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**STATE OF ILLINOIS**

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**OFFICE OF THE AUDITOR GENERAL**

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**MANAGEMENT AUDIT**

**EXEMPTIONS GRANTED BY THE  
CIVIL SERVICE COMMISSION**

**JUNE 2010**

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**WILLIAM G. HOLLAND**

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**AUDITOR GENERAL**

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OFFICE OF THE AUDITOR GENERAL  
WILLIAM G. HOLLAND

*To the Legislative Audit Commission, the Speaker  
and Minority Leader of the House of Representatives,  
the President and Minority Leader of the Senate, the  
members of the General Assembly, and the  
Governor:*

This is our report of the Management Audit of exemptions granted by the Civil Service Commission.

The audit was conducted pursuant to House Resolution Number 140, which was adopted May 30, 2009. This audit was conducted in accordance with generally accepted government auditing standards and the audit standards promulgated by the Office of the Auditor General at 74 Ill. Adm. Code 420.310.

The audit report is transmitted in conformance with Section 3-14 of the Illinois State Auditing Act.

A handwritten signature in black ink, appearing to read "William G. Holland". The signature is stylized and written in a cursive-like font.

WILLIAM G. HOLLAND  
Auditor General

Springfield, Illinois  
June 2010



# REPORT DIGEST

## MANAGEMENT AUDIT

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### EXEMPTIONS GRANTED BY THE CIVIL SERVICE COMMISSION

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Released: June 2010



State of Illinois  
Office of the Auditor General

**WILLIAM G. HOLLAND**  
AUDITOR GENERAL

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## SYNOPSIS

House Resolution Number 140 directed the Auditor General to determine whether the Civil Service Commission's granting of exemptions from the merit and fitness requirements (Jurisdiction B) of the Personnel Code was consistent with applicable State law and rules. The Personnel Code allows exemptions if the position involves principal administrative responsibility for the determination of policy or the way policies are carried out.

The Personnel Code allows the Commission to use its judgment in awarding exemptions. However, the administrative rules in place during the audit period required that the position meet certain reporting requirements **before** qualifying for an exemption. Our audit found that:

- For all 50 positions in our sample, the granting of the exemption **was consistent** with State law.
- For 20 of the 50 positions (40%) in our sample, however, the granting of exemptions **was not consistent** with the more restrictive administrative rule requirements.
- The Commission proposed new administrative rules which were initially published in the Illinois Register on April 10, 2009, and were adopted effective March 3, 2010. The new rules **substantially** change the requirements to qualify for an exemption, listing factors the Commission should **consider** when determining if a position qualifies for an exemption.
- A majority (341 or 61 percent) of the 559 exempt positions approved during the audit period were approved during the first two years (2003-2004) of the audit period. These included certain types of positions such as 25 human resource positions and 20 Chief Financial Officer positions.
- During the six-year audit period, the number of exempt positions increased from 396 on December 31, 2002, to 840 exempt positions on December 31, 2008, an increase of 112 percent.
- As of December 31, 2008, 205 of the 840 (24%) exempt positions were vacant and as of March 1, 2010, 95 of the 205 (46%) vacant positions remained vacant.
- In recent years, the Commission has identified positions that were vacant for extended periods of time and has actively sought to rescind the exempt status of those positions.
- Once a position is approved for exempt status, neither the Commission nor Central Management Services monitors the exempt position to ensure that the duties performed match the job description and the positions are being used as presented at the time of approval.



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## REPORT CONCLUSIONS

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The Personnel Code (Section 4d(3)) establishes the authority for the Civil Service Commission (Commission) to grant exemptions for positions that, in the judgment of the Commission, involve principal administrative responsibility for the determination of policy or the way in which policies are carried out. This section of the Personnel Code allows the Commission to exempt positions from the merit and fitness requirements (Jurisdiction B) of the Personnel Code. House Resolution Number 140 directed the Auditor General to conduct an audit of exemptions granted during the period from January 1, 2003, to December 31, 2008, to determine if the granting of exemptions was consistent with State law and rules.

