

August 21, 2003

MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
August 21, 2003

I. OPENING OF MEETING AT 9:05 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; Barb Jeffers, Bureau Chief/Training, DHS; Cathy Seardina, Court Reporter; Michael Brody, attorney; Deborah A. Golden, Deputy General Counsel, Office of the Governor; Josh Goldberg, attorney; Carl Draper, attorney; Diane Hurrelbrink, Jeff Johnson, Deb Johnson, Scott Hurrelbrink, Danna Alexander, and Mike Ramsey, Copley News.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD JULY 17, 2003

**IT WAS MOVED BY COMMISSIONER DORGAN, SECONDED BY COMMISSIONER PETERSON, AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD JULY 17, 2003.**

IV. MOTION TO AMEND SEQUENCE OF MEETING

**IT WAS MOVED BY COMMISSIONER DORGAN, SECONDED BY COMMISSIONER FABRIZIO, AND THE MOTION UNANIMOUSLY ADOPTED TO MOVE ALL ITEMS UP IN THE AGENDA BEFORE HOLDING AN EXECUTIVE SESSION**

V. 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>
Vicky L. Bruce	Executive II	Illinois State Police

Request for hearing filed: October 8, 2002

RESULTS: On July 17, 2003, the Commission received a letter from Assistant

V. APPEALS TERMINATED WITHOUT DECISION (Continued)

Attorney General William E. Jarvis, stating the parties have reached an agreement and this case has been settled. File closed by letter dated July 21, 2003.

Lori Cowdrey Sr. Public Service Administrator Central Management Services

Request for hearing filed: April 2, 2003

RESULTS: Settlement and Release document filed with the Commission on July 21, 2003. Case closed by letter dated July 22, 2003.

Marcia Armstrong Sr. Public Service Administrator Central Management Services

Request for hearing filed: January 28, 2003

RESULTS: Page 5 of the Report of Proceedings from March 31, 2003 before Administrative Law Judge Sacks indicates that this matter had been settled. A settlement conference was scheduled on August 4, 2003, at which time Ms. Armstrong failed to appear. File closed by letter dated August 5, 2003.

Kathryn Spain Sr. Public Service Administrator Department of Revenue

Request for hearing filed: February 10, 2003

RESULTS: The Report of Proceedings from March 31, 2003 indicate this case had been settled, but settlement papers had never been filed with the Commission. Daniel Stralka, Executive Director of the Commission, met with Carol Hansen Posegate, counsel for the Petitioner, and John A. Kerley, counsel for Respondent, on August 4, 2003. Based on representations made at that conference, the Commission considers this appeal settled and case closed. File closed by letter dated August 5, 2003.

Richard M. Sgro Sr. Public Service Administrator Department of Revenue

Request for hearing filed: February 4, 2003

RESULTS: The Report of Proceedings from March 31, 2003 indicate this case had been settled, but settlement papers had never been filed with the Commission. Daniel Stralka, Executive Director of the Commission, met with Carol Hansen Posegate, counsel for the Petitioner, and John A. Kerley, counsel for Respondent, on August 4, 2003. Based on representations made at that conference, the Commission considers this appeal settled and case closed. File closed by letter dated August 5, 2003.

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V. APPEALS TERMINATED WITHOUT DECISION (Continued)

Judith A. Myers Sr. Public Service Administrator Agriculture

Request for hearing filed: January 27, 2003

RESULTS: Daniel Stralka, Executive Director of the Commission, met with Carol Hansen Posegate, counsel for the Petitioner, and John A. Kerley, counsel for Respondent, on August 4, 2003. Based on representations made at that conference, the Commission considers this appeal settled and case closed. File closed by letter dated August 5, 2003.

Dolores Allgood Public Service Administrator Human Services

Request for hearing filed: July 21, 2003

RESULTS: Ms. Allgood sent a letter to the Commission, appealing her geographical transfer from Kankakee County Department of Human Services to Will County Department of Human Services. Initial staff investigation revealed that the Department considered this a temporary assignment, not a geographical transfer. Ms. Allgood has been returned to the Kankakee office and sent the Commission a letter withdrawing her appeal. File closed by letter dated August 11, 2003.

