

May 20, 2004

MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
MAY 20, 2004

I. OPENING OF MEETING AT 10:33 A.M. AT 425 ½ SOUTH FOURTH STREET  
SPRINGFIELD, ILLINOIS

II. PRESENT

Chris Kolker, Chairman; George E. Richards, Betty Bukraba and Raymond W. Ewell (via telephone), Commissioners; Daniel Stralka, Andrew Barris and Linda Fleming of the Commission staff. Commissioner Barbara J. Peterson was not present.

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

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD APRIL 15, 2004.**

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

A. Report on Exempt Positions

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging .....	104 .....	5
Agriculture .....	519 .....	15
Arts Council .....	21 .....	1
Banks and Real Estate .....	256 .....	8
Central Management Services.....	1,227 .....	80
Children and Family Services .....	3,471 .....	39
Commerce & Econ. Opportunity ....	514 .....	59
Corrections.....	14,492 .....	109
Criminal Justice Authority.....	74 .....	3
Deaf and Hard of Hearing Comm. ....	7 .....	1
Developmental Disabilities Council..	14 .....	1
Elections Board .....	53 .....	1
Emergency Management Agency ....	110 .....	2
Employment Security .....	1,939 .....	25
Environmental Protect. Agency ....	1,137 .....	12
Financial Institutions .....	81 .....	5
Guardianship and Advocacy .....	112 .....	6
Historic Preservation Agency .....	196 .....	5
Human Rights Commission .....	12 .....	2
Human Rights Department .....	137 .....	7
Human Services .....	15,823 .....	60
Industrial Commission.....	167 .....	8
Insurance.....	322 .....	7
Investment Board .....	4 .....	1
Labor .....	81 .....	7
Labor Relations Board Educational...	16 .....	2
Labor Relations Board State .....	19 .....	2
Law Enforce. Trng. & Standard Bd....	25 .....	1
Military Affairs .....	142 .....	3
Natural Resources .....	1,713 .....	28
Pollution Control Board.....	25 .....	3
Professional Regulation.....	256 .....	17
Property Tax Appeal Board .....	23 .....	2
Public Aid .....	2340 .....	20
Public Health.....	1,134 .....	27
Revenue .....	2,218 .....	45
State Fire Marshal .....	124 .....	7
State Police .....	1,511 .....	6
State Police Merit Board.....	5 .....	1
State Retirement System.....	80 .....	1
Transportation .....	3,067 .....	1
Veterans Affairs .....	1,186 .....	3
<b>TOTALS .....</b>	<b>54,757 .....</b>	<b>638</b>

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

?? Executive Director Daniel Stralka informed the Commission a discrepancy was discovered in the Report on Exempt Positions. Due to a programming parameter, the report did not reflect 8 additional exempt positions. That is being corrected for next month's report. This discrepancy was uncovered after a spot check of the Commission's current exempt position records found them deficient. Assistant Director Andrew Barris is in the process of auditing and upgrading this record-keeping system.

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.
  - 4. 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.
  - 5. 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 (Continued)

- ?? Assistant Executive Director Andrew Barris stated that the Commission staff had met with representatives from the Department of Revenue regarding Items C1-C4 on the Proposed Action List. After discussing the nature of the four (4) positions with the representatives, the staff determined that Items C2-C3 met both the reporting requirements and the policy-making requirements of Rule 11. Barris stated that in regard to Items C1 and C4 there appeared to be some overlap in the policy making duties with Items C2-C3. These positions were continued until the June 17, 2004 meeting for further investigation into the positions' policy-making responsibilities.
- ?? Barris stated that Items D and E were also continued until the June 17, 2004 meeting because several questions regarding the policy-making responsibilities of the positions were still unanswered by CMS.
- ?? Barris stated that the Commission staff had questions regarding the policy-making responsibilities of Item F. The staff spoke with Jim Shepanus at the Department of Agriculture at which time Shepanus stated the position would be in charge of negotiating and entering into all contracts as they relate to the use of buildings for agricultural events at the Illinois State Fair. For this reason, the staff recommended that the position met the
- ?? Barris stated that the Commission staff had questions about the policy-making responsibilities of Item G – specifically, if there was overlap with other agencies implementing educational programs. Director Stralka spoke with Dawn DeFraities regarding the position. It was represented to Stralka that this position would be in charge of establishing education policy for the State and would report directly to the Director of CMS and most likely the Governor. For this reason, the staff recommended that the position met the policy-making requirements of Rule 11.
- ?? Barris stated that the Commission staff had questions regarding the potential overlap of policy-making responsibilities of Item I with other positions at CMS that had recently been made exempt. Barris was informed by CMS that this position was the “point-man” for all new construction throughout the State for all agencies, boards and commissions and the overlap with other positions regarding space allocation was minimal throughout. For this reason, the staff recommended that the position met the policymaking requirements of Rule 11.
- ?? Regarding Item J, Jim Reinhart from the Department of Corrections represented to Barris that the position was in charge of School District #428 in its entirety. For this reason, the staff recommended that the position met the policymaking requirements of Rule 11.