A total of 559 positions were approved for exempt status during the six-year audit period. A majority of the positions, 341 or 61 percent, were approved during the first two years (2003-2004) of the audit period.

At various times, positions were approved as the result of new Executive Orders, such as the Shared Services Initiative, or new programs within agencies, such as the Opportunity Returns program at the Department of Commerce and Economic Opportunity (DCEO). During the course of the audit period, 23 positions were approved for exemption as a result of the Shared Services Initiative. When the first positions were approved, it was represented to the Commission that the creation of the Shared Services Centers would ultimately reduce the overall number of exempt positions. However, as of April 2010, there had not been a net reduction in positions as a result of the Shared Services Initiative.

We also noted patterns of similar types of positions approved across agencies. For example, there were 25 human resource positions and 20 Chief Financial Officer positions approved, the majority of which were approved over a 12-month period beginning in March 2003.

For all 50 positions in our sample, the granting of the exemption **was consistent** with the Personnel Code which allows the Commission to use its judgment in awarding exemptions. However, 40 percent (20 of 50) **did not meet** the more restrictive requirements of the administrative rules which specified that **before** a position shall qualify for exemption, the position shall be directly responsible to one of seven reporting options.

Commission staff stated that the Commission has never considered itself bound by the administrative rules and considers the rules to be guidelines for its staff and agencies. If, in the Commission's collective judgment, a position meets the criteria set forth in the statute, staff believes the Commission is obligated to approve it regardless of any self-imposed non-statutory criteria.

The Commission proposed new administrative rules which were initially published in the Illinois Register on April 10, 2009, and were adopted effective March 3, 2010. The new rules **substantially** change the requirements to qualify for an exemption. The new rules eliminated the specific reporting requirements and now, similar to the Personnel Code, allow the Commission to exercise its judgment when determining whether a position qualifies for exemption.

Over the years, the Commission has established various precedents for approving exempt positions even though the positions may not meet the requirements for exempt status. The established precedents are informal and are not documented in Commission policy. Commission officials noted that the Commission may look at past precedent but that every position up for approval is unique and is considered on its own merits.

When agencies submit a position description that describes the essential functions of the position, the position description can be written so that it meets the broad requirements of the statute. However, once a position is approved for exempt status, neither the Commission nor Central Management Services (CMS) monitors the exempt position to ensure that the duties being performed match the job description. While not specifically required by statute or the administrative rules, monitoring positions would help ensure that the duties performed match the job descriptions and the positions are being used as presented at the time of approval.

During the audit period, the number of exempt positions increased from 396 on December 31, 2002, to 840 exempt positions on December 31, 2008, an increase of 112 percent. The Department of Central Management Services saw the biggest increase during that time period going from 7 exempt positions to 110 exempt positions, an increase of 1,471 percent.

As of December 31, 2008, 205 of the 840 (24%) exempt positions were vacant and as of March 1, 2010, 95 of the 205 (46%) vacant positions remained vacant. For positions where information was available, the number of days vacant ranged from 136 days (*International Trade Liaison at DCEO*) to 3,614 days (*Assistant Superintendent Operations at Pere Marquette at Juvenile Justice*) with an average of 932 days vacant, or over two and a half years. While most agencies stated in our survey that these vacant positions were needed, responses indicated that 15 of the vacant positions were no longer needed.

Also in response to our survey, agencies stated that 28 of 840 positions failed to meet the statutory or administrative rule requirements for exempt status. Fifteen of these positions have since been abolished, are in

the process of being abolished, or had their exempt status rescinded by the Commission. However, the remaining 13 positions continue as 4d(3) exempt positions even though they do not meet the requirements for exempt status as self-reported by the agencies.