Jacques L. Beardsley Correctional Captain Corrections

Request for hearing filed: 8/15/02

RESULTS: During staff investigation it was discovered that Mr. Beardsley had been reinstated effective December 30, 2002. Notice was sent to Mr. Beardsley, Central Management Services, and the Department stating the Commission would close this file unless contacted in writing by August 7, 2003 with a request to proceed with the investigation and disposition of this appeal. No such request was received and the Commission considers this matter closed.

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

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VI. APPEALS DENIED

DISCHARGE

Kenneth Belcher

On July 18, 2003, the Commission received a letter from Kenneth Belcher requesting a hearing concerning his discharge from the Department of Corrections. Mr. Belcher had been employed as a Correctional Officer at Stateville Prison in Joliet. Mr. Belcher contends that he was discharged for days missed which should have been covered under the Family Medical Leave Act, for which he had applied and was denied.

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 Mr. Belcher received such charges on June 12, 2003, but his request for hearing was not deposited in the United States mail until July 17, 2003, 35 days following service of the charges. Therefore, Mr. Belcher was advised by letter dated July 21, 2003 that the Commission is without jurisdiction to grant him a hearing.

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

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VII. APPEALS FILED UNDER RULE 6 OF THE COMMISSION RULES

Louis Bertucci

On April 16, 2003, the Commission received an appeal from Louis Bertucci, who was laid off from the Department of Central Management Services (CMS) as a Building/Grounds Supervisor at the James R. Thompson Center, Chicago.

The employee complained that his layoff was due to a lack of funds, but the Agency continued to hire others the same day he was terminated. Layoff appeals are governed by Section 1.100 of the Rules of the Commission, which provides that a layoff appeal "shall set forth with particularity a statement of facts and a designation of the applicable provisions of the Personnel Code or Rules of the Department of Central Management Services which are alleged to have been violated." Mr. Bertucci failed to provide any facts in support of his allegations of a "potential for prejudice" and "many hires within the same agency at more than double my laid off salary." Staff has concluded that no rule violations occurred in the layoff procedures followed by the Department of CMS. Mr. Bertucci was advised by letter dated July 15, 2003 that the staff would recommend that his layoff appeal be denied.

The Commission received a letter from Mr. Bertucci on August 18, 2003, requesting that this matter be continued pending his request for information under the Freedom of Information Act from the Department of Central Management Services.

**IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER FABRIZIO, AND THE MOTION UNANIMOUSLY ADOPTED TO CONTINUE THIS MATTER UNTIL SEPTEMBER, 2003.**

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

A. Report on Exempt Positions

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging .....	108 .....	6
Agriculture .....	663 .....	14
Arts Council .....	20 .....	1
Banks and Real Estate .....	267 .....	2
Central Management Services .....	1,190 .....	30
Children and Family Services .....	3,492 .....	30
Commerce & Econ. Opportunity .....	483 .....	43
Corrections .....	14,061 .....	103
Deaf and Hard of Hearing Comm. ....	8 .....	1
Developmental Disabilities Council ...	14 .....	1
Elections Board .....	50 .....	1
Emergency Management Agency .....	112 .....	1
Employment Security .....	1,905 .....	18
Environmental Protect. Agency ....	1,152 .....	5
Financial Institutions .....	85 .....	4
Guardianship and Advocacy .....	116 .....	6
Historic Preservation Agency .....	279 .....	2
Human Rights Commission .....	10 .....	2
Human Rights Department .....	151 .....	6
Human Services .....	15,780 .....	52
Industrial Commission .....	152 .....	8
Insurance .....	332 .....	6
Investment Board .....	4 .....	1
Labor .....	87 .....	7
Labor Relations Board Educational ...	21 .....	2
Labor Relations Board State .....	23 .....	2
Law Enforce. Trng. & Standard Bd. ...	25 .....	1
Natural Resources .....	1,805 .....	26
Pollution Control Board .....	28 .....	3
Professional Regulation .....	260 .....	8
Property Tax Appeal Board .....	29 .....	2
Public Aid .....	2,348 .....	15
Public Health .....	1,137 .....	17
Revenue .....	2,309 .....	41
State Fire Marshal .....	126 .....	4
State Police .....	1,536 .....	5
State Police Merit Board .....	5 .....	1
State Retirement System .....	79 .....	1
Transportation .....	3,123 .....	1
Veterans Affairs .....	1,116 .....	3
TOTALS .....	51,368 .....	481

