

September 18, 2003

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
September 18, 2003

I. OPENING OF MEETING AT 9:22 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; Mike Grady, HR, DCEO; Alice Kirby, HR Manager, DHS; Teyonda Wertz, Chief of Staff, DHS; Madelynne Brown, Sarah Vega, Catherine Narup, Jeff Fulgenzi, Annette Fulgenzi, Ellen Grace Fulgenzi, Jennifer Vespa, Nick Vespa, Leslie Barrow, Bennett R. Krause, Fred Kimble, Mike Ramsey, Louis Bertucci, Philip Wyatt, Katherine Parker, Peg Booker and family, Leonard Sherman, John Kerley, Deborah Golden, Deputy General Counsel, Mike Brody, Jeffrey Kulwin, Sinéad Rice Madigan, Joan Messina, Michael P. Murphy, Bill Krapf, Judi Keller, Orpha Krapf, and Flora Ciarlo.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD AUGUST 21, 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 AUGUST 21, 2003.

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 | 107 | 6 |
| Agriculture | 608 | 14 |
| Arts Council | 21 | 1 |
| Banks and Real Estate | 265 | 2 |
| Central Management Services | 1,156 | 35 |
| Children and Family Services | 3,478 | 32 |
| Commerce & Econ. Opportunity | 479 | 44 |
| Corrections | 14,002 | 104 |
| Criminal Justice Authority | 74 | 2 |
| Deaf and Hard of Hearing Comm. | 7 | 1 |
| Developmental Disabilities Council ... | 14 | 1 |
| Elections Board | 50 | 1 |
| Emergency Management Agency | 110 | 1 |
| Employment Security | 1,912 | 18 |
| Environmental Protect. Agency ... | 1,140 | 5 |
| Financial Institutions | 83 | 4 |
| Guardianship and Advocacy | 115 | 6 |
| Historic Preservation Agency | 265 | 2 |
| Human Rights Commission | 10 | 2 |
| Human Rights Department | 147 | 6 |
| Human Services | 15,649 | 53 |
| Industrial Commission | 151 | 8 |
| Insurance | 330 | 6 |
| Investment Board | 4 | 1 |
| Labor | 88 | 7 |
| Labor Relations Board Educational ... | 21 | 2 |
| Labor Relations Board State | 23 | 2 |
| Law Enforce. Trng. & Standard Bd. ... | 25 | 1 |
| Military Affairs | 135 | 2 |
| Natural Resources | 1,773 | 26 |
| Pollution Control Board | 28 | 3 |
| Professional Regulation | 251 | 13 |
| Property Tax Appeal Board | 24 | 2 |
| Public Aid | 2,326 | 17 |
| Public Health | 1,126 | 23 |
| Revenue | 2,276 | 42 |
| State Fire Marshal | 124 | 4 |
| State Police | 1,522 | 5 |
| State Police Merit Board | 5 | 1 |
| State Retirement System | 76 | 1 |
| Transportation | 3,053 | 1 |
| Veterans Affairs | 1,116 | 3 |
| TOTALS | 54,169 | 510 |

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.

* * *

IV. 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 DORGAN, SECONDED BY COMMISSIONER PETERSON, 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 requests for 4d(3) exemption were continued until October, 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: PSA 37015-16-23-400-00-99
Location: Cook County

Agency: Department of Human Services
Position Title: Senior Public Service Administrator
Position Number: 40070-10-11-200-00-01
Division: Office of Human Resources
Incumbent: Mickey Haslett
Supervisor: SPSA 40070-10-11-000-00-01
Location: Sangamon

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

The following requests for 4d(3) exemption were withdrawn by the Agency:

Agency: Department of Public Health
Position Title: Senior Public Service Administrator
Position Number: 40070-20-09-100-00-81
Division: Emergency Medical Services and Highway Safety
Incumbent: Leslee Stein-Spencer
Supervisor: SPSA 40070-20-09-000-00-01
Location: Cook County

Agency: Department of Public Health
Position Title: Senior Public Service Administrator
Position Number: 40070-20-11-000-00-01
Division: Physical Services
Incumbent: Patrick Tavine
Supervisor: SPSA 40070-20-10-000-00-01
Location: Sangamon County

Agency: Department of Public Health
Position Title: Senior Public Service Administrator
Position Number: 40070-20-24-000-00-01
Division: Illinois Center for Health Statistics
Incumbent: Merwyn Nelson
Supervisor: SPSA 40070-20-20-000-00-81
Location: Sangamon County