The Commission has identified positions that were vacant for extended periods of time and has actively sought to rescind the exempt status of those positions. During calendar years 2007 to 2009, the Commission rescinded the exempt status of 52 positions, many of which were initiated by the Commission. This compares to only 12 positions that were rescinded during the four-year period from 2003 to 2006. The Commission should examine positions identified through our agency survey to determine if those positions should have their exempt status rescinded.

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## **BACKGROUND**

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On May 30, 2009, the Illinois House of Representatives adopted House Resolution Number 140 which directed the Auditor General to conduct an audit of exemptions granted by the Civil Service Commission pursuant to its authority under item (3) of subsection (d) of Section 4 of the Personnel Code. This gives the Commission the authority to approve requests for exemption from Jurisdiction B of the Personnel Code. The audit is to determine if the granting of such exemptions was consistent with applicable State law and rules. The time period specified in the Resolution is the period from January 1, 2003, to December 31, 2008. (page 3)

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## **STATUTES AND RULES**

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The Personnel Code gives the authority for the Civil Service Commission to grant exemptions from Jurisdiction B of the Personnel Code. Jurisdiction B deals with merit and fitness requirements such as examination requirements, veteran preferences, and hiring procedures. This authority is granted under item (3) of subsection (d) of Section 4 of the Personnel Code and the exemptions granted are referred to as 4d(3) exemptions. This is the section that is the subject of the audit. The Personnel Code states:

*The Civil Service Commission, upon written recommendation of the Director of Central Management Services, shall exempt from jurisdiction B other positions which, in the judgment of the Commission, involve either principal administrative responsibility for the determination of policy or principal administrative responsibility for the way in which policies are carried out,*

*except positions in agencies which receive federal funds if such exemption is inconsistent with federal requirements, and except positions in agencies supported in whole by federal funds. [20 ILCS 415/4d(3)]*

**The administrative rules in place during the audit period required that a position meet one of seven reporting requirements to qualify for an exemption.**

The administrative rules further define the requirements that a position must meet to be declared exempt. These rules were in effect during the audit period. Section 1.142(a) contains seven reporting requirements. The position must be directly responsible to one of these seven reporting options to qualify for an exemption.

**Section 1.142(a) 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 statutorily exempt position(s), or*
  - 7) *The elected head of an independent agency in the executive, legislative, or judicial branch of government. (80 Ill. Adm. Code 1.142)*

**New Administrative Rules**

**The new administrative rules substantially change the requirements to qualify for an exemption.**

The Commission recently proposed new rules to change the requirements that must be met to qualify for an exemption. The proposed rules were initially published in the Illinois Register on April 10, 2009. The new rules were adopted effective March 3, 2010. The new rules **substantially** change the requirements to qualify for an exemption. The new rules take away the specific reporting requirements and instead list factors that the Commission should consider in exercising its judgment when determining if a position qualifies for an exemption. (pages 4-6)

***Section 1.142 Jurisdiction B Exemptions (New rules effective March 3, 2010)***

- a) *The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:*
- 1) *The amount and scope of principal policy making authority;*
  - 2) *The amount and scope of principal policy administering authority;*
  - 3) *The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;*
  - 4) *The capability to bind the agency, board or commission to a course of action;*
  - 5) *The nature of the program for which the position has principal policy responsibility;*
  - 6) *The placement of the position on the organizational chart of the agency, board or commission;*
  - 7) *The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed. (80 Ill. Adm. Code 1.142)*

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**EXEMPTIONS GRANTED DURING AUDIT PERIOD**

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A total of 559 positions were approved for exempt status during the six-year audit period. Digest Exhibit 1 shows the number of positions approved each year. A majority of the positions, 341 or 61 percent, were approved during the first two years of the audit period.