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

?? Assistant Executive Director Barris advised the Commission that the reason for the staff recommendation against a 4d(3) exemption for Agenda Item L submitted by the Department of Human Services (DHS) was that the position did not meet the reporting criteria as set forth in Rule 11. The Department of Central Management Services withheld its recommendation from this position as well.

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

C. Request for 4d(3) Exemption Denied by the Commission

**The following 4d(3) request for exemption was denied at the May 20, 2004 meeting:**

Agency:	Department of Human Services
Position Title:	Senior Public Service Administrator
Position Number:	37015-10-09-100-00-29
Division:	Office of Latino Affairs
Incumbent:	Vacant
Supervisor:	Director, Office of Latino Affairs
Location:	Cook County

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

E. Requests for 4d(3) Exemption Continued by the Commission

**The following 4d(3) requests for exemption were continued at the May 20, 2004 meeting to the June 17, 2004 meeting:**

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: 40070-25-07-210-00-01  
Bureau/Division: Legal Services - Litigation Office  
Incumbent: Paul G. Badanski  
Supervisor: General Counsel  
Location: Sangamon County

Agency: Central Management Services  
Position Title: Senior Public Service Administrator  
Position Number: 40070-37-33-000-01-02  
Bureau/Division: Bureau of Benefits/Deferred Compensation Div. Mgr.  
Incumbent: Vacant  
Supervisor: Deputy Director of the Bureau of Benefits  
SPSA 40070-37-30-000-01-01  
Location: Sangamon County

Agency: Central Management Services  
Position Title: Senior Public Service Administrator  
Position Number: 40070-37-34-000-01-01  
Bureau/Division: Bureau of Benefits/Benefits Management Div. Mgr.  
Incumbent: Vacant  
Supervisor: Deputy Director of the Bureau of Benefits  
SPSA 40070-37-30-000-01-01  
Location: Sangamon County

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

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

**The following 4d(3) requests for exemption were approved at the May 20, 2004 meeting:**

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: Illinois 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: Illinois Department of Agriculture  
Position Title: Senior Public Service Administrator  
Position Number: 40070-11-11-000-00-01  
Bureau/Division: Bureau of Building and Grounds  
Incumbent: Vacant  
Supervisor: Assistant Director  
Location: Sangamon County

Agency: Central Management Services  
Position Title: Senior Public Service Administrator  
Position Number: 40070-37-00-000-16-01  
Bureau/Division: Director's Office  
Incumbent: Vacant  
Supervisor: Director  
Location: Cook County

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

Agency: Central Management Services  
Position Title: Senior Public Service Administrator  
Position Number: 40070-37-60-000-01-16  
Bureau/Division: Bureau of Property Management  
Incumbent: Vacant  
Supervisor: Deputy Director – SPSA – 40070-37-60-000-01-02  
Location: Cook County

Agency: Central Management Services  
Position Title: Senior Public Service Administrator  
Position Number: 40070-37-60-000-01-18  
Bureau/Division: Bureau of Property Management  
Incumbent: Vacant  
Supervisor: Deputy Director – SPSA – 40070-37-60-000-01-02  
Location: Cook County

Agency: Illinois Department of Corrections  
Position Title: Senior Public Service Administrator  
Position Number: 40070-29-10-000-00-01  
Bureau/Division: School District 428  
Incumbent: Vacant  
Supervisor: Director  
Location: Sangamon County

