

June 15, 2006

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
June 15, 2006

I. OPENING OF MEETING AT 9:05 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman; George E. Richards, Raymond W. Ewell, Betty A. Bukraba, and Barbara J. Peterson, Commissioners; Daniel Stralka, Executive Director; Andrew Barris of the Commission staff; and Jan Oncken, Central Management Services.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD MAY 17, 2006

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER BUKRABA AND THE MOTION ADOPTED 4-0 TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD MAY 17, 2006. COMMISSIONER EWELL ABSTAINED.

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

A. Report on Exempt Positions

<u>Agency</u>	<u>Total Employees</u>	<u>No. of Exempt Positions</u>
Aging	144.....	9
Agriculture	488.....	17
Arts Council.....	20.....	1
Capitol Development Board	29.....	0
Central Management Services	1,638.....	115
Children and Family Services.....	3,307.....	41
Civil Service Commission	4.....	0
Commerce & Econ. Opportunity	448.....	61
Commerce Commission.....	42.....	0
Corrections.....	13,855.....	117
Criminal Justice Authority	75.....	6
Deaf and Hard of Hearing Comm.	6.....	1
Developmental Disabilities Council	11.....	1
Emergency Management Agency	103.....	1
Employment Security.....	1,793.....	26
Environmental Protect. Agency	1,065.....	17
Financial. & Prof. Regulation	807.....	43
Guardianship and Advocacy	113.....	6
Healthcare and Family Services.....	2,308.....	29
Historic Preservation Agency	295.....	12
Human Rights Commission	11.....	2
Human Rights Department	129.....	8
Human Services	14,890.....	62
Investment Board.....	5.....	2
Labor.....	74.....	7
Labor Relations Board Educational	17.....	2
Labor Relations Board Local	1.....	0
Labor Relations Board State	17.....	2
Law Enforce. Training & Standard Bd.	22.....	1
Medical District Comm.....	2.....	0
Military Affairs	142.....	3
Natural Resources	1,643.....	27
Pollution Control Board.....	26.....	3
Prisoner Review Board	23.....	0
Property Tax Appeal Board	20.....	2
Public Health.....	1,130.....	35
Revenue	2,028.....	53
State Fire Marshal	151.....	9
State Police	1,470.....	6
State Police Merit Board.....	5.....	1
State Retirement Systems	84.....	1
Transportation.....	2,844.....	1
Veterans Affairs.....	1,184.....	5
Workers Comp. Commission.....	170.....	10
TOTALS	52,639.....	745

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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C. Illinois Dept. of Financial and Professional Regulation-Proposed Exemption

- With regard to Item C, Executive Director Daniel Stralka reported that staff recommended approval..

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER RICHARDS AND THE MOTION ADOPTED 5-0 TO GRANT THE REQUEST FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITION:

The following 4d(3) exemption request was approved at the June 15, 2006 meeting:

Illinois Department of Financial and Professional Regulation

Position Number: 40070-13-40-860-00-01
Position Title: Senior Public Service Administrator
Bureau/Division: Professional Regulation
Functional Title: Nursing Act Coordinator
Incumbent: None
Supervisor: Director (reports to Secretary)
Location: Cook County

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY CHAIRMAN KOLKER AND THE MOTION ADOPTED 5-0 TO DISCUSS THE PROPOSED AMENDMENTS TO THE CLASS SPECIFICATIONS OUT OF ORDER.

V. AMENDMENTS TO CLASS SPECIFICATIONS

The Director of Central Management Services submitted the following class titles for creation, revision or abolishment:

- Child Development Aide (new)

Staff Analysis: Assistant Executive Director Andrew Barris addressed the Commission regarding the creation of the Child Development Aide class specification. Barris stated that he spoke to John Logsdon at CMS and that Logsdon informed him that the new class was necessary to insure that there were enough caretakers under the "Moms and Babies" program at the Department of Corrections (DOC). Chairman Kolker had a question regarding the duties of the caretakers. Barris informed the Commissioners that the "Moms and Babies" program allows for mothers who are either pregnant, or who just gave birth, to retain custody of their children while they are incarcerated at a DOC facility. To insure that there will be enough persons to assist with the program, this class was proposed to include not only Electives A and B (as was seen in the Child

Development Aide 3 class) but also an Elective C. Elective C allows for paraprofessionals to assist in coordinating the pregnant mother and infant programs. In addition, the Child Development Aide 3 class would be abolished with the creation of the Child Development Aide class.