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

B. Governing Rule - Jurisdiction B Exemptions

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
1. The Governor, or
  2. A departmental director or assistant director appointed by the Governor, or
  3. A board or commission appointed by the Governor, or
  4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
  5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
  6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
  7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.
- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
  2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board or commission.
  3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

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

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

**IT WAS MOVED BY COMMISSIONER FABRIZIO, SECONDED BY COMMISSIONER EWELL, AND THE MOTION UNANIMOUSLY ADOPTED TO CONTINUE, DENY, OR APPROVE THE REQUESTS FOR 4D(3) EXEMPTION AS STATED BELOW, IN ACCORDANCE WITH STAFF RECOMMENDATION.**

**The following request was continued at the August 21, 2003 meeting until September, 2003.**

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



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

**The following requests for 4d(3) exemption were denied**

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 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

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

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: 40070-20-12-000-00-01  
Division: Human Resources  
Incumbent: Gina Swehla  
Supervisor: Vacant  
Location: Sangamon County

Agency: Department of Public Health  
Position Title: Senior Public Service Administrator  
Position Number: 40070-20-43-000-00-01  
Division: Long Term Care Quality Assurance  
Incumbent: Maryann Ream  
Supervisor: Richard Dees  
Location: Sangamon County

Agency: Department of Public Health  
Position Title: Senior Public Service Administrator  
Position Number: 40070-20-44-000-00-01  
Division: Long Term Care Field Operations  
Incumbent: Kathleen Baker  
Supervisor: Richard Dees  
Location: Sangamon County

Agency: Department of Public Health  
Position Title: Senior Public Service Administrator  
Position Number: 40070-20-49-000-00-01  
Division: Health Care Facilities and Programs  
Incumbent: Vacant  
Supervisor: Catherine Stokes  
Location: Sangamon County

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

Agency Department of Public Health  
Position Title: Senior Public Service Administrator  
Position Number: 40070-20-30-100-00-01  
Division: Health Promotion  
Incumbent: David Moody  
Supervisor: SPSA 40070-20-30-000-00-81  
Location: Sangamon County

Agency Department of Public Health  
Position Title: Senior Public Service Administrator  
Position Number: 40070-20-41-000-00-01  
Division: Bureau of Long Term Care  
Incumbent: Richard Dees  
Supervisor: SPSA 40070-20-40-000-00-01  
Location: Sangamon County

Agency Department of Public Health  
Position Title: Senior Public Service Administrator  
Position Number: 40070-20-47-000-00-81  
Division: Bureau of Hospitals and Ambulatory Service  
Incumbent: Catherine Stokes  
Supervisor: SPSA 40070-20-40-000-00-01  
Location: Cook County

Agency Department of Public Health  
Position Title: Senior Public Service Administrator  
Position Number: 40070-20-20-100-00-01  
Division: Epidemiology and Health Systems Development  
Incumbent: Michael Copelin  
Supervisor: SPSA 40070-20-20-000-00-81  
Location: Sangamon County

Agency Department of Public Health  
Position Title: Senior Public Service Administrator  
Position Number: 40070-20-50-200-00-01  
Division: Health Protection  
Incumbent: Tom Hughes  
Supervisor: Medical Administrator 3 26404-20-50-000-00-02  
Location: Sangamon County

