

July 17, 2003

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
July 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, Raymond W. Ewell, Dan P. Fabrizio, and Barbara J. Peterson, Commissioners; Daniel Stralka and Leonard F. Sacks of the Commission staff; Nancy Wuttke, Manager, Personnel, CMS; Alice Kirby, Director, Human Resources, DHS; Teyonda Wertz, Chief of Staff, DHS, and Keenan Williams.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD JUNE 19, 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 JUNE 19, 2003.

IV. MOTION TO GO INTO EXECUTIVE SESSION

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER FABRIZIO, AND THE MOTION UNANIMOUSLY ADOPTED TO HOLD AN EXECUTIVE SESSION TO CONSIDER PERSONNEL ISSUES OF THE COMMISSION.

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, at 9:18 a.m.

Present: George E. Richards, Chairman; John M. Dorgan, Raymond W. Ewell, Dan P. Fabrizio, and Barbara J. Peterson, Commissioners; Daniel Stralka and Leonard F. Sacks of the Commission staff; Nancy Wuttke, Manager, Personnel, CMS; Alice Kirby, Director, Human Resources, DHS; Teyonda Wertz, Chief of Staff, DHS, and Keenan Williams.

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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>
Michael J. Brown	Senior Public Service Administrator	Office of Banks & Real Estate

Request for hearing filed: January 27, 2003

RESULTS: Stipulation filed with the Commission on June 11, 2003. Case closed by letter dated June 11, 2003.

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER FABRIZIO, AND THE MOTION UNANIMOUSLY ADOPTED TO CONCUR WITH THE STAFF DECISION IN THE ABOVE MATTER.

Janice Hampton	Senior Public Service Administrator	Department of Employment Security
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Request for hearing filed: May 15, 2003

RESULTS: Motion to Dismiss filed with Commission by Respondent's attorney on June 25, 2003, stating settlement has been reached. Case closed by letter dated June 26, 2003.

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.

VII. APPEALS DENIED

DISCHARGE

Maria I. Garcia

On June 24, 2003, the Commission received a letter from Maria I. Garcia requesting a hearing concerning her discharge from the Department of Children and Family Services. The Personnel Code and Rules require that an employee file a request for hearing no later than 15 days after receipt of the approved charges for discharge. Staff investigation disclosed that Ms. Garcia received such charges on April 10, 2003, but her request was not deposited in the United States mail until June 21, 2003, 72 days following service of the charges. Therefore, Ms. Garcia was advised by letter dated June 25, 2003 that the Commission is without jurisdiction to grant her a hearing.

VII. APPEALS DENIED (continued)

ALLOCATION
Marc A. Beeley

On June 30, 2003, the Commission received a letter from Marc A. Beeley requesting a hearing concerning the allocation of his position with the Department of Revenue. The Commission Rules require that before an employee can file an appeal with the Commission, the matter must be signed off by union and management through the 4A grievance process or a second review must be completed by Central Management Services. Neither process had been completed in this matter. Therefore, Mr. Beeley was advised by letter dated June 30, 2003 that the Commission cannot accept his appeal at this time and, therefore, the appeal is denied.

IT WAS MOVED BY COMMISSIONER DORGAN, SECONDED BY COMMISSIONER EWELL, AND THE MOTION UNANIMOUSLY ADOPTED TO CONCUR WITH THE STAFF DECISIONS IN THE ABOVE MATTERS.

VIII. COURT DECISIONS ON ADMINISTRATIVE REVIEW

Circuit Court, Cook County

Mark Thompson v. Civil Service Commission and Illinois Department of Professional Regulation (02 CH 6524)

This matter was remanded back to the Civil Service Commission by Judge Arnold by Memorandum Opinion and Order entered on June 27, 2003, for the limited purpose of determining whether Plaintiff's transfers were politically motivated.

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL, AND THE MOTION UNANIMOUSLY ADOPTED TO HAVE EXECUTIVE DIRECTOR STRALKA ASK THE ATTORNEY GENERAL FOR AN OPINION WHETHER THE COMMISSION HAS JURISDICTION TO HEAR THE APPEAL AS ORDERED BY THE CIRCUIT COURT OF COOK COUNTY, CHANCERY DIVISION. AYES: RICHARDS, EWELL, FABRIZIO, AND PETERSON. NAYES: NONE. COMMISSIONER DORGAN RECUSED HIMSELF.