Agency: Department of Public Health
Position Title: Senior Public Service Administrator
Position Number: 40070-20-80-300-00-01
Division: Health Systems Development
Incumbent: Vacant
Supervisor: SPSA 40070-20-80-000-00-81
Location: Sangamon

Agency: Department of Public Health
Position Title: Senior Public Service Administrator
Position Number: 40070-20-34-000-00-01
Division: Oral Health
Incumbent: Lewis Lampiris
Supervisor: SPSA 40070-20-30-000-00-81
Location: Sangamon

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

Agency: Department of Public Health
Position Title: Senior Public Service Administrator
Position Number: 40070-20-09-200-00-01
Division: Emergency Preparedness and Response
Incumbent: Donald Kauerauf
Supervisor: SPSA 40070-20-09-000-00-01
Location: Sangamon County

Agency: Department of Public Health
Position Title: Senior Public Service Administrator
Position Number: 40070-20-13-000-00-01
Division: Accounting Services
Incumbent: Vacant
Supervisor: SPSA 40070-20-10-000-00-01
Location: Sangamon County

Agency: Department of Public Health
Position Title: Senior Public Service Administrator
Position Number: 0070-20-14-000-00-01
Division: Vital Records
Incumbent: Vacant
Supervisor: SPSA 40070-20-10-000-00-01
Location: Sangamon County

Agency: Department of Public Health
Position Title: Senior Public Service Administrator
Position Number: 40070-20-22-000-00-01
Division: Epidemiologic Studies
Incumbent: Tiefu Shen
Supervisor: SPSA 40070-20-20-000-00-81
Location: Sangamon County

Agency: Department of Public Health
Position Title: Senior Public Service Administrator
Position Number: 40070-20-46-000-00-01
Division: Assisted Living
Incumbent: Vacant
Supervisor: SPSA 40070-20-40-000-00-01
Location: Sangamon County

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

Agency: Department of Public Health
Position Title: Senior Public Service Administrator
Position Number: 40070-20-80-200-00-01
Division: Rural Health
Incumbent: Mary Ring
Supervisor: SPSA 40070-20-80-000-00-81
Location: Sangamon County

Agency: Department of Public Health
Position Title: Senior Public Service Administrator
Position Number: 40070-20-61-000-00-01
Division: Women's Health and Senior Health
Incumbent: Pamela Balmer
Supervisor: SPSA 40070-20-60-000-00-81
Location: Sangamon County

Agency: Department of Public Health
Position Title: Senior Public Service Administrator
Position Number: 40070-20-32-000-00-01
Division: Chronic Disease Prevention and Control
Incumbent: Cornelia 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: 40070-20-52-000-00-01
Division: Food, Drugs and Dairies
Incumbent: Vacant
Supervisor: Medical Administrator 3 26404-20-50-000-00-02
Location: Sangamon County

Agency: Department of Public Health
Position Title: Senior Public Service Administrator
Position Number: 40070-20-38-000-00-01
Division: Health Promotion and Education
Incumbent: Mark Schmidt
Supervisor: SPSA 40070-20-30-000-00-81
Location: Sangamon County

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

Agency: Department of Public Health
Position Title: Senior Public Service Administrator
Position Number: 40070-20-37-000-00-01
Division: Health Assessment and Screening
Incumbent: Ronald Brown
Supervisor: SPSA 40070-20-30-000-00-81
Location: Sangamon County

Agency: Department of Public Health
Position Title: Senior Public Service Administrator
Position Number: 40070-20-53-000-00-01
Division: Environmental Health
Incumbent: Vacant
Supervisor: SPSA 40070-20-50-000-00-02
Location: Sangamon County

Agency: Department of Public Health
Position Title: Senior Public Service Administrator
Position Number: 40070-20-51-000-00-01
Division: Infectious Diseases
Incumbent: Vacant
Supervisor: SPSA 40070-20-50-000-00-02
Location: Sangamon County

Agency: Department of Public Health
Position Title: Senior Public Service Administrator
Position Number: 40070-20-54-000-00-01
Division: Statewide Health Protection Support Services
Incumbent: Vacant
Supervisor: SPSA 40070-20-50-000-00-02
Location: Sangamon

Agency: Department of Public Health
Position Title: Senior Public Service Administrator
Position Number: 40070-20-55-000-00-31
Division: Laboratories
Incumbent: David Maserang
Supervisor: SPSA 40070-20-54-000-00-01
Location: Sangamon County