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

Agency	Department of Public Health
Position Title:	Senior Public Service Administrator
Position Number:	40070-20-15-000-00-01
Division:	Information Technology
Incumbent:	Kevin Rademacher
Supervisor:	SPSA 40070-20-10-000-00-01
Location:	Sangamon County

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

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

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

Agency: Department of Public Health  
Position Title: Senior Public Service Administrator  
Position Number: 40070-20-01-060-00-81  
Division: Office of Human Resources  
Incumbent: Vacant  
Supervisor: Director Whitaker  
Location: Cook County

Agency: Department of Central Management Services  
Position Title: Senior Public Service Administrator  
Position Number: 40070-37-05-000-01-01  
Division: Director's Office  
Incumbent: Vacant  
Supervisor: Director  
Location: Cook County

Agency: Department of Public Health  
Position Title: Senior Public Service Administrator  
Position Number: 40070-20-80-000-00-81  
Division: Vacant  
Incumbent: Office of Health Policy  
Supervisor: Director of Public Health  
Location: Cook County

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

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

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 Professional Regulation  
Position Title: Senior Public Service Administrator  
Position Number: 40070-24-06-000-00-01  
Division: Human Resources  
Incumbent: Vacant  
Supervisor: Director  
Location: Cook

Agency: Department of Professional Regulation  
Position Title: Public Service Administrator  
Position Number: 37015-24-08-000-00-01  
Division: Nursing Coordinator Division  
Incumbent: Vacant  
Supervisor: Director  
Location: Cook

Agency: Department of Professional Regulation  
Position Title: Senior Public Service Administrator  
Position Number: 40070-24-10-000-00-01  
Division: Fiscal Operations  
Incumbent: Travis March  
Supervisor: Director  
Location: Sangamon

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

Agency: Department of Professional Regulation  
Position Title: Senior Public Service Administrator  
Position Number: 40070-24-14-000-00-01  
Division: Formal Hearing/Committee Boards  
Incumbent: Bettina Gembala  
Supervisor: Director  
Location: Cook

Agency: Department of Professional Regulation  
Position Title: Senior Public Service Administrator  
Position Number: 40070-24-17-000-00-01  
Division: Information Technology  
Incumbent: Vacant  
Supervisor: Director  
Location: Sangamon

Agency: Illinois Criminal Justice Information Authority  
Position Title: Senior Public Service Administrator  
Position Number: 40070-50-05-200-00-01  
Division: Office of Fiscal Management  
Incumbent: Diane M. Griffin  
Supervisor: Executive Director  
Location: Cook County

Agency: Illinois Criminal Justice Information Authority  
Position Title: Senior Public Service Administrator  
Position Number: 40070-50-05-300-01-01  
Division: Federal & State Grants Unit  
Incumbent: Robert D. Taylor  
Supervisor: Executive Director  
Location: Cook County

Agency: Department of Public Aid  
Position Title: Senior Public Service Administrator  
Position Number: 40070-33-00-400-00-21  
Division: Office of the Director  
Incumbent: Vacant  
Supervisor: Director  
Location: Cook

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

Agency: Department of Public Aid  
Position Title: Senior Public Service Administrator  
Position Number: 40070-33-00-700-00-21  
Division: Office of the Director  
Incumbent: Vacant  
Supervisor: Director  
Location: Cook

Agency: Central Management Services  
Position Title: Senior Public Service Administrator  
Position Number: 40070-37-11-000-01-08  
Division: BCCS/Information Services  
Incumbent: Ron Sanderson  
Supervisor: Senior Public Service Administrator  
Location: Sangamon

Agency: Central Management Services  
Position Title: Senior Public Service Administrator  
Position Number: 40070-37-12-000-01-01  
Division: BCCS/Information Management Services  
Incumbent: Paul Lopes  
Supervisor: Senior Public Service Administrator  
Location: Sangamon