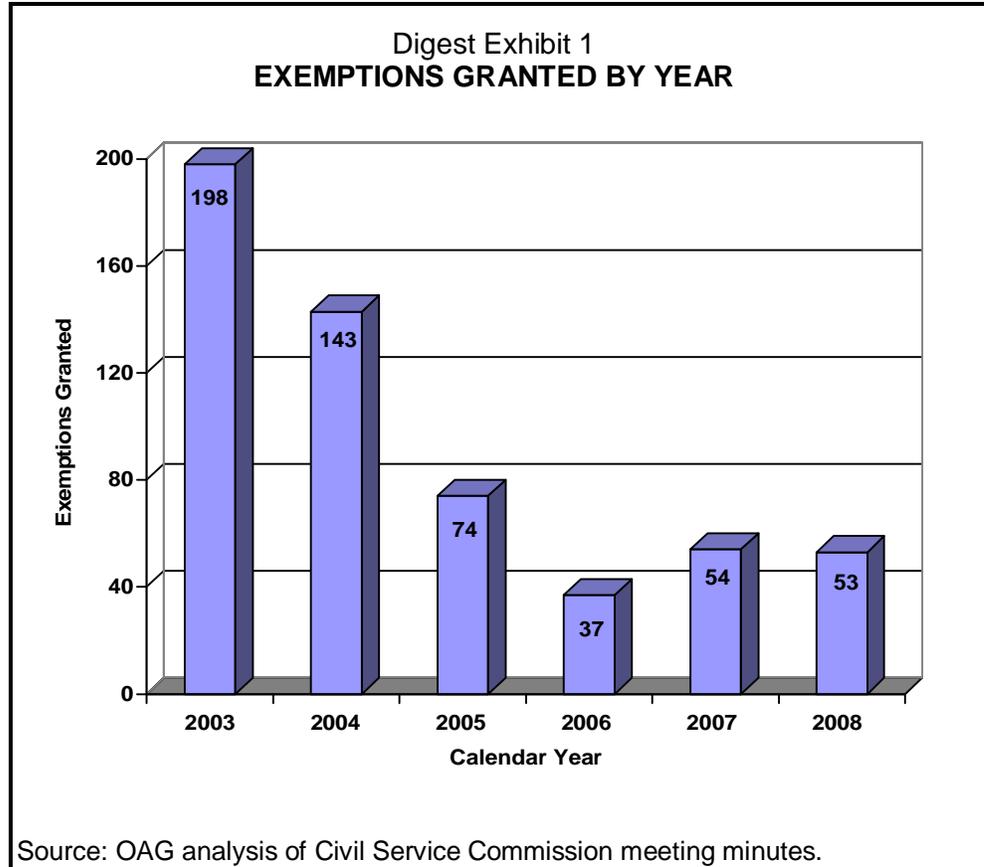
The Commission does not maintain an overall tracking document that explains the reason behind each exemption request or classifies approvals into groups. At various times, positions were approved as the result of new Executive Orders, such as the Shared Services Initiative, or new programs within agencies, such as the Opportunity Returns program at DCEO.

During the course of the audit period, 23 positions were approved for exemption as a result of the Shared Services Initiative. The first exempt positions for Shared Services were approved in July 2006. At that time, it was anticipated that when the Shared Services Centers became operational, there would be a significant amount of overlapping responsibilities with an unknown number of current 4d(3) exempt positions. In April 2010, we asked Commission officials if there had been a net reduction as a result of the Shared Services Initiative. Officials said that there has not been a reduction but that it could still occur in the future.

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**A total of 559 positions were approved for exempt status during the six-year audit period, 341 or 61 percent during the first two years of the audit period.**

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To help explain the number of positions approved, we classified positions into broader categories. For example, 18 positions were approved during the audit period as a result of the creation of the Office of Communication and Information which was created as part of the media relations consolidation under Executive Order 2004-2. Another 20 positions were approved in Property Management as a result of Executive Order 2003-10 which consolidated the facilities management function into CMS.