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

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

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: SPSA 40070-20-47-000-00-81
Location: Sangamon County

Agency: Department of Public Health
Position Title: Senior Public Service Administrator
Position Number: 40070-20-42-000-00-01
Division: Administrative Rules and Procedures
Incumbent: Patricia Heidenreich
Supervisor: SPSA 40070-20-40-000-00-01
Location: Sangamon County

Agency: Department of Children & Family Services
Position Title: Senior Public Service Administrator
Position Number: 40070-16-09-200-00-01
Division: Planning and Performance Management
Incumbent: Vacant
Supervisor: SPSA 40070-16-09-000-00-01
Location: Sangamon County

Agency: Department of Employment Security
Position Title: Senior Public Service Administrator
Position Number: 40070-44-33-000-00-01
Division: Office of Support Services
Incumbent: Vacant
Supervisor: SPSA 40070-44-30-000-00-01
Location: Cook

Agency: Department of Human Services
Position Title: Senior Public Service Administrator
Position Number: 40070-10-11-210-00-01
Division: Office of Human Resources
Incumbent: Vacant
Supervisor: SPSA 40070-10-11-200-00-01
Location: Cook

September 18, 2003

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

Agency: Department of Human Services
Position Title: Senior Public Service Administrator
Position Number: 40070-10-11-250-00-01
Division: Office of Human Resources
Incumbent: Vacant
Supervisor: SPSA 40070-10-11-200-00-01
Location: Cook

Agency: Department of Human Services
Position Title: Public Service Administrator
Position Number: 37015-10-09-100-00-29
Division: Office of Hispanic/Latino Affairs
Incumbent: Vacant
Supervisor: Senior Public Service Administrator
(40070-10-09-000-00-29)
Location: Cook

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

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

Agency: Department of Public Health
Position Title: Senior Public Service Administrator
Position Number: 40070-20-09-000-00-01
Division: Public Health Preparedness
Incumbent: Michelle Gentry-Wiseman
Supervisor: Assistant Director
Location: Sangamon County

Agency: Department of Employment Security
Position Title: Senior Public Service Administrator
Position Number: 40070-44-03-000-00-02
Division: Director's Office
Incumbent: Vacant
Supervisor: Director Russell
Location: Cook County

Agency: Illinois Criminal Justice Information Authority
Position Title: Senior Public Service Administrator
Position Number: 40070-50-05-500-00-01
Division: Information Systems Unit
Incumbent: Carl S. Prisoc
Supervisor: Executive Director
Location: Cook County

Agency: Department of Corrections
Position Title: Senior Public Service Administrator
(Assistant Warden of Programs)
Position Number: 40070-29-80-200-00-01
Division: Sheridan Correctional Center
Incumbent: Vacant
Supervisor: Senior Public Service Administrator (Warden)
Location: LaSalle County

Agency: Department of Corrections
Position Title: Senior Public Service Administrator
(Assistant Warden of Operations)
Position Number: 40070-29-80-300-00-01
Division: Sheridan Correctional Center
Incumbent: Vacant
Supervisor: Senior Public Service Administrator (Warden)
Location: LaSalle County

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

Agency: State Fire Marshal
Position Title: Public Service Administrator
Position Number: 37015-50-50-000-05-84
Division: Executive
Incumbent: Vacant
Supervisor: State Fire Marshal
Location: Springfield

Agency: Department of Human Services
Position Title: Senior Public Service Administrator
Position Number: 40070-10-11-000-00-01
Division: Office of Human Resources
Incumbent: Alice Kirby
Supervisor: SPSA 40070-10-00-500-00-01
Location: Sangamon

Agency: Commerce and Economic Opportunity
Position Title: Senior Public Service Administrator
Position Number: 40070-42-10-000-00-01
Division: Bureau of Economic Development
Incumbent: Vacant
Supervisor: Director
Location: Cook County

Agency: Commerce and Economic Opportunity
Position Title: Senior Public Service Administrator
Position Number: 40070-42-10-000-05-01
Division: Bureau of Economic Development
Incumbent: Vacant
Supervisor: SPSA 40070-42-10-000-00-01
Location: Cook County

Agency: Commerce and Economic Opportunity
Position Title: Senior Public Service Administrator
Position Number: 40070-42-10-050-00-01
Division: Bureau of Economic Development
Incumbent: Vacant
Supervisor: SPSA 40070-42-10-000-00-01
Location: Cook County

