

December 21, 2006

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
December 21, 2006

I. OPENING OF MEETING AT 9:20 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

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

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD NOVEMBER 16, 2006

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER PETERSON AND THE MOTION ADOPTED 5-0 TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 16, 2006.

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	137.....	9
Agriculture	488.....	17
Arts Council.....	22.....	2
Capitol Development Board	31.....	0
Central Management Services	1,610.....	111
Children and Family Services.....	3,368.....	41
Civil Service Commission	4.....	0
Commerce & Economic Opportunity	427.....	61
Commerce Commission.....	54.....	0
Corrections.....	12,505.....	101
Criminal Justice Authority.....	63.....	6
Deaf and Hard of Hearing Comm.	6.....	1
Developmental Disabilities Council	9.....	1
Emergency Management Agency	106.....	1
Employment Security.....	1,788.....	26
Environmental Protection Agency	1,086.....	18
Financial & Professional Regulation	803.....	42
Guardianship and Advocacy	114.....	7
Healthcare and Family Services.....	2,345.....	29
Historic Preservation Agency	264.....	11
Human Rights Commission	12.....	2
Human Rights Department	132.....	8
Human Services	14,807.....	64
Investment Board.....	5.....	2
Juvenile Justice	1,312.....	18
Labor.....	75.....	7
Labor Relations Board Educational	15.....	2
Labor Relations Board Local	1.....	0
Labor Relations Board State	20.....	2
Law Enforcement Training & Standards Bd.....	22.....	1
Medical District Commission	2.....	0
Military Affairs	145.....	3
Natural Resources	1,488.....	27
Pollution Control Board.....	26.....	3
Prisoner Review Board	21.....	0
Property Tax Appeal Board	21.....	2
Public Health.....	1,116.....	35
Revenue	2,057.....	61
State Fire Marshal.....	157.....	9
State Police	1,491.....	6
State Police Merit Board.....	5.....	1
State Retirement Systems	83.....	1
Transportation.....	2,798.....	1
Veterans' Affairs.....	1,146.....	5
Workers' Compensation Commission	174.....	10
TOTALS	52,361.....	754

B. Governing Rule - Jurisdiction B Exemptions

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
 - 1. The Governor, or
 - 2. A departmental director or assistant director appointed by the Governor, or
 - 3. A board or commission appointed by the Governor, or
 - 4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
 - 5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
 - 6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
 - 7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.

- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
 - 1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
 - 2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board or commission.
 - 3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

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C. Requests for 4d(3) Exemption

- With regard to Item C1, Executive Director Daniel Stralka recommended approval of the request for the General Counsel position for the Illinois Department of Commerce and Economic Opportunity. As to Items C2 and C3, Executive Director Daniel Stralka advised the Commission that the submitted job descriptions referenced these positions serving as “Technical Advisors” which would more appropriately fall under the partial exemption provided under Section 4d(5) of the Personnel Code rather than the principal policy exemption under Section 4d(3). The agency subsequently submitted new job descriptions, but Commission staff was unable to review these prior to the meeting. For that reason, Executive Director Daniel Stralka recommended that Items C 2 and C3 be continued.
- With regard to Items D1 through D4, Executive Director Daniel Stralka reported that Commission staff had some concerns with overlapping responsibilities of these requests not only between the two human resources and two fiscal positions, but also with their respective superiors. In addition, Commission staff expressed some concerns that these positions varied from the model presented to the Commission at its July 2006 meeting in conjunction with the initial Shared Services Center exemption requests. As the agency had yet to respond to these concerns, Executive Director Daniel Stralka recommended that Items D1 through D4 be continued.
- With regard to Item E, Executive Director Daniel Stralka reported that this request was withdrawn by the agency.
- With regard to Item F, Executive Director Daniel Stralka reported that there was an outstanding issue with respect to whether this position’s budgetary responsibilities are encompassed within the principal policy responsibilities of fiscal positions within its designated Shared Services Center. As no definitive response had been received to that inquiry, Executive Director Daniel Stralka recommended that Item F be continued.

