

October 20, 2005

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
October 20, 2005

I. OPENING OF MEETING AT 9:13 A.M. AT 160 NORTH LASALLE STREET,
SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman participated through conference call; Raymond W. Ewell, Barbara J. Peterson, Betty Bukraba and George E. Richards Commissioners; Daniel Stralka and Andrew Barris of the Commission staff; Bobbie Wanzo, Illinois Department of Human Rights; and Elizabeth Gil, Illinois Department of Human Services.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD SEPTEMBER 15,
2005

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY
COMMISSIONER PETERSON AND THE MOTION UNANIMOUSLY
ADOPTED TO APPROVE THE MINUTES OF THE REGULAR MEETING
HELD SEPTEMBER 15, 2005**

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.....	153	8
Agriculture.....	518	17
Arts Council	22	1
Capitol Development Board	17	0
Central Management Services	1663	120
Children and Family Services.....	3337	41
Civil Service Commission.....	3	0
Commerce & Econ. Opportunity.....	448	61
Commerce Commission	43	0
Corrections	14,138	117
Criminal Justice Authority	82	6
Deaf and Hard of Hearing Comm.....	5	1
Developmental Disabilities Council.....	13	1
Emergency Management Agency.....	112	1
Employment Security	1892	26
Environmental Protect. Agency.....	1079	16
Fin. & Prof. Regulation	800	41
Guardianship and Advocacy	109	5
Healthcare and Family Services.....	2189	28
Historic Preservation Agency.....	300	12
Human Rights Commission.....	11	2
Human Rights Department.....	130	6
Human Services.....	14,791	59
Investment Board	4	2
Labor	75	7
Labor Relations Board Educational.....	16	2
Labor Relations Board Local.....	1	0
Labor Relations Board State.....	18	2
Law Enforce. Trng. & Standard Bd.....	23	1
Medical District Comm.	2	0
Military Affairs.....	142	3
Natural Resources.....	1555	27
Pollution Control Board	26	3
Prisoner Review Board.....	23	0
Property Tax Appeal Board.....	23	2
Public Health	1105	35
Revenue.....	2029	59
State Fire Marshal	137	9
State Police.....	1453	6
State Police Merit Board	5	1
State Retirement Systems	81	1
Transportation	2850	1
Veterans Affairs	1118	5
Workers Comp. Commission	166	10
TOTALS.....	52,707	746

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.

* * *

C. Requests for 4d(3) Exemption

- Regarding Item C, Executive Director Daniel Stralka, reported that the staff had questions regarding the reporting structure of the agency and how this structure related to the position. The agency withdrew the position from consideration by the Commission.
- Regarding Item D, Executive Director Daniel Stralka reported that he spoke to Mark Magill at CMS regarding a clarification of the position's responsibilities and the reporting structure of the agency. Chairman Kolker inquired about the size of the agency and how it affects the reporting structure. Stralka reported that due to the size, historically the Commission has not demanded strict compliance with the reporting requirement as it relates to the Department of Human Services. For these reasons, the staff recommended exemption.
- Regarding Item E, Executive Director Daniel Stralka reported that the position met the reporting and policy making requirements of Rule 11. Stralka acknowledged the reference made by CMS to the Equal Employment Officer in the Department of Revenue and its relationship to the proposed position in that the size of the Agency is a consideration in determining whether exemption is appropriate for such positions. For these reasons, the staff recommended exemption.
- Regarding Item F, Executive Director Daniel Stralka reported that the proposed position met the reporting and policy making requirements of Rule 11. Commissioner Richards asked about the existence of an incumbent in the position. Stralka explained the difference between an incumbent and a provisional appointment and that, although a party may be provisionally appointed to a position, it does not mean that person is also an incumbent.
- Regarding Item G, Executive Director Stralka reported that the position met the policy making and reporting requirements of Rule 11. For these reasons, the staff recommended exemption.
- Regarding Items H1 and H2, Executive Director Stralka reported that the positions met the policy making and reporting requirements of Rule 11. For these reasons, the staff recommended exemption.
- Regarding Items I and J, Executive Director Stralka reported that the positions met the policy making and reporting requirements of Rule 11. For these reasons, the staff recommended exemption.
- Regarding Items K1-K4, the staff had questions about how the positions proposed for exemption related to the organizational structure of the agency. The agency withdrew the positions from consideration by the Commission.
- Regarding Items L and M, the staff recommended the rescission of the positions' 4d(3) exemptions because the positions no longer met the requirements of Rule 11.