Agency: Central Management Services  
Position Title: Senior Public Service Administrator  
Position Number: 40070-37-15-000-01-01  
Division: BCCS/Administration and Planning  
Incumbent: Paul Romiti  
Supervisor: Senior Public Service Administrator  
Location: Sangamon

Agency: Central Management Services  
Position Title: Senior Public Service Administrator  
Position Number: 40070-37-13-000-01-01  
Division: BCCS/Telecommunications  
Incumbent: Alice Engle  
Supervisor: Senior Public Service Administrator  
Location: Sangamon



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

Agency: Department of Military Affairs  
Position Title: Senior Public Service Administrator  
Position Number: 40070-35-02-000-00-01  
Division: Comptroller  
Incumbent: Connie Sabo  
Supervisor: Director Thomas  
Location: Sangamon County

Agency: Department of Military Affairs  
Position Title: Public Service Administrator  
Position Number: 37015-35-00-000-00-02  
Division: Legislative and Governmental Liaison  
Incumbent: Michelle Repaal  
Supervisor: Director Thomas  
Location: Sangamon County

Agency: Department of Human Services  
Position Title: Senior Public Service Administrator  
Position Number: 40070-10-07-000-00-01  
Division: Office of Fiscal Services  
Incumbent: Gary Anderson  
Supervisor: SPSA 40070-10-00-400-00-01  
Location: Sangamon

Agency: Department of Public Health  
Position Title: Public Service Administrator  
Position Number: 37015-20-08-100-00-01  
Division: Minority Health  
Incumbent: Doris Turner  
Supervisor: Director Eric E. Whitaker  
Location: Sangamon County

Agency: Department of Public Health  
Position Title: Senior Public Service Administrator  
Position Number: 40070-20-80-100-00-01  
Division: Health Policy  
Incumbent: Patricia Kimmel  
Supervisor: SPSA 40070-20-80-000-00-81  
Location: Sangamon County

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

Agency: Department of Public Health  
Position Title: Senior Public Service Administrator  
Position Number: 40070-20-01-030-00-01  
Division: Director's Office  
Incumbent: William Bell  
Supervisor: Director Whitaker  
Location: Sangamon County

Agency: Department of Public Health  
Position Title: Senior Public Service Administrator  
Position Number: 40070-20-04-000-00-01  
Division: Director's Office  
Incumbent: Darrel Balmer  
Supervisor: Director Whitaker  
Location: Sangamon County

Agency: Department of Commerce & Economic Opportunity  
Position Title: Senior Public Service Administrator  
Position Number: 40070-42-35-140-00-01  
Division: Market Development Chicago Division  
Incumbent: Vacant  
Supervisor: Deputy Director 40070-42-35-000-00-01  
Location: Cook County

IX. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code, however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services consecutive non-merit report as of July 31, 2003.

	<u>6/30/03</u>	<u>7/31/03</u>
Agriculture	5	5
Central Management Services	1	1
Corrections	1	1
Employment Security	1	0
Historic Preservation	3	2
Human Services	3	0
Labor	0	1
Labor Relations Board Educ.	1	0
Lottery	1	1
Natural Resources	25	29
Public Health	4	3
State Police	1	0
State Retirement Systems	1	1
Transportation	1	2
Veterans Affairs	<u>1</u>	<u>1</u>
	49	47

X. MOTION TO GO INTO EXECUTIVE SESSION

**IT WAS MOVED BY COMMISSIONER DORGAN, SECONDED BY COMMISSIONER PETERSON, AND THE MOTION UNANIMOUSLY ADOPTED TO HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS OF DISMISSAL FILED WITH THE COMMISSION.**

XI. 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 11:25 a.m.

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.