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER EWELL AND THE MOTION ADOPTED 5-0 TO GRANT AND CONTINUE THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

The following 4d(3) exemption request was granted on December 21, 2006:

Item C1: Illinois Department of Commerce and Economic Opportunity

Position Number: 40070-42-00-040-00-01
Position Title: Senior Public Service Administrator
Bureau/Division: Legal Office
Functional Title: Chief Legal Counsel
Incumbent: David Steicker
Supervisor: Agency Director
Location: Cook County

The following 4d(3) exemption requests were continued on December 21, 2006:

Item C2: Illinois Department of Commerce and Economic Opportunity

Position Number: 40070-42-00-040-20-01
Position Title: Senior Public Service Administrator
Bureau/Division: Legal Office
Functional Title: Deputy General Counsel/Springfield
Incumbent: None
Supervisor: Chief Legal Counsel (reports to Agency Director)
Location: Sangamon County

Item C3: Illinois Department of Commerce and Economic Opportunity

Position Number: 40070-42-00-040-30-01
Position Title: Senior Public Service Administrator
Bureau/Division: Legal Office
Functional Title: Deputy General Counsel/Chicago
Incumbent: None
Supervisor: Chief Legal Counsel (reports to Agency Director)
Location: Cook County

Item D1: Illinois Department of Revenue

Position Number: 40070-25-12-210-00-01
Position Title: Senior Public Service Administrator
Bureau/Division: Administrative and Regulatory Shared Services Center
Functional Title: Human Resources Strategic Manager
Incumbent: None
Supervisor: Human Resources Director (reports to Shared Services Center Director, who in turn reports to the Governor)
Location: Sangamon County

Item D2: Illinois Department of Revenue

Position Number: 40070-25-12-220-00-01
Position Title: Senior Public Service Administrator
Bureau/Division: Administrative and Regulatory Shared Services Center
Functional Title: Human Resources Functional Manager
Incumbent: None
Supervisor: Human Resources Director (reports to Shared Services Center Director, who in turn reports to the Governor)
Location: Sangamon County

Item D3: Illinois Department of Revenue

Position Number: 40070-25-12-310-00-01
Position Title: Senior Public Service Administrator
Bureau/Division: Administrative and Regulatory Shared Services Center
Functional Title: Fiscal Strategic Manager
Incumbent: None
Supervisor: Chief Fiscal Officer (reports to Shared Services Center Director, who in turn reports to the Governor)
Location: Sangamon County

Item D4: Illinois Department of Revenue

Position Number: 40070-25-12-320-00-01
Position Title: Senior Public Service Administrator
Bureau/Division: Administrative and Regulatory Shared Services Center
Functional Title: Fiscal Functional Manager
Incumbent: None
Supervisor: Chief Fiscal Officer (reports to Shared Services Center Director, who in turn reports to the Governor)
Location: Sangamon County

Item F: Illinois Department of Revenue

Position Number: 40070-25-73-000-00-01
Position Title: Senior Public Service Administrator
Bureau/Division: Fiscal Division, Liquor Control Commission
Functional Title: Manager, Fiscal Division for Liquor Control Commission
Incumbent: Mark T. Lewis
Supervisor: Executive Director, Liquor Control Commission (reports to Director)
Location: Cook County

V. CLASS SPECIFICATIONS

The Director of Central Management Services submitted the following class title for creation:

A. Position Title:

Conservation Police Sergeant

Staff Analysis: Assistant Executive Director Andrew Barris advised the Commission that the Illinois State Labor Relations Board ruled that those positions which serve as sworn peace officers – informally titled Conservation Police Sergeant - were subject to collective bargaining. In 1994 the original version of the Conservation Police Sergeant was subsumed by the Public Service Administrator Class. These positions were classified as Public Service Administrator (Option 7). As a result of the Board’s ruling, a modified version of the Conservation Police Sergeant class was reinstated to reflect the position’s inclusion in the collective bargaining unit.

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER PETERSON AND THE MOTION ADOPTED 5-0 TO APPROVE THE CREATION OF THE FOLLOWING CLASS TITLE TO BE EFFECTIVE ON JANUARY 1, 2007.

Conservation Police Sergeant

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

VI. MOTION TO GO INTO EXECUTIVE SESSION

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

KOLKER	YES	RICHARDS	YES
PETERSON	YES	EWELL	YES
BUKRABA	YES		

VII. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Suite S-901, Chicago, Illinois at 10:05 a.m.