In reviewing the positions approved we also noted patterns of similar types of positions approved across agencies. Digest Exhibit 2 shows some of the different types of positions approved across agencies. For example, there were 25 human resource positions approved at 22 different agencies; 18 of these positions were approved during a 12-month period beginning in March 2003. These positions were primarily the managers of the human resources bureaus within these agencies. There were 20 Chief Financial Officer positions approved at 19 different agencies, 10 of which were during the same 12-month period. (pages 12-17)

Digest Exhibit 2 <b>TYPES OF POSITIONS APPROVED ACROSS AGENCIES</b> Calendar Years 2003 – 2008		
Position Type	# of Positions Exempted	# of Agencies
Legal Counsel	41	18
Human Resources	25	22
Chief Financial Officer	20	19
Policy Advisor	19	12
Legislative Liaison	15	11
Information Technology Manager	14	14
State Purchasing Officer	12	12
Chief of Staff	9	9
Administrative Assistant/Staff Assistant	8	6

Source: OAG analysis of approved positions.

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## RESULTS OF TESTING

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We judgmentally selected a sample of 50 positions that had been approved for exempt status during the audit period. We examined each position to determine whether the granting of the exemption was consistent with statute and rule requirements.

### Meeting Statutory Requirements

For all 50 positions in our sample, the granting of the exemption **was consistent** with statutory requirements. The Personnel Code is written to allow the Commission to use its judgment in determining whether a position meets the requirements.

### Meeting Administrative Rule Requirements

For 20 of the 50 positions (40%) in our sample, the granting of exemptions **was not consistent** with the administrative rule requirements. While the Personnel Code allows the Commission to use its judgment in awarding exemptions, the administrative rules specified that **before** a position shall qualify for exemption, the position shall be directly responsible to one of seven reporting options. In all 20 instances, the positions did not meet the reporting requirements outlined in the administrative rules. Digest Exhibit 3 lists the positions from our sample that did not meet the administrative rule requirements.

In the opinion of Commission staff, beginning with the first exemptions approved in 1958, the Commission has approved positions that do not meet the reporting requirements in the administrative rules. Commission staff stated that the Commission has never considered itself

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**Granting of exemptions was consistent with statutory requirements for all 50 positions in our sample.**

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**Granting of exemptions was not consistent with the administrative rule requirements for 20 of the 50 positions (40%) in our sample.**

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bound by the administrative rules and considers the rules to be guidelines for its staff and agencies. If, in the Commission’s collective judgment, a position meets the criteria set forth in the statute, staff believes the Commission is obligated to approve it regardless of any self-imposed non-statutory criteria. (pages 17-25)

Digest Exhibit 3 <b>APPROVED POSITIONS NOT MEETING REQUIREMENTS FOR EXEMPTION</b>		
<b>Agency</b>	<b>Date Approved</b>	<b>Functional Title</b>
Aging	01/19/06	• Assistant to the Legislative Liaison
Central Management Services	10/21/04	• Deputy Chief Administrative Officer
Central Management Services	04/18/03	• Personnel Liaison
Central Management Services	01/15/04	• Contractual Labor and Specialty Services Strategic Sourcing Manager
Central Management Services	04/15/04	• Property Management, Client Manager #5
Central Management Services	04/21/05	• Manager of Transactions – Central & Southern Regions
Central Management Services	07/15/04	• Media Administrator #1 – Illinois Department of Transportation
Commerce and Economic Opportunity	05/15/03	• Liaison for the Statewide Grant Program
Commerce and Economic Opportunity	09/18/03	• Regional Manager – West Central
Commerce and Economic Opportunity	05/15/03	• Assistant Deputy Director – Bureau of Energy and Recycling
Corrections	09/20/07	• Assistant Deputy Director of Human Resources – Strategic Processes, Shared Services
Corrections	03/20/08	• Assistant Warden of Operations - Northern Reception and Classification Center
Employment Security	12/18/03	• Regional Manager – Northern Region
Environmental Protection Agency	12/15/05	• Assistant Legislative Liaison
Human Services	04/20/06	• Director, Office of Business Services
Public Health	07/17/08	• Assistant Deputy Director, Office of Finance & Administration/ Division Chief of Vital Records
Revenue	05/20/04	• Deputy General Counsel, Property Tax Law
Revenue	06/19/08	• Risk Assessment Project Manager, Shared Services
Revenue	09/20/07	• Assistant Human Resources Director – Functional Processes, Shared Services
State Police	03/17/05	• Chief, Fiscal Management Bureau
Source: OAG sample of 50 positions approved for exemption.		