Agency: Illinois Department of Employment Security  
Position Title: Senior Public Service Administrator  
Position Number: 40070-44-10-000-00-01  
Bureau/Division: Administration  
Incumbent: Vacant  
Supervisor: Director  
Location: Cook County

Agency: Illinois Department of Human Services  
Position Title: Senior Public Service Administrator  
Position Number: 37015-10-09-100-00-29  
Division: Office of Latino Affairs  
Incumbent: Vacant  
Supervisor: Director, Office of Latino Affairs  
Location: Cook County

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V. MOTION TO GO INTO EXECUTIVE SESSION

**IT WAS MOVED BY COMMISSIONER RICHARDS, 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 425 ½ South Fourth, Springfield, Illinois, at 11:17 a.m.

Present: Chris Kolker, Chairman; George E. Richards, Betty Bukraba and Raymond W. Ewell (via telephone), Commissioners; Daniel Stralka, Andrew Barris and Linda Fleming of the Commission staff. Commissioner Barbara J. Peterson was not present.

VII. AMENDMENTS IN CLASS SPECIFICATIONS

A. Comments on Class Specifications

The following class titles were submitted for abolishment by the Director of Central Management Services:

<u>Current Position Title</u>	<u>Proposed Position Title</u>
Compliance Officer Trainee	Abolish
Gambling Officer Trainee	Abolish

?? Commission staff member Andrew Barris informed the Commission that these positions have been vacant since 1988 and 1990 respectively.

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VII. AMENDMENTS IN CLASS SPECIFICATIONS (Continued)

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER BUKRABA AND THE MOTION UNANIMOUSLY ADOPTED TO ABOLISH THE FOLLOWING CLASSES EFFECTIVE JUNE 1, 2004.**

Compliance Officer Trainee

Gambling Officer Trainee

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

VIII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code, however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services consecutive non-merit report as of April 30, 2004.

	<u>3/31/04</u>	<u>4/30/04</u>
Agriculture	1	1
Central Management Services	9	13
Comm. & Econ. Opportunity	1	2
Emergency Management Agency	0	1
Environmental Protection	1	2
Historic Preservation	0	3
Human Rights.	1	1
Natural Resources	9	30
Public Aid	4	5
Revenue	3	3
State Retirement Systems	1	1
Transportation	12	1
Veterans Affairs	0	1
Totals	42	64

IX. APPEALS TERMINATED WITHOUT DECISION

?? RULE VIOLATION

DA-79-04

Respondent	Ronald Matrisciano	Appeal Date	12-29-03
Agency	Corrections	Decision Date	4-21-04
Charge	Rule Violation	ALJ	Daniel Stralka
Rule Violation	Violation of Personnel Code and Rules with respect to filling vacancies within agency.	Recommended Decision	Appeal Upheld; ALJ found that a rule violation had been committed.

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IX. APPEALS TERMINATED WITHOUT DECISION (Continued)

**IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER BUKRABA AND THE MOTION UNANIMOUSLY ADOPTED TO CONTINUE THE ABOVE MATTER UNTIL THE NEXT COMMISSION MEETING TO BE HELD JUNE 17, 2004.**

?? RULE VIOLATION

RV-68-04

Respondent	Angela Aye Tin	Appeal Date	11-14-04
Agency	EPA	Decision Date	4-20-04
Charge	Rule Violation	ALJ	Daniel Stralka
Rule Violation	Failure to notify Respondent of intent not to renew term appointment.	Recommended Decision	Appeal dismissed. ALJ found that the Commission does not have jurisdiction.

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER BUKRABA, AND BY ROLL CALL VOTE, THE MOTION UNANIMOUSLY ADOPTED TO AFFIRM THE RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE THAT THE COMMISSION IS WITHOUT JURISDICTION TO CONSIDER THE APPEAL OF THE RESPONDENT ANGELA AYE TIN.**

?? LAYOFF APPEAL

LA-9-04

Respondents	Bradley Shields and Eric Plott	Appeal Date	8-1-04
Agency	DOC	Decision Date	3-15-04
Charge	Rule Violation	ALJ	Daniel Stralka
Rule Violation	Respondents contend that layoff was in violation of Personnel Code and Rules.	Recommended Decision	Appeal dismissed. ALJ found that a rule violation had not been committed.