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IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER EWELL AND THE MOTION UNANIMOUSLY ADOPTED TO GRANT OR RESCIND THE REQUESTS FOR 4d(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

The following 4d(3) requests for exemption were granted at the October 20, 2005 meeting:

Position Number	40070-10-11-700-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Training and Development
Functional Title	Bureau Chief, Training and Development
Incumbent	None
Supervisor	Bureau Chief, Human Resources (reports to Chief Operations Officer who reports to Secretary)
Location	Cook

Position Number	37015-12-00-210-00-01
Position Title	Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Equal Employment Opportunity Officer
Incumbent	None
Supervisor	Director
Location	Sangamon

Position Number	40070-10-00-000-11-01
Position Title	Senior Public Service Administrator
Bureau/Division	Secretary's Office
Functional Title	Governor's Office Liaison
Incumbent	None
Supervisor	Secretary
Location	Cook

Position Number	40070-37-00-000-10-04
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Deputy Chief Operating Officer
Incumbent	None
Supervisor	Chief Operating Officer (reports to Director)
Location	Cook

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Position Number	40070-49-10-300-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Administration
Functional Title	Operations Manager
Incumbent	Burley D. Howard
Supervisor	Director
Location	Cook

Position Number	40070-49-30-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Compliance Division
Functional Title	Manager, Compliance Division
Incumbent	None
Supervisor	Director
Location	Cook

Position Number	40070-13-05-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Administrative Services
Functional Title	Deputy Director, Administrative Services
Incumbent	None
Supervisor	Secretary
Location	Cook

Position Number	40070-13-20-150-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Consumer Credit, Financial Institutions
Functional Title	Manager, Consumer Credit
Incumbent	None
Supervisor	Director, Financial Institutions (a Senate approved position that reports to Secretary)
Location	Cook

The following 4d(3) exemptions were rescinded at the October 20, 2005 meeting:

Position Number	40070-37-00-000-15-04
Position Title	Senior Public Service Administrator
Bureau/Division	Program Management
Functional Title	Initiative Administrator
Incumbent	None
Supervisor	Director
Location	Cook

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Position Number	00501-50-37-500-20-02
Position Title	Administrative Assistant 1
Bureau/Division	Arbitration Support
Functional Title	Staff Assistant
Incumbent	Joanne R. Cozzo
Supervisor	Manager, Arbitration Support Unit
Location	Cook

V. MOTION TO GO INTO EXECUTIVE SESSION

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY CHAIRMAN PETERSON AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS OF DISMISSAL FILED WITH THE COMMISSION PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4) and 2(c)(11) OF THE OPEN MEETINGS ACT.

PETERSON	YES	KOLKER	YES
EWELL	YES	BUKRABA	YES
RICHARDS	YES		

VI. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle, Suite S-901, Chicago, Illinois at 10:20 a.m.

VII. 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 September 30, 2005.

Agency	August 31, 2005	September 30, 2005
Agriculture	3	4
Central Management Services	5	5
Children & Family Services	7	5
Comm. & Econ. Opportunity	1	1
Healthcare & Family Services	10	12
Historic Preservation	31	22
Human Rights	1	1
Natural Resources	26	18
State Fire Marshal	2	0
State Retirement Systems	1	1
Transportation	11	42
Total	98	111

VIII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

- LAYOFF APPEAL

LA-22-05

Petitioner	Diane Kitchen	Appeal Date	10/27/04
Agency	DNR	Decision Date	9/28/05
Type of Appeal	Layoff Appeal	ALJ	Daniel Stralka
Charge(s)	Violation of Personnel Rules	Proposed Finding	No Violation

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER BUKRABA AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO AFFIRM THE ADMINISTRATIVE LAW JUDGE'S PROPOSED FINDING THAT THERE IS NO VIOLATION OF PERSONNEL RULES.