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## **PRECEDENTS ESTABLISHED BY THE COMMISSION**

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Over the years, the Commission has established various precedents for approving exempt positions even though the positions do not meet the requirements for exempt status. The established precedents are informal and are not documented in Commission policy. Commission officials noted that the Commission may look at past precedent but that every position up for approval is unique and is considered on its own merits.

Although not documented in a policy, the Commission appears to be aware of its past actions and tries to remain consistent with those past actions. For example, we noted several examples where the meeting minutes stated that consistent with past decisions of the Commission, staff recommended approval. While consistent with past actions, the approvals were not always consistent with the requirements in the administrative rules. We noted, however, at least one example where the Commission was not consistent in approving a type of position for exemption.

As discussed previously, the rules governing 4d(3) exemptions were changed effective March 3, 2010. The more subjective nature of the new rules makes the reliance on past precedent more important. Documenting the Commission's past precedent would assist agencies submitting exemption requests and would help ensure consistency in granting exemptions. (pages 25-27)

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## **MONITORING APPROVED POSITIONS**

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Once a position is approved for exempt status, neither the Commission nor CMS monitors the exempt position to ensure that the duties being performed match the job description. As specified in statute, the Commission approves positions for exemption based on whether the positions involve either principal administrative responsibility for the determination of policy or principal administrative responsibility for the way in which policies are carried out. Job descriptions could be tailored to meet this broad definition.

While not specifically required by statute or the administrative rules, monitoring positions would help ensure that the duties performed match the job descriptions and the positions are being used as presented at the time of approval. Monitoring could include periodically sampling positions identified by the Commission. These positions could include, for example, ones where the Commission had questions during the approval process about the duties being performed. (pages 28-29)

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**Precedents established for approving exemptions are informal and are not documented in Commission policy.**

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**Exempt positions are not monitored to ensure that the positions are being used as presented at the time of approval.**

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## AGENCY SURVEY

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As part of our audit testing, we compiled a list of 4d(3) exempt positions as of December 31, 2008. The list was compiled using information from both the Commission and CMS. Based on this list, we sent a survey to all agencies that had at least one 4d(3) exempt position. The survey asked the agencies to verify that the listed positions were 4d(3) exempt positions at their agencies. All agencies responded to the survey.

Digest Exhibit 4 shows the number of exempt positions at each agency as of December 31, 2008. The exhibit also shows the number of exempt positions as of December 31, 2002, as reported in the Commission's January 2003 meeting minutes and the percent increase or decrease over the six-year period.

As of December 31, 2008, there were 840 exempt positions at 38 agencies – the 37 agencies shown in Digest Exhibit 4 plus the Department of Juvenile Justice. This compares to a total of 396 exempt positions as of December 31, 2002, an increase of 112 percent over the six-year period. CMS had the largest increase going from 7 exempt positions to a total of 110 positions, an increase of 1,471 percent. Twelve agencies experienced a slight decrease, or no change, in the number of exempt positions over the six-year period.

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**The number of exempt positions increased 112 percent over the six-year audit period.**

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### Vacant Positions

The results of our agency survey showed that, as of December 31, 2008, 205 of the 840 (24%) exempt positions were vacant. If the position was vacant, agencies were asked if the position was still vacant at the time of the survey. As of March 1, 2010, 95 of the 205 (46%) vacant positions remained vacant.