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	107	6
Agriculture	660	12
Arts Council.....	20	1
Banks and Real Estate.....	267	2
Central Management Services	1,189	29
Children and Family Services.....	3,487	30
Commerce & Econ. Opportunity	475	43
Corrections.....	14,084	101
Deaf and Hard of Hearing Comm.....	8	1
Developmental Disabilities Council ...	14	1
Elections Board.....	50	1
Emergency Management Agency	113	1
Employment Security	1,875	15
Environmental Protect. Agency ...	1,142	5
Financial Institutions.....	86	4
Guardianship and Advocacy	117	6
Historic Preservation Agency	266	2
Human Rights Commission	10	2
Human Rights Department	138	6
Human Services	15,627	49
Industrial Commission.....	152	8
Insurance.....	334	6
Investment Board.....	4	1
Labor.....	84	7
Labor Relations Board Educational ...	22	2
Labor Relations Board State	24	2
Law Enforce. Trng. & Standard Bd. ...	25	1
Medical District Commission	5	1
Natural Resources	1,770	26
Pollution Control Board.....	28	3
Professional Regulation	261	8
Property Tax Appeal Board	39	2
Public Aid	2,351	15
Public Health.....	1,134	17
Revenue	2,304	41
State Fire Marshal	126	4
State Police	1,541	5
State Police Merit Board.....	5	1
State Retirement System	78	1
Veterans Affairs	1,127	3
TOTALS	51,149	471

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. Request for 4d(3) Exemption Withdrawn by Agency

The Department of Human Services has requested to withdraw its request for 4d(3) exemption for the following position, listed in July's agenda as Item No. IX. Q:

Position Title: Senior Public Service Administrator
Position Number: 40070-10-76-960-00-01
Division: Office of Mental Health and Developmental Disabilities Services
Incumbent: Renee Rose
Supervisor: SPSA (40070-10-76-000-00-01)
Location: Cook County

D. Requests for 4d(3) Exemption Denied, Approved, or Continued by the Commission

It was moved by Commissioner Peterson, seconded by Commissioner Fabrizio, and the motion unanimously adopted to deny, approve, or continue the requests for 4d(3) exemption as stated below:

The following request for 4d(3) exemption was denied:

Agency: Department of Corrections
Position Title: Public Service Administrator
Position Number: 37015-29-00-200-11-01
Division: Director's Office
Incumbent: Vacant
Supervisor: 40070-29-00-200-00-01
Location: Sangamon County

The following requests for 4d(3) exemption were approved:

Agency: Department of Transportation
Position Title: Senior Public Service Administrator
Position Number: 40070-23-40-000-00-01
Division: Office of Finance and Administration
Incumbent: Vacant
Supervisor: Randy Vereen
Location: Cook County

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

Agency: Department of Human Services
Position Title: Medical Administrator V
Position Number: 26406-10-76-000-00-01
Division: Office of Mental Health
Incumbent: Vacant
Supervisor: Secretary, Dept. of Human Services
Location: Cook

Agency: Department of Children & Family Services
Position Title: Senior Public Service Administrator
Position Number: 40070-16-05-000-00-01
Division: Affirmative Action
Incumbent: Vacant
Supervisor: Director Samuels
Location: Cook

Agency: Department of Corrections
Position Title: Senior Public Service Administrator
Position Number: 40070-29-00-000-10-01
Division: Director's Office
Incumbent: Vacant
Supervisor: Director
Location: Cook

Agency: Department of Corrections
Position Title: Senior Public Service Administrator
Position Number: 40070-29-02-000-00-02
Division: Support Services
Incumbent: Vacant
Supervisor: Director
Location: Sangamon

Agency: Department of Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-00-000-14-06
Division: Office of Internal Audits
Incumbent: Vacant
Supervisor: Director
Location: Sangamon

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

Agency: Department of Employment Security
Position Title: Senior Public Service Administrator
Position Number: 40070-44-50-000-00-51
Division: Field Operations
Incumbent: Roderick Nunn
Supervisor: Director Russell
Location: Sangamon County

Agency: Department of Employment Security
Position Title: Senior Public Service Administrator
Position Number: 40070-44-70-000-00-01
Division: Revenue
Incumbent: Santiago Diaz
Supervisor: Director Russell
Location: Cook County

Agency: Department of Human Services
Position Title: Senior Public Service Administrator
Position Number: 40070-10-10-000-00-01
Division: Office of Facility Administration
Incumbent: Pat Lonski
Supervisor: Jerome Butler, Chief Operations Officer
Location: Sangamon

Agency: Department of Agriculture
Position Title: Senior Public Service Administrator
Position Number: 40070-11-01-700-00-01
Division: Executive Office
Incumbent: Vacant
Supervisor: Director of Agriculture
Location: Springfield

Agency: Department of Agriculture
Position Title: Senior Public Service Administrator
Position Number: 40070-11-03-000-00-01
Division: Executive Office
Incumbent: Vacant
Supervisor: Director of Agriculture
Location: Springfield

