs. It will formulate and implement policy, organize plans, execute, control and evaluate the operation of the Illinois Film Office; direct and develop market research strategies and programs to promote Illinois as a location for filming to the national and international film industries. Staff found that the responsibilities meet the criteria of Section 1.142(b)(1).

HAVING MET THE REQUIREMENTS FOR EXEMPTION UNDER SECTION 1.142 OF THE COMMISSION'S RULES, IT WAS MOVED BY COMMISSIONER DORGAN, 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:	40070-42-00-050-00-01
Division:	Illinois Film Office
Incumbent:	Vacant
Supervisor:	Director
Location:	Cook County

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

F. Illinois Emergency Management Agency - Proposed Exemption

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

COPY

Director William Burke of the Illinois Emergency Management Agency has requested 4d(3) exemption of the following established position:

Position Title:	Senior Public Service Administrator
Position Number:	40070-50-17-000-01-01
Division:	Director's Office
Incumbent:	Vacant
Supervisor:	Director
Location:	Sangamon County

This position serves as Deputy Director and reports directly to the Agency Director. The Deputy Director formulates and recommends Agency policies, rules, regulations and procedures. Additionally, the position serves as chair of the Illinois Terrorism Task Force establishing and coordinating public safety programs with the Deputy Chief of Staff for Public Safety in the Governor's Office.

Considering the reporting relationship and the fact that the position formulates and recommends Agency's policies, rules, regulations and procedures, I agree with Director William Burke 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

COPY

Dear Mr. Rumman:

I am requesting the attached CMS-1094 job description for Senior Public Service Administrator (40070-50-17-000-01-01) to be exempted from Jurisdiction B of the Illinois Personnel Code under provisions of Paragraph 4d(3).

It appears this position qualifies for such exemption as listed below:

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

F. Illinois Emergency Management Agency - Proposed Exemption

1. The position reports to the Director of the Agency;
2. Is administratively responsible for the planning, developing and implementing of state-wide policies and procedures for the Illinois Terrorism Task Force; and
3. Will speak on behalf of the Director in directing and advising Agency staff in implementation of policy. The position serves as spokesperson for the Director to explain the goals and objectives of the strategic plans of the Agency.

If you require additional information please contact my office.

END OF COPY

STAFF ANALYSIS

The position requested for exemption reports to the Director of the Emergency Management Agency meeting the requirement of Section 1.142(a)(2) of the Commission's rules. This individual will serve as the Deputy Director of the Emergency Management Agency and Chair of the Illinois Terrorism Task Force. Duties will include administrative responsibilities for the planning and implementation of statewide policies and procedures for the Illinois Terrorism Task Force. Specifically, it will direct, coordinate and establish programs for all activities of the Task Force including strategic planning and setting priorities for federal terrorism funding. This individual will speak on behalf of the director in directing and advising agency staff in implementation of policy. Additionally, it will serve as policy advisor to the Governor's Deputy Chief of Staff for Public Safety on issues involving Homeland Security entailing the production of daily and weekly Homeland Security reports to the Deputy Chief of Staff and the representation of the Deputy Chief of Staff at meetings and briefings to explain the goals and objectives of Homeland Security. Staff found that the responsibilities of this position meet the criteria for exemption.

HAVING MET THE REQUIREMENTS FOR EXEMPTION UNDER SECTION 1.142 OF THE COMMISSION'S RULES, IT WAS MOVED BY COMMISSIONER DORGAN, 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.

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IX. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (Continued)
F. Illinois Emergency Management Agency - Proposed Exemption (continued)

Position Title: Senior Public Service Administrator
Position Number: 40070-50-17-000-01-01
Division: Director's Office
Incumbent: Vacant
Supervisor: Director
Location: Sangamon County

G. Department of Natural Resources - Proposed Exemption

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

COPY

Dear Chairman Richards:

The Acting Director of Natural Resources, Tom Flattery, has requested 4d(3) exemption of the following established position:

Position Title: Public Service Administrator
Position Number: 37015-12-00-600-00-01
Division: Director's Office
Incumbent: Vacant
Supervisor: Acting Director Flattery
Location: Springfield

This position formulates, recommends and implements administrative policies and procedures, operating budget and goals and objectives for the efficacious operation, maintenance and security of the facility. This position serves as chair of the Department's statewide Safety and Emergency Plan Committee for the Director's approval.

Considering the reporting relationship, and the fact that the position is responsible for representing the Director of the Agency in the interpretation of programs and policies, I agree with Acting Director Flattery 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 organization chart. If additional information is required, please contact Marianne Armento at 782-5601 in the Division of Technical Services.

END OF COPY

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- IX. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (Continued)
G. Department of Natural Resources - Proposed Exemption (continued)

COPY

Dear Director Rumman:

Please find enclosed the necessary documents to establish a Public Service Administrator and a position action exempting the position from Jurisdiction B, Section 4d3, of the Personnel Code.