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

Agency: Commerce and Economic Opportunity
Position Title: Senior Public Service Administrator
Position Number: 40070-42-10-100-00-01
Division: Bureau of Economic Development
Incumbent: Vacant
Supervisor: SPSA 40070-42-10-000-00-01
Location: Winnebago County

Agency: Commerce and Economic Opportunity
Position Title: Senior Public Service Administrator
Position Number: 40070-42-10-200-00-01
Division: Bureau of Economic Development
Incumbent: Vacant
Supervisor: SPSA 40070-42-10-000-00-01
Location: Rock Island County

Agency: Commerce and Economic Opportunity
Position Title: Senior Public Service Administrator
Position Number: 40070-42-10-300-00-01
Division: Bureau of Economic Development
Incumbent: Vacant
Supervisor: SPSA 40070-42-10-000-00-01
Location: Champaign County

Agency: Commerce and Economic Opportunity
Position Title: Senior Public Service Administrator
Position Number: 40070-42-10-400-00-01
Division: Bureau of Economic Development
Incumbent: Vacant
Supervisor: SPSA 40070-42-10-000-00-01
Location: Sangamon County

Agency: Commerce and Economic Opportunity
Position Title: Senior Public Service Administrator
Position Number: 40070-42-10-500-00-01
Division: Bureau of Economic Development
Incumbent: Vacant
Supervisor: SPSA 40070-42-10-000-00-01
Location: Peoria County

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

Agency: Commerce and Economic Opportunity
Position Title: Senior Public Service Administrator
Position Number: 40070-42-10-600-00-01
Division: Bureau of Economic Development
Incumbent: Vacant
Supervisor: SPSA 40070-42-10-000-00-01
Location: Adams County

Agency: Commerce and Economic Opportunity
Position Title: Senior Public Service Administrator
Position Number: 40070-42-10-700-00-01
Division: Bureau of Economic Development
Incumbent: Vacant
Supervisor: SPSA 40070-42-10-000-00-01
Location: Effingham County

Agency: Commerce and Economic Opportunity
Position Title: Senior Public Service Administrator
Position Number: 40070-42-10-800-00-01
Division: Bureau of Economic Development
Incumbent: Vacant
Supervisor: SPSA 40070-42-10-000-00-01
Location: Williamson County

Agency: Commerce and Economic Opportunity
Position Title: Senior Public Service Administrator
Position Number: 40070-42-10-900-00-01
Division: Bureau of Economic Development
Incumbent: Vacant
Supervisor: SPSA 40070-42-10-000-00-01
Location: Madison County

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-70-000-10-05
Division: Legal Services/Property Management and Claims
Incumbent: Vacant
Supervisor: Chief Legal Counsel
Location: Sangamon

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

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-70-000-10-04
Division: Legal Services/Procurement
Incumbent: Vacant
Supervisor: Chief Legal Counsel
Location: Sangamon

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-70-000-10-03
Division: Legal Services/Communications Computer/Information Services
Incumbent: Vacant
Supervisor: Chief Legal Counsel
Location: Sangamon

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-70-000-10-02
Division: Legal Services/Benefits & Personnel
Incumbent: Vacant
Supervisor: Chief Legal Counsel
Location: Sangamon

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-70-000-10-01
Division: Legal Services/Administration and Support Services
Incumbent: Vacant
Supervisor: Chief Legal Counsel
Location: Sangamon

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.

Dismissal

Kuhr, Marilyn Technical Advisor II Children & Family Services

CHARGE: Conduct Unbecoming, being that she attempted to use the authority of the Office of Inspector General (OIG) for personal reasons; and unauthorized removal of OIG documents from OIG office

Request for hearing filed: October 2, 2001

The parties represented to Administrative Law Judge Sacks that this matter has been settled. However, the Commission has not received any documentation confirming this. On August 4, 2003, Administrative Law Judge Sacks issued a rule to show cause to the parties, directing their appearance at the September 18, 2003 public meeting and stating that the matter will be dismissed if they fail to appear.

An executed Stipulation of Dismissal with Prejudice was submitted to the Commission immediately prior to the meeting.

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER FABRIZIO, AND THE MOTION UNANIMOUSLY ADOPTED TO CONCUR WITH THE STAFF DECISION (AS ORALLY PRESENTED BY THE EXECUTIVE DIRECTOR) TO ACCEPT THE STIPULATION AND DISMISS THE APPEAL.