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

Agency: Department of Human Services
Position Title: Senior Public Service Administrator
Position Number: 40070-10-04-000-00-01
Division: Office of Contract Administration
Incumbent: David Hanbury
Supervisor: Jerome Butler
Location: Sangamon

Agency: Department of Employment Security
Position Title: Public Service Administrator
Position Number: 37015-44-00-101-00-35
Division: Director's Office
Incumbent: Vacant
Supervisor: Director Russell
Location: Cook County

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

The following requests for 4d(3) exemption were continued until August, 2003:

Agency: Department of Human Services
Position Title: Senior Public Service Administrator
Position Number: 40070-10-10-100-00-01
Division: Office of Facility Administration
Incumbent: Matthew Magalis
Supervisor: Pat Lonski
Location: Sangamon

Agency: Department of Human Services
Position Title: Senior Public Service Administrator
Position Number: 40070-10-10-200-00-01
Division: Vacant
Incumbent: Office of Facility Administration
Supervisor: Pat Lonski
Location: Cook

Agency: Department of Children & Family Services
Position Title: Public Service Administrator
Position Number: 37015-16-23-400-10-99
Division: External Affairs
Incumbent: Vacant
Supervisor: 37015-16-23-400-00-99
Location: Cook County

Agency: Department of Children & Family Services
Position Title: Public Service Administrator
Position Number: 37015-16-23-400-00-99
Division: External Affairs
Incumbent: Vacant
Supervisor: Bamani Obadele
Location: Cook County

Agency: Department of Children & Family Services
Position Title: Public Service Administrator
Position Number: 37015-16-23-500-00-01
Division: External Affairs
Incumbent: Vacant
Supervisor: Bamani Obadele
Location: Cook County

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

Agency: Department of Human Services
Position Title: Senior Public Service Administrator
Position Number: 40070-10-04-100-00-01
Division: Office of Contract Administration
Incumbent: Sally Hardwick
Supervisor: David Hanbury
Location: Chicago

Agency: Department of Human Services
Position Title: Senior Public Service Administrator
Position Number: 40070-10-04-200-00-01
Division: Bureau of Policy and Review
Incumbent: Vacant
Supervisor: David Hanbury
Location: Cook

Agency: Department of Human Services
Position Title: Senior Public Service Administrator
Position Number: 40070-10-04-300-00-01
Division: Bureau of Contract Compliance
Incumbent: Vacant
Supervisor: David Hanbury
Location: Cook

Agency: Department of Public Health
Position Title: Senior Public Service Administrator
Position Number: 40070-20-62-000-00-01
Division: Women's Health - Technical Support
Incumbent: Janet Costello
Supervisor: Sharon Green
Location: Sangamon County

Agency: Department of Public Health
Position Title: Senior Public Service Administrator
Position Number: 40070-20-01-040-10-81
Division: Human Resources
Incumbent: Vacant
Supervisor: Quinshaunta Golden
Location: Cook County

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

Agency:	Department of Public Health
Position Title:	Senior Public Service Administrator
Position Number:	40070-20-12-000-00-01
Division:	Human Resources
Incumbent:	Gina Swehla
Supervisor:	Vacant
Location:	Sangamon County

X. 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 June 30, 2003.

	<u>5/31/03</u>	<u>6/30/03</u>
Agriculture	4	5
Central Management Services	2	1
Corrections	1	1
Employment Security	1	1
Historic Preservation	1	3
Human Services	3	3
Labor Relations Board Educ.	1	1
Lottery	0	1
Natural Resources	21	25
Professional Regulation	3	0
Public Health	4	4
State Police	1	1
State Retirement Systems	1	1
Transportation	1	1
Veterans Affairs	<u>1</u>	<u>1</u>
	45	49

XI. PUBLICLY ANNOUNCED DECISIONS

Dismissals

<u>Name</u>	<u>Title</u>	<u>Department</u>
Keenan Williams	Office Assistant	Central Management Services

CHARGES: Failure to abide by CMS Rules & Regulations; incompetence; unauthorized absence, excessive absenteeism, or tardiness; conduct unbecoming a CMS employee.

Request for hearing filed: July 22, 2002

Hearing held: April 14, 2003

IT WAS MOVED BY COMMISSIONER FABRIZIO, SECONDED BY COMMISSIONER PETERSON, AND THE MOTION UNANIMOUSLY ADOPTED TO DENY THE MOTION OF THE ASSISTANT ATTORNEY GENERAL AND TO ALLOW A NEW HEARING TO PROCEED.

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ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, August 21, 2003 at 9:00 a.m. in the Commission's Chicago Office.

MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DORGAN, AND THE MOTION UNANIMOUSLY ADOPTED TO ADJOURN THE MEETING AT 9:50 A.M.