The responsibilities of this position exercises principal responsibility for the determination and execution of policy which fix objectives and state the principals to control action toward operating objectives for more than one division, such decisions are subject to review or reversal only by the Director.

Your concurrence with this request will be appreciated.

Should you need additional information, please contact Salvatore Raymond at 785-0073.

END OF COPY

STAFF ANALYSIS

Additional information about this position has been requested and is being reviewed. An executive order has been issued that may affect the facility management portion of these duties. Acting Director Flattery submitted the original exemption request; therefore, we have requested an updated letter from Director Brunsvold. Staff recommended that this request be continued until these issues are addressed.

IT WAS MOVED BY COMMISSIONER DORGAN, SECONDED BY COMMISSIONER FABRIZIO, AND THE MOTION UNANIMOUSLY ADOPTED TO GRANT STAFF'S RECOMMENDATION TO CONTINUE THE REQUEST FOR EXEMPTION OF THE FOLLOWING POSITION TO ALLOW FOR FURTHER INVESTIGATION. AYES: RICHARDS, DORGAN, EWELL, FABRIZIO, AND PETERSON. NAYES: NONE.

Position Title:	Public Service Administrator
Position Number:	37015-12-00-600-00-01
Division:	Director's Office
Incumbent:	Vacant
Supervisor:	Acting Director Flattery
Location:	Springfield

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IX. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (Continued)
H. Department of Central Management Services - Proposed Exemption

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

COPY

The Department of Central Management Services has requested 4d(3) policy exemption of the following position:

Position Title:	Senior Public Service Administrator
Position Number:	40070-37-50-000-01-01
Division:	Office of Finance
Incumbent:	Vacant
Supervisor:	Director
Location:	Sangamon

This position will report to the Agency Director and the principle responsibility is for the execution of policy to control the Budget for the Department, by overseeing and controlling agency-wide budget preparation. In addition, this position amends the budget plan and integrating the Agency's accounting procedures and operations on an internal and external basis. Conducts and directs special financial analysis required by the Director, coordinates and participates in analytical projects with the Bureau of the Budget and appropriate agency personnel.

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

To facilitate your staff review, I have enclosed copies of the position description and organization charts. If additional information is required, please contact Tricia Pineda, Office of Internal Personnel, at 782-7638.

END OF COPY

STAFF ANALYSIS

The position requested for exemption reports to the Director, meeting the reporting requirements of Section 1.142(a)(2) of the Commission's rules. This individual's principle responsibility will be the execution of policy for the Department of Central Management Services' budget. It will oversee and control agency-wide budget preparation, agency-wide appropriation requests submitted on an annual basis; complete all budget related issues that are requested by the agency, Bureau of the Budget, Legislature, Auditor General; conduct and direct

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IX. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)
H. Department of Central Management Services - Proposed Exemption (continued)

special financial analysis as may be required by the Director. The position will additionally serve as the liaison to the Bureau of the Budget, House and Senate appropriations directors and staff, various legislators on issues relating to Central Management Services' budget. Meeting the requirements of Section 1.142(b)(2)&(3) it was staff's recommendation to approve this request.

HAVING MET THE REQUIREMENTS FOR EXEMPTION UNDER SECTION 1.142 OF THE COMMISSION'S RULES, IT WAS MOVED BY COMMISSIONER FABRIZIO, SECONDED BY COMMISSIONER DORGAN, 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: 40070-37-50-000-01-01
Division: Office of Finance
Incumbent: Vacant
Supervisor: Director
Location: Sangamon

I. Department of Central Management Services - Proposed Exemption

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

COPY

Dear Chairman Richards:

The Department of Central Management Services has requested 4d(3) policy exemption of the following position:

Position Title: Senior Public Service Administrator
Position Number: 40070-37-80-000-03-01
Division: Information Services
Incumbent: Vacant
Supervisor: Assistant Director
Location: Sangamon

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

I. Department of Central Management Services - Proposed Exemption (continued)

This position will report to the Agency Assistant Director and will serve as chief spokesperson for the Assistant Director or the Department of Central Management Services, as well as all Code departments, boards and commissions, with all state and federal officials and agencies, the media, the legislature and community organizations concerning statewide public information and media issues. In addition, this position serves as special advisor to the Assistant Director of CMS on public information and media issues and interagency policy developments.

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

To facilitate your staff review, I have enclosed copies of the position description and organization charts. If additional information is required, please contact Tricia Pineda, Office of Internal Personnel, at 782-7638.