VI. APPEALS DENIED

Layoff

Linda A. Kane

On June 13, 2003, the Commission received a letter from Linda A. Kane requesting a hearing concerning her layoff from her position with the Department of Corrections. Ms. Kane was advised by letter dated June 17, 2003 to specify in writing within 20 days those questions of compliance with the Personnel Code and/or Rules raised by the layoff and also to submit copies of any available documents or other information to support her allegations of noncompliance. Ms. Kane did not respond to the request. Therefore, Ms. Kane was advised by letter dated August 19, 2003 that her appeal would be dismissed for lack of prosecution.

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

VII. ADMINISTRATIVE REVIEW APPEALS

Circuit Court – Dismissal

| <u>Case No.</u> | <u>Name</u> | <u>County</u> | <u>Record Filed</u> |
|-----------------|-------------------|---------------|---------------------|
| DA-96-03 | Jeff Johnson | Sangamon | Pending |
| DA-97-03 | Diane Hurrelbrink | Sangamon | Pending |

VIII. 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 APPEALS OF DISMISSAL FILED WITH THE COMMISSION.

IX. 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 10:12 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; Mike Grady, HR, DCEO; Alice Kirby, HR Manager, DHS; Teyonda Wertz, Chief of Staff, DHS; Madelynne Brown, Sarah Vega, Catherine Narup, Jeff Fulgenzi, Annette Fulgenzi, Ellen Grace Fulgenzi, Jennifer Vespa, Nick Vespa, Leslie Barrow, Bennett R. Krause, Fred

September 18, 2003

Kimble, Mike Ramsey, Louis Bertucci, Philip Wyatt, Katherine Parker, Peg Booker and family, Leonard Sherman, John Kerley, Deborah Golden, Deputy General Counsel, Mike Brody, Jeffrey Kulwin, Sinéad Rice Madigan, Joan Messina, Michael P. Murphy, Bill Krapf, Judi Keller, Orpha Krapf, and Flora Ciarlo.

X. ORAL ARGUMENTS

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

Jerry R. Turnbull, DA-32-03
Sarah D. Vega, DA-33-03
Joseph L. Hampton, Jr., DA-34-03
Brad Cole, DA-37-03
Joan K. Messina, DA-38-03
Jeffrey A. Fulgenzi, DA-42-03
Linda LeBegue, DA-43-03
Edward J. Harmeyer, DA-45-03
Fred R. Kimble, DA-46-03
David J. Urbanek, DA-47-03
Laraine E. Williams, DA-50-03
Michael P. Murphy, DA-51-03
Leslie A. Barrow, DA-52-03
Susan C. Nelson, DA-54-03
Nancy D. Woodward, DA-55-03
Candice D. Trees, DA-56-03
Flora Ciarlo, DA-60-03
Gary Crompton, DA-61-03
Philip A. Wyatt, DA-63-03
Katherine A. Parker, DA-66-03
Nick Vespa, DA-67-03
Matt Overaker, DA-68-03
Julie A. Dutton, DA-69-03
Sinéad Rice Madigan, DA-71-03
Catherine M. Narup, DA-72-03
Madelynne L. Brown, DA-78-03
Fred Backfield, DA-80-03
Peggy Booker, DA-82-03

XI. 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.

XII. 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 2:12 p.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; Mike Grady, HR, DCEO; Alice Kirby, HR Manager, DHS; Teyonda Wertz, Chief of Staff, DHS; Madelynne Brown, Sarah Vega, Catherine Narup, Jeff Fulgenzi, Annette Fulgenzi, Ellen Grace Fulgenzi, Jennifer Vespa, Nick Vespa, Leslie Barrow, Bennett R. Krause, Fred Kimble, Mike Ramsey, Louis Bertucci, Philip Wyatt, Katherine Parker, Peg Booker and family, Leonard Sherman, John Kerley, Deborah Golden, Deputy General Counsel, Mike Brody, Jeffrey Kulwin, Sinéad Rice Madigan, Joan Messina, Michael P. Murphy, Bill Krapf, Judi Keller, Orpha Krapf, and Flora Ciarlo.