PRESENT

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

VIII. NON-MERIT APPOINTMENT REPORT

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

Agency	10/31/06	11/30/06	11/30/05
Aging	0	0	1
Agriculture	2	2	3
Arts Council	1	1	1
Central Management Services	2	2	6
Children and Family Services	5	6	5
Commerce and Economic Opportunity	0	0	1
Emergency Management Agency	0	0	1
Environmental Protection Agency	0	0	1
Financial and Professional Regulation	0	0	0
Healthcare and Family Services	8	7	11
Historic Preservation	2	0	1
Human Rights Department	0	0	1
Human Services	0	3	1
Natural Resources	17	17	25
State Fire Marshal	0	1	0
State Retirement Systems	1	1	0
Transportation	41	7	11
Veterans' Affairs	0	0	2
Totals	79	47	71

IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

• DISCHARGE APPEAL

DA-45-06

Employee	Joseph Irwin	Appeal Date	05/11/06
Agency	DHS	Decision Date	12/08/06
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Unauthorized absences	Recommended Decision	Charges are proven and warrant discharge.

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY CHAIRMAN KOLKER AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION THAT THE WRITTEN CHARGES ARE PROVEN AND DO WARRANT DISCHARGE.

KOLKER	YES	RICHARDS	YES
PETERSON	YES	EWELL	YES
BUKRABA	YES		

• DISCHARGE APPEAL

DA-54-06

Employee	Freddie Higgins	Appeal Date	06/20/06
Agency	DCFS	Decision Date	12/08/06
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Falsification of information; misuse of state time and property; failure to follow a supervisory directive	Recommended Decision	Charges are partially proven; unique factual circumstances warrant 55-day suspension.

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION THAT THE WRITTEN CHARGES ARE PARTIALLY PROVEN BUT THE UNIQUE FACTUAL CIRCUMSTANCES SURROUNDING THE DISCHARGE DO NOT RISE TO THE LEVEL WHICH SOUND PUBLIC OPINION RECOGNIZES AS GOOD CAUSE FOR THE EMPLOYEE TO NO LONGER HOLD THE POSITION.

GIVEN THE RESPONDENT'S PRIOR DISCIPLINE AND A CONSISTENT APPLICATION OF THE PRINCIPLES OF PROGRESSIVE DISCIPLINE, SAID PROVEN CHARGES WARRANT A 60-DAY SUSPENSION IN LIEU OF DISCHARGE.

KOLKER	YES	RICHARDS	YES
PETERSON	YES	EWELL	YES
BUKRABA	YES		

X. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

• WITHDRAWN

S-11-07

Employee	Kirstin Henderson	Appeal Date	11/08/06
Agency	CMS	Decision Date	12/01/06
Type	Suspension (of less than 30 days)	ALJ	Andrew Barris
Charge(s)	Unauthorized absences	Recommended Decision	Withdrawn; dismissed subject to Commission approval.

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY CHAIRMAN KOLKER, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO APPROVE AND ADOPT THE DISMISSAL OF THE APPEAL.

KOLKER	YES	RICHARDS	YES
PETERSON	YES	EWELL	YES
BUKRABA	YES		

XI. STAFF REPORT

Executive Director Daniel Stralka reported that:

- The SECA campaign ended November 9, 2006 and the Civil Service Commission had 100% employee participation. A record total of \$864 which included several one-time gifts from the Commissioners was collected. Beckie Daniken, as our contact person, extended her thanks to all who contributed.
- The Commission's fiscal year 2007 supplemental budget request has yet to be introduced in the Veto Session.

December 21, 2006

- The Governor's Office of Management and Budget has approved the Commission's fiscal year 2008 budget request of \$417,200. This represents a 9.5% increase from fiscal year 2007 due to increases or anticipated increases in computer charges, janitorial, utilities and travel.
- The record retention project is proceeding. The Commission received permission to dispose of and/or archive in excess of 30 boxes of materials.
- Illinois National Bank, the Commission's present Springfield landlord, has acquired an easement to install an elevator on the north side of our office space. Commission staff also met with the landlord's contractor to discuss other prospective remodeling ideas for the current office space.
- Daniel Stralka met with representatives of the Department of Public Health on December 13, 2006 to discuss 4d(3) exemptions.
- The Commission's 2006 Ethics Compliance Report was submitted on December 19, 2006.
- S.B. 1537 addressing compensation was still pending before the legislature.

XII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular meeting to be held on January 18, 2007 at 9:00 a.m. in the Commission's Chicago office.

XIII. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY CHAIRMAN KOLKER AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 10:20 A.M.