PETERSON	YES	KOLKER	YES
EWELL	YES	BUKRABA	YES
RICHARDS	YES		

- LAYOFF APPEAL

LA-34-05

Petitioner	Barbara Rebbe	Appeal Date	12/16/04
Agency	DFPR	Decision Date	9/28/05
Type of Appeal	Layoff Appeal	ALJ	Andrew Barris
Charge(s)	Violation of Personnel Rules	Proposed Finding	No Violation

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER BUKRABA AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO AFFIRM THE ADMINISTRATIVE LAW JUDGE'S PROPOSED FINDING THAT THERE WAS NO VIOLATION OF PERSONNEL RULES.

PETERSON	YES	KOLKER	YES
EWELL	YES	BUKRABA	YES
RICHARDS	YES		

- **CONSOLIDATED LAYOFF APPEAL¹**

LA-42-05

Petitioner	Timothy D. Kielar	Appeal Date	1/25/05
Agency	DNR	Decision Date	9/28/05
Type of Appeal	Layoff Appeal	ALJ	Andrew Barris
Charge(s)	Violation of Personnel Rules	Proposed Finding	No Violation with the exception of LA-45-05 in which reinstatement is ordered for failure to provide an explanation for any layoff not in order of continuous service.

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER BUKRABA AND THE MOTION ADOPTED 4-0 TO GRANT THE PETITIONER'S MOTION FOR AN EXTENSION OF TIME UNTIL OCTOBER 31, 2005 TO FILE A RESPONSE TO THE PROPOSED FINDING.

¹ The following layoff appeals were consolidated under Timothy D. Kielar, LA-42-05: Jeffrey Wepprecht, LA-43-05; Charles Montgomery, LA-44-05; Loren Swanson, LA-45-05; David Pinski, LA-46-05; Andy K. West, LA-47-05; Robert Myers, LA-48-05; Nick Ignelzi, LA-49-05; Ray Coleman, LA-50-05; Molie Oliver, LA-52-05; and Greg Behm, LA-53-05.

PETERSON	YES	KOLKER	ABSTAINED
EWELL	YES	BUKRABA	YES
RICHARDS	YES		

- **CONSOLIDATED LAYOFF APPEAL²**

LA-61-05

Petitioner	Richard Belcher	Appeal Date	3/15/05
Agency	CMS	Decision Date	9/28/05
Type of Appeal	Layoff Appeal	ALJ	Andrew Barris
Charge(s)	Violation of Personnel Rules	Proposed Finding	No Violation

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER BUKRABA AND THE MOTION ADOPTED 4-0 TO AFFIRM THE ADMINISTRATIVE LAW JUDGE'S PROPOSED FINDING THAT THERE WAS NO VIOLATION OF PERSONNEL RULES.

PETERSON	YES	KOLKER	ABSTAINED
EWELL	YES	BUKRABA	YES
RICHARDS	YES		

- **DISCHARGE APPEAL**

DA-74-05

Respondent	Julian D. Delmore	Appeal Date	4/15/05
Agency	DOC	Decision Date	10/7/05
Type of Appeal	Discharge Appeal	ALJ	Andrew Barris
Charge(s)	Socializing with an offender without permission; Providing false information; Falsification of employment application	Recommended Decision	Charges partially proven; ALJ recommends 90-day suspension in lieu of discharge

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER BUKRABA AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM THE RECOMMENDED DECISION OF

² The following layoff appeals were consolidated under Richard Belcher, LA-61-05: Richard Cruse, LA-62-05; Henry Daufenbach, LA-63-05; Andrew Eldred, LA-64-05; David Levan, LA-65-05; Jerald Margaron, LA-66-05; James McDougall, LA-67-05; Larry Opiola, LA-68-05; Richard Owsley, LA-69-05; Steve Peterson, LA-70-05; Gary Swick, LA-71-05; and Robert Tipsword, LA-72-05.

THE ADMINISTRATIVE LAW JUDGE THAT THE CHARGES WERE PARTIALLY PROVEN AND THAT SAID PROVEN CHARGES WARRANT A 90-DAY SUSPENSION FOR DISCIPLINARY PURPOSES IN LIEU OF DISCHARGE.

PETERSON	YES	KOLKER	YES
EWELL	YES	BUKRABA	YES
RICHARDS	YES		

IX. APPEALS TERMINATED WITHOUT DECISION

• DISMISSAL

DA-01-06

Respondent	James M. Caldwell	Appeal Date	7/7/05
Agency	DOC	Decision Date	10/6/05
Type of Appeal	Discharge	ALJ	Andrew Barris
Charge(s)	Patient Abuse; Failure to Perform Duties	Recommended Decision	Settlement - Dismissal Subject to Commission Approval.