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**As of December 31, 2008, 24 percent of the exempt positions were vacant.**

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Agencies were also asked if the position was still vacant, how long it had been vacant. Of the 95 vacant positions, agencies provided a time period for 66 of the vacant positions. The number of days vacant for these 66 positions ranged from 136 days (*International Trade Liaison at DCEO*) to 3,614 days (*Assistant Superintendent Operations at Pere Marquette at Juvenile Justice*) with an average of 932 days vacant or over two and a half years. While most agencies stated in our survey that these vacant positions were needed, responses indicated that 15 of the vacant positions were no longer needed.

Digest Exhibit 4  
**COMPARISON OF 4d(3) EXEMPT POSITIONS**  
 As of December 31, 2002 to as of December 31, 2008

Agency	Exempt Positions (as of 12-31-02)	Exempt Positions (as of 12-31-08)	Percent Increase (Decrease)
Aging	6	9	50.0 %
Agriculture	8	17	112.5 %
Arts Council	1	2	100.0 %
Central Management Services	7	110	1,471.4 %
Children and Family Services	29	52	79.3 %
Commerce and Economic Opportunity	20	67	235.0 %
Corrections	104	138 <sup>1</sup>	32.7 %
Criminal Justice Information Authority	0	6	-
Deaf and Hard of Hearing Commission	1	1	0.0 %
Developmental Disabilities Council	1	1	0.0 %
Employment Security	10	25	150.0 %
Environmental Protection Agency	4	18	350.0 %
Financial and Professional Regulation	19 <sup>2</sup>	52	173.7 %
Guardianship and Advocacy Commission	6	7	16.7 %
Healthcare and Family Services	14	29	107.1 %
Historic Preservation Agency	2	12	500.0 %
Human Rights Commission	2	2	0.0 %
Human Rights Department	5	10	100.0 %
Human Services	39	77	97.4 %
Illinois Emergency Management Agency	0	6	-
Labor	7	7	0.0 %
Labor Relations Board Educational	2	2	0.0 %
Labor Relations Board State	2	2	0.0 %
Law Enforcement Training and Standards Board	1	1	0.0 %
Medical District Commission	1	0	(100.0 %)
Military Affairs	0	3	-
Natural Resources	22	25	13.6 %
Pollution Control Board	3	2	(33.3 %)
Property Tax Appeal Board	2	1	(50.0 %)
Public Health	17	45	164.7 %
Revenue	40 <sup>3</sup>	69	72.5 %
State Board of Elections	1	0	(100.0 %)
State Board of Investment	1	2	100.0 %
State Fire Marshal	3	13	333.3 %
State Police	4	6	50.0 %
State Police Merit Board	1	1	0.0 %
State Retirement Systems	1	2	100.0 %
Veterans' Affairs	2	8	300.0 %
Workers' Compensation Commission	8	10	25.0 %
<b>Total</b>	<b>396</b>	<b>840</b>	<b>112.1 %</b>

<sup>1</sup>Includes 20 positions at Juvenile Justice.

<sup>2</sup>Includes Banks and Real Estate, Financial Institutions, Insurance, and Professional Regulation.

<sup>3</sup>Includes Lottery and Liquor Control Commission.

Source: January 2003 Commission meeting minutes and OAG analysis of agency survey results.

**Meeting Personnel Code and Administrative Rule Requirements**

The final question of the agency survey asked whether the exempt position continued to meet the requirements for exempt status as outlined in the Personnel Code and the administrative rules. Agencies responded that 28 of the 840 positions failed to meet the statutory (Personnel Code) requirements, the administrative rule requirements, or both. Fifteen of these positions have since been abolished, are in the process of being abolished, or had their exempt status rescinded by the Commission. However, the remaining 13 positions continue as 4d(3) exempt positions even though they do not meet the requirements for exempt status as self-reported by the agencies.