XI. APPEALS TERMINATED WITHOUT DECISION (Continued)

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER BUKRABA AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO CONCUR WITH THE STAFF RECOMMENDATION THAT NO VIOLATION OF THE PERSONNEL CODE OR RULES OCCURRED AS ALLEGED BY THE RESPONDENTS, BRADLEY SHIELDS AND ERIC PLOTT.**

?? SUSPENSION

**S-73-04**

Respondent	Fernando Salazar	Appeal Date	11-19-03
Agency	DCFS	Decision Date	4-27-04
Discipline	30 day suspension	ALJ	Leonard Sacks
Charges	Failure to Perform Duties; Failure to Follow Supervisory Instructions; Misuse of State Equipment	Recommended Decision	Appeal dismissed.

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER BUKRABA AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO AFFIRM THE RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE TO DISMISS THE APPEAL OF THE RESPONDENT, FERNANDO SALAZAR.**

?? GEOGRAPHICAL TRANSFER

**GT-77-04**

Respondent	Juliann Heminghouse	Appeal Date	12-1-03
Agency	State Fire Marshal	Decision Date	12-24-04
Action	Geographical Transfer	ALJ	Daniel Stralka
Allegation	Transfer of Position From Sangamon to Cook County Violated Personnel Rules	Recommended Decision	Appeal dismissed. Transfer withdrawn by State Fire Marshal.

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X. APPEALS TERMINATED WITHOUT DECISION (Continued)

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER BUKRABA AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO AFFIRM THE RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE AND DISMISS THE APPEAL OF THE RESPONDENT, JULIANN HEMINGHOUSE.**

XI. STAFF REPORT

- ?? Executive Director Daniel Stralka reported that the Commission's appropriation hearing before the House General Services Appropriation Committee held on April 28, 2004 went well. The FY04 supplemental appropriation request to ensure adequate funding for the remainder of this fiscal year remains pending.
- ?? Director Stralka advised that during the past month Sandy Guppy has attended several fiscal and financial seminars on matters beneficial to the Commission and staff. Attention was drawn to the two-sided copies of agenda materials for this month's meeting.
- ?? In keeping with the Commission's goal to increase automation throughout the office, Executive Director Stralka reported that after Sandy Guppy checked with the Comptroller's Office concerning the possibility of automating the Commission's invoice vouchers, the cost for doing so would be approximately \$100.00 per month. It was their opinion that this was cost prohibitive.
- ?? Executive Director Daniel Stralka, with the assistance of Andrew Barris, advised the Commission of their progress in their investigation of Rule 11. Assistant Director Barris is currently reviewing minutes of the Commission meetings for precedent from the past 20 years and Director Stralka has been conducting an inquiry into other states' practices in regard to their 4d(3) decision making process.
- ?? Executive Director Daniel Stralka informed the Commission that the content for the Civil Service Commission's official web site has been submitted to Central Management Services and should be up and running July 1, 2004. Director Stralka indicated he requested an "under construction" sign be posted at our site until July 1, 2004, but as of this date, no such posting has been made.
- ?? Executive Director Stralka advised the Commission that the current office copy machine is 11 years old and that after September of this year, Xerox will no longer be supplying parts for repair on this particular machine.

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XII. APPOINTMENT OF EXECUTIVE DIRECTOR

?? Commissioner George E. Richards congratulated Executive Director Daniel Stralka on his performance during the past year as acting Executive Director of the Civil Service Commission. Commissioner Richards expressed his appreciation for a job well done during a difficult time of transition. Commissioner Bukraba offered her appreciation as well as Commissioner Ewell.

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER BUKRABA AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO AFFIRM THE APPOINTMENT OF DANIEL STRALKA AS EXECUTIVE SECRETARY OF THE ILLINOS CIVIL SERVICE COMMISSION AT HIS CURRENT SALARY EFFECTIVE IMMEDIATELY.**

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, June 17, 2004 at 9:00 a.m. in the Commission's Chicago Office.

XIV. MOTION TO ADJOURN.

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION UNANIMOUSLY ADOPTED TO ADJOURN THE MEETING AT 11:30 A.M.**