XII. PUBLICLY ANNOUNCED DECISIONS

Remanded by Court - Dismissal

<u>Name</u>	<u>Title</u>	<u>Department</u>
Bill Wilmoth, III	Mental Health Technician II	Human Services

CHARGE: Provided false medical document

Request for hearing filed: 4-2-01

Decision dated: 6-21-01; discharge upheld

Administrative Review filed: 7-17-01

Circuit Court decision: 2-13-02 reversed the Commission and remanded back to the Commission for further proceedings

Appellate Court decision: 7-2-03 affirmed the judgment of Circuit Court

**IT WAS MOVED BY COMMISSIONER DORGAN, SECONDED BY COMMISSIONER FABRIZIO, AND THE MOTION UNANIMOUSLY ADOPTED TO REVERSE THE DISCHARGE OF THE RESPONDENT, BILL WILMOTH, III.**

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XII. PUBLICLY ANNOUNCED DECISIONS (continued)

Geographical Transfer

Robert J. Tipsword      Auto Parts Warehouse      CMS

Request for hearing filed: 3/24/03

**IT WAS MOVED BY COMMISSIONER FABRIZIO, SECONDED BY COMMISSIONER DORGAN, AND THE MOTION UNANIMOUSLY ADOPTED TO AFFIRM AND UPHOLD THE GEOGRAPHICAL TRANSFER OF PETITIONER AND DENY HIS APPEAL.**

Dismissal

Robert P. Powers      Sr. Public Service Administrator      Civil Service Commission

Request for hearing filed: June 3, 2003

At this time the individual members of the Commission considered the Motion of the Respondent, Robert B. Powers (DA-104-03), Requesting that the Individual Members of the Illinois Civil Service Commission Limit Their Role in Deciding the Merits of the Instant Appeal.

**IT WAS MOVED BY COMMISSIONER DORGAN, SECONDED BY COMMISSIONER EWELL, AND THE MOTION UNANIMOUSLY ADOPTED TO DENY THE RESPONDENT'S MOTION.**

XIII. STAFF REPORT

The Executive Director proposed the inclusion of a new section for the Commission staff to report on administrative and other related business that the Commission staff attends to on a monthly basis that is of interest to the Commissioners.

Daniel Stralka reported the following on behalf of the Commission staff:

The decisions on what is commonly known as the consolidated 30 day JCAR probationary rule decisions is due September 19, 2003 – the day after the next regularly scheduled meeting.

The change in the Open Meetings Act requiring audio or video recordings of executive session deliberations takes effect January 1, 2004.

In accordance with discussions with the Chairman over the last several months, proposed legislation is being drafted to abolish the Executive Secretary position. A new Executive Director position for the Commission will be created which will

XIII. STAFF REPORT (continued)

reflect the policy formulating and implementing role of the head of the Commission staff, increase accountability to the Commission, be in line with Executive Directors of other similarly situated commissions and agencies, and be consistent with the Commission's own standards as set forth in Rule 11 of the Commission's Rules.

The Commissioners were asked to review and update their biographies as needed for inclusion in the upcoming annual report and Commission website presently under development.

XIV. RECESS MEETING

The meeting was recessed at 11:40 a.m.

XV. RECONVENE OPEN 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 12:45 p.m.

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; Cathy Seardina, Court Reporter; Michael Brody, attorney; Deborah A. Golden, Deputy General Counsel, Office of the Governor; Josh Goldberg, attorney; Carl Draper, attorney; Diane Hurrelbrink, Jeff Johnson, Deb Johnson, Scott Hurrelbrink, Danna Alexander, and Mike Ramsey, Copley News.

XVI. ORAL ARGUMENTS

At this time, the Commission heard oral argument of the parties in the following two matters:

Jeff Johnson, DA-96-03  
Diane Hurrelbrink, DA-97-03

XVII. MOTION TO GO INTO EXECUTIVE SESSION

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL, AND THE MOTION UNANIMOUSLY ADOPTED TO HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS OF DISMISSAL FILED WITH THE COMMISSION.**

XVIII. RECONVENE OPEN 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 4:40 p.m..

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; Deborah A. Golden, Deputy General Counsel, Office of the Governor; Josh Goldberg, attorney; Carl Draper, attorney; Diane Hurrelbrink, Jeff Johnson, Deb Johnson, Scott Hurrelbrink, Danna Alexander, and Mike Ramsey, Copley News.