XIII. MOTION TO GO INTO EXECUTIVE SESSION

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

XIV. 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 2:35 p.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; Mike Grady, HR, DCEO; Alice Kirby, HR Manager, DHS; Teyonda Wertz, Chief of Staff, DHS; Madelynne Brown, Sarah Vega, Catherine Narup, Jeff Fulgenzi, Annette Fulgenzi, Ellen Grace Fulgenzi, Jennifer Vespa, Nick Vespa, Leslie Barrow, Bennett R. Krause, Fred Kimble, Mike Ramsey, Louis Bertucci, Philip Wyatt, Katherine Parker, Peg Booker and family, Leonard Sherman, John Kerley, Deborah Golden, Deputy General Counsel, Mike Brody, Jeffrey Kulwin, Sinéad Rice Madigan, Joan Messina, Michael P. Murphy, Bill Krapf, Judi Keller, Orpha Krapf, and Flora Ciarlo.

XV. 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.

On August 18, 2003, the Commission received a request from Mr. Bertucci to continue this matter, pending his Freedom of Information Act request. Accordingly, the Commission continued this matter until September, 2003. On September 9, 2003, Mr. Bertucci's response was received by the Commission.

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

XVI. PUBLICLY ANNOUNCED DECISIONS

Dismissals

| <u>Name</u> | <u>Title</u> | <u>Department</u> |
|-------------------|----------------------------------|---------------------|
| Bennett R. Krause | Sr. Public Service Administrator | Employment Security |

CHARGE: Falsified information on his CMS 100 and CMS 100B employment applications and CMS 284 applicant background form.

Request for hearing filed: June 16, 2003

RESULTS: It was the decision of the Administrative Law Judge that the charge for discharge for providing false information to the question "Have you ever been fired from a job?" had been proved and that said proven charge warranted the discharge of the Respondent. The Commission did not agree with the Administrative Law Judge and instead found that the charges had not been proved. The discharge was reversed and the employee was returned to work.

Administrative Law Judge: Daniel Stralka

Decision dated: 9-18-03

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DORGAN, AND THE MOTION UNANIMOUSLY ADOPTED TO REVERSE THE DISCHARGE OF BENNETT R. KRAUSE AND RETURN HIM TO HIS POSITION.

| | | |
|------------------|--------------------|----------------|
| Holbrook, Robert | Highway Maintainer | Transportation |
|------------------|--------------------|----------------|

CHARGE: Failure to possess a valid drivers license, a requirement of his position, and failure to report drivers license suspension to his supervisor.

Request for hearing filed: July 8, 2003

RESULTS: The Administrative Law Judge found that the written charge for discharge had been proved, but the unique factual circumstances surrounding the discharge did not rise to the level which sound public opinion recognizes as good cause for the employee to be discharged. A 90-day suspension was substituted in lieu of discharge.

Administrative Law Judge: Daniel Stralka

Decision dated: 9-18-03

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL, AND THE MOTION UNANIMOUSLY ADOPTED TO ADOPT THE RECOMMENDED DECISION OF THE ADMINISTRATIVE LAW JUDGE AND SUSPEND THE RESPONDENT, ROBERT HOLBROOK, FROM HIS POSITION OF HIGHWAY MAINTAINER WITH THE ILLINOIS

September 18, 2003

XVI. PUBLICLY ANNOUNCED DECISIONS (continued)

DEPARTMENT OF TRANSPORTATION, FOR A PERIOD OF 90 DAYS IN LIEU OF DISCHARGE.

Crompton, Gary Sr. Public Service Administrator Professional Regulation

CHARGE: Appointment was accomplished by illegally promulgated Rules.

Request for hearing filed: January 31, 2003

RESULTS: It was found that the Respondent was a probationary employee at the time of his discharge. Mr. Crompton's appeal was denied and his discharge upheld.

Administrative Law Judge: Leonard F. Sacks

Decision dated: 9-18-03

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER FABRIZIO, AND THE MOTION UNANIMOUSLY ADOPTED TO ADOPT THE RECOMMENDED DECISION OF THE ADMINISTRATIVE LAW JUDGE AND UPHOLD THE DISCHARGE OF THE RESPONDENT, GARY CROMPTON, FROM HIS POSITION OF SENIOR PUBLIC SERVICE ADMINISTRATOR WITH THE DEPARTMENT OF PROFESSIONAL REGULATION.