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER BUKRABA AND THE MOTION ADOPTED 5-0 TO APPROVE THE ADMINISTRATIVE LAW JUDGE'S DECISION DISMISSING THE APPEAL OF THE PETITIONER, JAMES M. CALDWELL.

PETERSON	YES	KOLKER	YES
EWELL	YES	BUKRABA	YES
RICHARDS	YES		

• DISMISSAL

LA-36-05

Petitioner	Marcy Trowbridge	Appeal Date	12/17/04
Agency	DFPR	Decision Date	10/6/05
Type of Appeal	Layoff	ALJ	Andrew Barris
Charge(s)	Violation of Personnel Rules	Recommended Decision	Settlement - Dismissal Subject to Commission Approval.

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER BUKRABA AND THE MOTION ADOPTED 5-0 TO

APPROVE THE ADMINISTRATIVE LAW JUDGE'S DECISION DISMISSING THE APPEAL OF THE PETITIONER, MARCY TROWBRIDGE.

PETERSON	YES	KOLKER	YES
EWELL	YES	BUKRABA	YES
RICHARDS	YES		

- **DISMISSAL**

RV-07-06

Petitioner	Usha Kartan	Appeal Date	8/2/05
Agency	DHS	Decision Date	9/26/05
Type of Appeal	Rule Violation	ALJ	Daniel Stralka
Charge(s)	Violation of Personnel Code and Rules	Recommended Decision	Default-Failure to Provide Information; Dismissed Subject to Commission Approval.

- **DISMISSAL**

RV-08-06

Petitioner	Cristito Leyba	Appeal Date	8/2/05
Agency	DHS	Decision Date	9/26/05
Type of Appeal	Rule Violation	ALJ	Daniel Stralka
Charge(s)	Violation of Personnel Code and Rules	Recommended Decision	Default-Failure to Provide Information; Dismissed Subject to Commission Approval.

- **DISMISSAL**

RV-09-06

Petitioner	Jagnandan Garcha	Appeal Date	8/2/05
Agency	DHS	Decision Date	9/26/05
Type of Appeal	Rule Violation	ALJ	Daniel Stralka
Charge(s)	Violation of Personnel Code and Rules	Recommended Decision	Default-Failure to Provide Information; Dismissed Subject to Commission Approval.

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL AND THE MOTION ADOPTED 5-0 TO APPROVE THE ADMINISTRATIVE LAW JUDGE'S DECISIONS DISMISSING THE THREE APPEALS OF THE PETITIONERS, USHA KARTAN, CRISTITO LEYBA AND JAGNANDAN GARCHA.

PETERSON	YES	KOLKER	YES
EWELL	YES	BUKRABA	YES
RICHARDS	YES		

X. AMENDMENTS IN CLASS SPECIFICATIONS

None submitted.

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

XI. STAFF REPORT

- Executive Director Daniel Stralka reported on the installation of the new secure entry system at the expense of the general contractor.
- Executive Director Daniel Stralka discussed the Comptroller's concerns over anticipated expenditures for the Commission's 100th anniversary reception and advised the Commission.
- Executive Director Daniel Stralka reported that the draft audit report for FY 2004-2005 was received and contained no material findings and only one immaterial finding. Fiscal Officer Sandy Guppy was commended for her good work.
- Executive Director Daniel Stralka reported that the FY 2007 budget process has started with the Commission's initial budget submission due November 14, 2005.
- Executive Director Daniel Stralka reported that he participated in a multiple agency group discussion at the Illinois Association of Hispanic State Employees (IAHSE) on October 14, 2005.
- Executive Director Daniel Stralka notified the Commission that a new postage meter compatible with upcoming Postal Service regulations has been installed at the Springfield office.
- Assistant Executive Director Andrew Barris advised the Commission that the Affirmative Action Plan for FY 2006 has been approved.

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XII. ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, November 17, 2005 at 10:30 a.m. in the Commission's Springfield Office.

XIII. MOTION TO ADJOURN

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER BUKRABA AND THE MOTION UNANIMOUSLY ADOPTED TO ADJOURN THE MEETING AT 10:35 A.M.