XIX. PUBLICLY ANNOUNCED DECISIONS

Dismissals

Jeff Johnson      Senior Public Service Administrator      Public Health

CHARGE:      Completed multiple employment transactions to improperly  
lengthen his term appointment with the State of Illinois  
Request for hearing filed: 4-8-03

**IT WAS MOVED BY COMMISSIONER DORGAN, SECONDED BY COMMISSIONER PETERSON, AND THE MOTION UNANIMOUSLY ADOPTED TO ADOPT THE RECOMMENDED DECISION OF THE ADMINISTRATIVE LAW JUDGE NOT INCONSISTENT WITH THE FINDINGS OF THE COMMISSION AS READ INTO THE RECORD AND AS SET FORTH AS FOLLOWS.**

FINDINGS AND DECISION OF THE COMMISSION

The undersigned, having read the recommended decision of the Administrative Law Judge dated August 6, 2003 hereby adopt said decision to the extent not inconsistent with the findings set forth below and hereby certify it to the Director of Central Management Services, State of Illinois, for enforcement.

We do not agree with the Administrative Law Judge's Conclusion and Recommendation. The totality of the evidence indicates that no resignation from the position of Executive Assistant to the Director for Customer Service as contemplated by the Personnel Code occurred. The Petitioner has proven by a preponderance of the evidence that the Respondent did not intend to relinquish the position, nor did an unequivocal act of relinquishment occur. Therefore, the Respondent was unable to be appointed to the second term from which he was discharged. The Respondent is to be returned to his initial term position that ended March 31, 2003 and made whole. The Commission makes no determination as to the validity of the charges discharging the Respondent from the second term.

August 21, 2003

XIX. PUBLICLY ANNOUNCED DECISIONS (continued)

Diane Hurrelbrink      Senior Public Service Administrator      Corrections

CHARGE:      Completed multiple employment transactions to improperly  
lengthen her term appointment with the State of Illinois  
Request for hearing filed: 4-8-03

**IT WAS MOVED BY COMMISSIONER DORGAN, SECONDED BY  
COMMISSIONER PETERSON, AND THE MOTION UNANIMOUSLY  
ADOPTED TO ADOPT THE RECOMMENDED DECISION OF THE  
ADMINISTRATIVE LAW JUDGE NOT INCONSISTENT WITH THE  
FINDINGS OF THE COMMISSION AS READ INTO THE RECORD AND AS  
SET FORTH AS FOLLOWS.**

FINDINGS AND DECISION OF THE COMMISSION

The undersigned, having read the recommended decision of the Administrative Law Judge dated August 6, 2003 hereby adopt said decision to the extent not inconsistent with the findings set forth below and hereby certify it to the Director of Central Management Services, State of Illinois, for enforcement.

We do not agree with the Administrative Law Judge's Conclusion and Recommendation. The totality of the evidence indicates that no resignation from the position of Assistant Deputy Director of Women and Family Services as contemplated by the Personnel Code occurred. The Petitioner has proven by a preponderance of the evidence that the Respondent did not intend to relinquish the position, nor did an unequivocal act of relinquishment occur. Therefore, the Respondent was unable to be appointed to the second term from which she was discharged. The Respondent is to be returned to her initial term position that ended February 8, 2003 and made whole. The Commission makes no determination as to the validity of the charges discharging the Respondent from the second term.

XX. ANNOUNCEMENT OF NEXT MEETING

Announcement of a change in the date of the next regular meeting to be held on Tuesday, September 16, 2003 at 8:30 a.m. in the Commission's Chicago Office. (Note: For informational purposes only, the next meeting has been returned to its regularly scheduled date and time of September 18, 2003 at 9:00 a.m. in the Commission's Chicago Office.



August 21, 2003

XXI. MOTION TO ADJOURN

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY  
COMMISSIONER DORGAN, AND THE MOTION UNANIMOUSLY ADOPTED  
TO ADJOURN THE MEETING AT 4:55 P.M.**