- Revenue Audit Supervisor (new)

Staff Analysis: Assistant Executive Director Andrew Barris addressed the Commission regarding the creation of the Revenue Audit Supervisor class specification. Barris stated that he spoke to John Logsdon at CMS. Logsdon stated that Public Service Administrators (PSA) supervise the Revenue Audit 1-3, Revenue Audit Trainee, and Revenue Computer Audit Specialist. However, the classes the Public Service Administrators supervise are collective bargaining positions while the PSA is not. Therefore, increases in salaries have continuously occurred for the subordinate positions while the PSA positions received no salary increases. As a result, the lack of pay advances for the PSA positions have led to some of the subordinates having higher salaries than the supervisors and this trend will continue indefinitely.

To remedy this, the Department of Revenue staff expressed a desire to reclassify the PSA positions to another class with a higher pay grade. Logsdon informed Barris that the higher pay grade would be the MC-12 rate. According to Personnel Rule 302.810, it is required that the new class be a term appointment. Commissioner Peterson inquired as to whether the existing affected employees were in favor of this reclassification and was informed that they were. Logsdon assured Barris that the Department of Revenue had every intention of appointing the 36 Public Service Administrators to the new class. Commissioner Ewell had a question as to the length of the term appointment and was informed that it was four years.

- Terrorism Research Specialist 1 (new)
Terrorism Research Specialist 2 (new)
Terrorism Research Specialist 3 (new)
Terrorism Research Specialist Trainee (new)

Staff Analysis: Assistant Executive Director Andrew Barris addressed the Commission regarding the creation of the Terrorism Research Specialist 1, 2, 3, and Trainee class specifications. Barris stated that he spoke to John Logsdon at CMS and Logsdon informed him that the positions were in the Statewide Terrorism and Intelligence Center Program. Chairman Kolker and Commissioner Peterson inquired about the availability of federal money for contractual services if the classes were created. Barris stated that the creation of the classes would result in fully funded permanent positions as opposed to the contractual positions that were initially used.

- Water Plant Operator (revise)

Staff Analysis: Assistant Executive Director Andrew Barris addressed the Commission regarding a revision to the Water Plant Operator classification. Barris stated that he spoke to John Logsdon at CMS. Logsdon informed him that the Dixon Correctional Center has an opening for a Water Plant Operator but the applicant lacks the Class "A" Water Supply Operator Certificate required in the class specification. Logsdon stated that there was a lack of persons qualified to hold the position of Water Plant Operator. Logsdon stated that a current applicant had a Class "B" Water Supply Operator Certificate. Due to the fact that the Dixon facility is supplied by well water and not surface water, a person holding a Class "B" certificate would be appropriate as the Water Plant Operator at the Dixon Correctional Center. Logsdon stated that he reviewed the Public Water Supply Operations Act and determined that the class could be modified to require a Class "A" certificate for facilities supplied by surface water and a Class "B" certificate for facilities supplied by well water.

- Educator Aide (revise)

Staff Analysis: Assistant Executive Director Andrew Barris addressed the Commission regarding the revision to the Educator Aide class. Barris stated that he spoke to John Logsdon at CMS. Prior to 2004, the education requirement for the Educator Aide class was a minimum of thirty semester hours of college or the completion of a Teacher Aide Program. In 2004, educational requirements were modified according to the federal Elementary and Secondary Education Act, as amended by the No Child Left Behind Act (NCLB) of 2001. Logsdon stated that the revision would allow for two alternative education and experience options. Option A requires a valid Illinois State Board of Education (ISBE) certificate of approval indicating "State-approved" teacher aide. This option is designed for programs with funding sources other than Title 1, Part A of the Elementary and Secondary Education Act, as amended by the No Child Left Behind (NCLB) Act of 2001. Option B requires a valid ISBE certificate of approval indicating "State - and NCLB - approved" teacher aide. This Option is designed for programs supported in whole or in part by federal funds as indicated in Title 1, Part A of NCLB. Commissioner Ewell inquired as to how many persons were currently within the classification and was informed that there were ten incumbents.