END OF COPY

STAFF ANALYSIS

The position requested for exemption reports to the Assistant Director of the Department of Central Management Services, meeting the requirement of Section 1.142(a)(2) of the Commission's rules. This position will direct and implement all policies and programs for the Department's Office of Public Affairs and Bureau of Information Services, meeting the requirement of Section 1.142(b)(1). Additionally, the chief spokesperson of an agency typically does not meet the responsibility requirements for exemption as a policymaking position, but as a matter of policy the Commission has determined the chief information officer of an agency be exempted upon request of the agency. Staff recommended this request be granted

HAVING MET THE REQUIREMENTS FOR EXEMPTION UNDER SECTION 1.142 OF THE COMMISSION'S RULES, IT WAS MOVED BY COMMISSIONER DORGAN, 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:	40070-37-80-000-03-01
Division:	Information Services
Incumbent:	Vacant
Supervisor:	Assistant Director
Location:	Sangamon

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

IT WAS MOVED BY COMMISSIONER FABRIZIO, SECONDED BY COMMISSIONER PETERSON, AND THE MOTION UNANIMOUSLY ADOPTED TO CONTINUE REQUESTS FOR EXEMPTION, AGENDA ITEMS IX. J-Q, INCLUSIVE, UNTIL A LATER DATE. AYES: RICHARDS, DORGAN, EWELL, FABRIZIO, AND PETERSON. NAYES: NONE.

IT WAS MOVED BY COMMISSIONER FABRIZIO, SECONDED BY COMMISSIONER PETERSON, AND THE MOTION UNANIMOUSLY ADOPTED TO CONTINUE THE REQUESTS FOR EXEMPTION, AGENDA ITEMS IX. R AND S, UNTIL THE MAY, 2003 MEETING. AYES: RICHARDS, DORGAN, EWELL, FABRIZIO, AND PETERSON. NAYES: NONE.

X. AMENDMENTS IN CLASS SPECIFICATIONS

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 DORGAN, SECONDED BY COMMISSIONER FABRIZIO, AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE CLASS SPECIFICATIONS FOR THE FOLLOWING CLASSES TO BE EFFECTIVE MAY 1, 2003. AYES: RICHARDS, DORGAN, EWELL, FABRIZIO, AND PETERSON. NAYES: NONE.

Revised Classes

- Child Welfare Nurse Specialist
- Corrections Nurse 1
- Health Facilities Surveillance Nurse
- Registered Nurse 1
- Registered Nurse 2
- Medical Assistance Consultant I
- Medical Assistance Consultant II

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DORGAN, AND THE MOTION UNANIMOUSLY ADOPTED TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY. AYES: RICHARDS, DORGAN, EWELL, FABRIZIO, AND PETERSON. NAYES: NONE.

XI. 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 March 31, 2003.

	<u>2/28/03</u>	<u>3/31/03</u>
Central Management Services	5	4
DCEO	2	2
Corrections	1	2
Employment Security	0	1
Human Services	4	3
Labor Relations Board Educ.	1	1
Military Affairs	1	1
Natural Resources	15	5
Professional Regulation	3	3
Public Health	0	4
State Police	1	1
State Retirement Systems	0	1
Transportation	<u>21</u>	<u>19</u>
	54	47

XII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

Dismissals

<u>Name</u>	<u>Title</u>	<u>Department</u>
Jeffery Greene	Mental Health Tech II	Dept. Human Services

CHARGES: Conduct unbecoming a state employee; providing false/conflicting information during official investigation

Request for hearing filed: August 7, 2002

RESULTS: It was found that the State failed to prove Charge 1 by a preponderance of the evidence. Regarding the second charge, i.e., making false statements, Administrative Law Judge Sacks was not persuaded that Mr. Greene made the remark as alleged, or persuaded that if he made the remark, it was threatening. The discharge was reversed and the employee was returned to work with no penalty.

Administrative Law Judge: Leonard F. Sacks

Decision dated: 4-17-03

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DORGAN, AND THE MOTION UNANIMOUSLY ADOPTED TO REINSTATE THE RESPONDENT, JEFFERY GREENE, TO HIS PREVIOUS POSITION WITH NO PENALTY. AYES: RICHARDS, DORGAN, EWELL, FABRIZIO, AND PETERSON. NAYES: NONE.

XIII. MOTION TO GO INTO SECOND EXECUTIVE SESSION FOR THE DISCUSSION OF PERSONNEL MATTERS

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

XIV. RECONVENE MEETING

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

BY ROLL CALL VOTE, IT WAS MOVED TO PLACE ROBERT B. POWERS AND SARAJANE A. WRIGHT OF THE COMMISSION STAFF ON PAID ADMINISTRATIVE LEAVE UNTIL FURTHER NOTICE. AYES: RICHARDS, DORGAN, EWELL, FABRIZIO, AND PETERSON. NAYES: NONE.

April 17, 2003

IT WAS ADOPTED BY UNANIMOUS VOTE TO EMPOWER CHAIRMAN RICHARDS TO APPOINT A TEMPORARY ACTING DIRECTOR.

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER FABRIZIO, AND THE MOTION UNANIMOUSLY ADOPTED TO RECESS THE MEETING UNTIL APRIL 18, 2003, AT 9:30 A.M. AYES: RICHARDS, DORGAN, EWELL, FABRIZIO, AND PETERSON. NAYES: NONE.