XVI. PUBLICLY ANNOUNCED DECISIONS (continued)

JCAR Cases

| | | |
|------------------------|--------|--------------------------------------|
| Jerry R. Turnbull | SPSA | Guardianship & Advocacy Commission |
| Sarah D. Vega | SPSA | Department of Financial Institutions |
| Joseph L. Hampton, Jr. | SPSA | Department of Natural Resources |
| Brad Cole | SPSA | Central Management Services |
| Joan K. Messina | SPSA | Department of Agriculture |
| Jeffrey A. Fulgenzi | SPSA | Department of Natural Resources |
| Linda LeBegue | SPSA | Department of Revenue |
| Edward J. Harmeyer | SPSA | Department of Revenue |
| Fred R. Kimble | SPSA | Department on Aging |
| David J. Urbanek | SPSA | Illinois Building Commission |
| Laraine E. Williams | SPSA | Department of Public Aid |
| Michael P. Murphy | SPSA | Commerce and Economic Opportunity |
| Leslie A. Barrow | PSA | Central Management Services |
| Susan C. Nelson | PSA | Central Management Services |
| Nancy D. Woodward | SPSA | Department of Human Services |
| Candice D. Trees | SPSA | Department of Revenue |
| Flora Ciarlo | SPSA | Commerce and Economic Opportunity |
| Philip A. Wyatt | SPSA | Department of Revenue |
| Katherine A. Parker | SPSA | Department of Human Services |
| Nick Vespa | SPSA | Department of Corrections |
| Matt Overaker | SPSA | Department of Corrections |
| Julie A. Dutton | PIO IV | Central Management Services |
| Sinéad Rice Madigan | SPSA | Department of Insurance |
| Catherine M. Narup | SPSA | Department of Public Health |
| Madelynne L. Brown | SPSA | Department of Insurance |
| Fred Backfield | SPSA | Department of Public Aid |
| Peggy Booker | AAII | Department of Agriculture |

CHARGES: Appointment was accomplished by illegally promulgated Rules.

At this time, the Commission considered Petitioners' Motion to Dismiss for Lack of Jurisdiction filed in the JCAR cases.

IT WAS MOVED BY COMMISSIONER DORGAN, SECONDED BY COMMISSIONER FABRIZIO, AND THE MOTION UNANIMOUSLY ADOPTED TO DENY PETITIONERS' MOTION TO DISMISS FOR LACK OF JURISDICTION.

The Response to Recommended Decision filed by attorney Leonard Sherman on behalf of Respondents Sarah D. Vega (DA-33-03) and Madelynne Brown (DA-78-03), clarifying and correcting certain typographical mistakes, was read into the record by Leonard Sacks and acknowledged by attorney Leonard Sherman.

The Motion to Clarify filed by attorney Richard H. Narup on behalf of Respondent Jeffrey A. Fulgenzi (DA-42-03) was accepted by the Commission.

XVI. PUBLICLY ANNOUNCED DECISIONS (continued)

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER FABRIZIO, AND THE MOTION ADOPTED TO ACCEPT THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION TO REINSTATE RESPONDENTS INTO THEIR RESPECTIVE POSITIONS THEY OCCUPIED AT THE TIME OF THEIR DISCHARGE, WITH FULL COMPENSATION IN ACCORDANCE WITH THE PERSONNEL CODE. COMMISSIONERS DORGAN AND EWELL DISSENTED. MOTION CARRIED.

XVII. 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 August 31, 2003.

| | <u>7/31/03</u> | <u>8/31/03</u> |
|-----------------------------|----------------|----------------|
| Agriculture | 5 | 5 |
| Central Management Services | 1 | 8 |
| Corrections | 1 | 0 |
| Historic Preservation | 2 | 2 |
| Human Services | 0 | 1 |
| Labor | 1 | 0 |
| Lottery | 1 | 1 |
| Natural Resources | 29 | 31 |
| Public Health | 3 | 2 |
| State Retirement Systems | 1 | 1 |
| Transportation | 2 | 2 |
| Veterans Affairs | <u>1</u> | <u>0</u> |
| | 47 | 53 |

XVIII. STAFF REPORT

The Executive Director distributed copies of the draft Web site and requested that the Commissioners update and return their biographies.

XIX. ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, October 16, 2003 at 9:00 a.m. in the Commission's Chicago Office.

September 18, 2003

XX. MOTION TO ADJOURN.

**IT WAS MOVED BY COMMISSIONER FABRIZIO, SECONDED BY
COMMISSIONER PETERSON, AND THE MOTION UNANIMOUSLY
ADOPTED TO ADJOURN THE MEETING.**