- Child Welfare Supervisor (abolish)

Staff Analysis: Assistant Executive Director Andrew Barris informed the Commission that the Child Welfare Supervisor class had not been used since August of 1999 and that is why it was proposed that the class be abolished.

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER PETERSON AND THE MOTION ADOPTED 5-0 TO APPROVE THE CREATION, REVISION AND ABOLISHMENT OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE JULY 1, 2006.

Child Development Aide (new)

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Revenue Audit Supervisor (new)

Terrorism Research Specialist 1 (new)

Terrorism Research Specialist 2 (new)

Terrorism Research Specialist 3 (new)

Terrorism Research Specialist Trainee (new)

Water Plant Operator (revise)

Child Welfare Supervisor (abolish)

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER PETERSON AND THE MOTION ADOPTED 4-0 TO APPROVE THE REVISION OF THE FOLLOWING CLASS TITLE TO BE EFFECTIVE JULY 1, 2006. CHAIRMAN KOLKER ABSTAINED.

Educator Aide (revise)

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER EWELL AND THE MOTION ADOPTED 5-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.

VI. **MOTION TO GO INTO EXECUTIVE SESSION**

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY CHAIRMAN KOLKER AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0 TO HOLD AN EXECUTIVE SESSION PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4) AND 2(c)(11) OF THE OPEN MEETINGS ACT.

KOLKER	YES	RICHARDS	YES
PETERSON	YES	EWELL	YES
BUKRABA	YES		

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VII. 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 at 10:05 a.m.

PRESENT

Chris Kolker, Chairman; George E. Richards, Raymond W. Ewell, Betty A. Bukraba, and Barbara J. Peterson, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris of the Commission staff.

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 May 31, 2006.

Agency	4/30/06	5/31/06
Agriculture	8	8
Arts Council	1	0
Central Management Services	3	3
Children and Family Services	10	10
Commerce and Economic Opportunity	2	2
Financial and Professional Regulation	1	6
Healthcare and Family Services	10	10
Historic Preservation	0	10
Human Rights Department	0	1
Human Services	2	3
Natural Resources	21	30
Property Tax Appeal Board	1	1
Transportation	27	23
Veterans Affairs	2	1
<u>Totals</u>	88	108

IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

• DISCHARGE APPEAL

DA-18-06

Petitioner	Thomas Abner	Appeal Date	9/23/05
Agency	DOT	Decision Date	6/02/06
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Disruptive conduct (verbal altercation/pushed his supervisor) and violence in the workplace	Recommended Decision	Charges are partially proven; ALJ recommends 90-day suspension in lieu because of the unique factual circumstances.

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL, AND BY ROLL CALL VOTE OF 3-2 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION THAT THE PARTIALLY PROVEN CHARGES WARRANT A 90-DAY SUSPENSION IN LIEU OF DISCHARGE DUE TO THE UNIQUE FACTUAL CIRCUMSTANCES SURROUNDING THE DISCHARGE.

KOLKER	NO	RICHARDS	NO
PETERSON	YES	EWELL	YES
BUKRABA	YES		

• DISCHARGE APPEAL

DA-30-06

Petitioner	Lauren Page	Appeal Date	1/18/06
Agency	DHFS	Decision Date	6/02/06
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Grabbed and pushed a co-worker	Recommended Decision	Charges are partially proven; ALJ recommends a 45-day suspension in lieu of discharge given the unique factual circumstances.

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER RICHARDS, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION THAT THE PARTIALLY PROVEN CHARGES WARRANT A 45-DAY SUSPENSION IN LIEU OF DISCHARGE DUE TO THE UNIQUE FACTUAL CIRCUMSTANCES SURROUNDING THE DISCHARGE.

KOLKER	YES	RICHARDS	YES
PETERSON	YES	EWELL	YES
BUKRABA	YES		

- **LAYOFF APPEAL**

LA-40-05

Petitioner	Doug Schnell	Appeal Date	1/20/05
Agency	DNR	Decision Date	5/24/06
Type	Layoff	ALJ	Andrew Barris
Charge(s)	Violation of Personnel Rules regarding layoff	Proposed Finding	No violation.

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER EWELL, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSED FINDING THAT THE PETITIONER HAS NOT PROVED BY A PREPONDERANCE OF THE EVIDENCE THE ALLEGATIONS CONTAINED WITHIN THE LAYOFF APPEAL.

KOLKER	YES	RICHARDS	YES
PETERSON	YES	EWELL	YES
BUKRABA	YES		

X. **APPEALS TERMINATED WITHOUT DECISION ON THE MERITS**

- **DISMISSAL**

DA-10-06

Petitioner	James Young	Appeal Date	8/03/05
Agency	DCFS	Decision Date	5/31/06
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Unauthorized absences; failure to follow procedures	Recommended Decision	Default (refused to testify); dismissed subject to Commission approval.

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER PETERSON, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO APPROVE THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION DISMISSING THE APPEAL OF THE PETITIONER, AND FURTHER FINDING THAT THE WRITTEN CHARGES FOR DISCHARGE HAVE BEEN PROVED AND THAT SAID PROVEN CHARGES CONSTITUTE A SUBSTANTIAL SHORTCOMING WHICH

RENDER YOUNG'S CONTINUANCE IN HIS POSITION DETRIMENTAL TO THE DISCIPLINE AND EFFICIENCY OF THE AGENCY AND WARRANT THE DISCHARGE OF THE RESPONDENT.

KOLKER	YES	RICHARDS	YES
PETERSON	YES	EWELL	YES
BUKRABA	YES		

- **WITHDRAWN**

DA-46-06

Respondent	Quentin Grant	Appeal Date	5/16/06
Agency	Agriculture	Decision Date	5/24/06
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Falsification of records; unauthorized absences	Recommended Decision	Withdrawn; dismissed subject to Commission approval.

- **DISMISSAL**

S-37-06

Respondent	Darin Chitwood	Appeal Date	4/07/06
Agency	DOC	Decision Date	5/31/06
Type	Suspension	ALJ	Andrew Barris
Charge(s)	Suspended pending discharge (unauthorized absences)	Recommended Decision	Default (failure to appear); dismissed subject to Commission approval.

- **DISMISSAL**

S-43-06

Respondent	Felicia Kirk	Appeal Date	5/03/06
Agency	DHS	Decision Date	5/16/06
Type	Suspension	ALJ	Daniel Stralka
Charge(s)	Suspension pending discharge	Recommended Decision	No jurisdiction; dismissed subject to Commission approval.

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IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER EWELL, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO APPROVE THE ADMINISTRATIVE LAW JUDGES' RECOMMENDED DECISIONS DISMISSING THE APPEALS OF THE PETITIONERS, GRANT, CHITWOOD, AND KIRK.

KOLKER	YES	RICHARDS	YES
PETERSON	YES	EWELL	YES
BUKRABA	YES		

XI. AMENDMENT TO THE PERSONNEL RULES

80 ILAC, Subpart B: Leave of Absence, Section 303.175 Disaster Service Leave With Pay

Executive Director Daniel Stralka advised the Commission of the proposed amendment to the Personnel Rules.

XII. STAFF REPORT

Executive Director Daniel Stralka reported that:

- Commission staff along with Chairman Kolker and Commissioner Bukraba participated in a walk-through of a potential new space for the Commission's Springfield office on June 15, 2006. Plans for modifications were also presented to the Commissioners for their perusal and comment. General discussion followed.
- The Springfield office has initiated several programs to conserve energy and resources in conjunction with a Green Government Symposium attended by Beckie Daniken.

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, July 20, 2006 at 9:00 a.m. in the Commission's Chicago office.

XIV. MOTION TO ADJOURN

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER PETERSON AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 10:50 A.M.