The survey asked agencies to explain why the positions did not meet the statutory and administrative rule requirements. For the active positions, one agency noted that the position was recently placed in the AFSCME (American Federation of State, County and Municipal Employees) bargaining unit. Another agency stated that the position does not direct programs defined by statute, nor does it make decisions in exercising principal responsibility for the determination or execution of policy. The Commission should examine these positions to determine whether their exempt status should be rescinded. (pages 37-41)

**RESCINDING EXISTING EXEMPT POSITIONS**

**The Commission has actively pursued the rescission of positions in recent years.**

In addition to approving positions for exempt status, the Commission also acts to rescind exempt status from positions. Agencies can ask that positions have their exempt status rescinded or the Commission can initiate the action. Rescinding a position does not mean the position is eliminated, only that the position is subject to the merit and fitness provisions of the Personnel Code and rules.

The Commission rescinded 64 positions from 2003 to 2009, 34 of which were during the six-year audit period. As Digest Exhibit 5 shows, the Commission has actively pursued the rescission of positions in recent years. During calendar years 2007

Digest Exhibit 5 <b>RESCINDED POSITIONS</b>	
<b>Calendar Year</b>	<b>Positions Rescinded</b>
2003	0
2004	2
2005	5
2006	5
2007	8
2008	14
2009	30
<b>Total</b>	<b>64</b>
Source: OAG analysis of Commission meeting minutes.	

to 2009, the Commission rescinded the exempt status of 52 positions, many of which were initiated by the Commission. This compares to only 12 positions that were rescinded during the four-year period from 2003 to 2006. (pages 34-35)

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### AUDIT RECOMMENDATIONS

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The audit report contains six recommendations. The Commission agreed with the recommendations. Appendix E of the audit report contains the Commission's complete response.



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WILLIAM G. HOLLAND  
Auditor General

WGH/DJB  
June 2010



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## GLOSSARY OF TERMS

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**4d(3) exemption** – Exemptions approved by the Civil Service Commission pursuant to its authority granted under item (3) of subsection (d) of Section 4 of the Personnel Code. Section 4d(3) states that the Commission shall exempt from jurisdiction B other positions which, in the judgment of the Commission, involve either principal administrative responsibility for the determination of policy or principal administrative responsibility for the way in which policies are carried out.

**Abolished position** – A position that has been eliminated at an agency by action of CMS. Positions can be abolished at the request of an agency or CMS also has the authority to initiate abolishments as deemed necessary.

**Administrative Code or administrative rules** – The administrative rules created by agencies for the purpose of interpreting or implementing provisions of a statute. Specific to this audit, the administrative rules are those established under authority of the Personnel Code to carry out and implement the powers and duties of the Commission. Section 1.142 of the administrative rules deals with exemptions granted by the Commission.

**Jurisdiction B** – The section of the Personnel Code that deals with merit and fitness requirements such as examination requirements and hiring procedures. Exemptions granted by the Commission are exempt from jurisdiction B requirements.

**Personnel Code** – The State statute or law which establishes a system of personnel administration under the Governor based upon merit principles. (20 ILCS/415)

**Rescinded position** – A position that has had its 4d(3) exemption removed by action of the Civil Service Commission. The position itself is not eliminated but it is now no longer exempt from jurisdiction B of the Personnel Code. The rescission can be initiated by an agency or by the Commission.



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## Chapter One

# INTRODUCTION AND BACKGROUND

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## REPORT CONCLUSIONS

The Personnel Code (Section 4d(3)) establishes the authority for the Civil Service Commission (Commission) to grant exemptions for positions that, in the judgment of the Commission, involve principal administrative responsibility for the determination of policy or the way in which policies are carried out. This section of the Personnel Code allows the Commission to exempt positions from the merit and fitness requirements (Jurisdiction B) of the Personnel Code. House Resolution Number 140 directed the Auditor General to conduct an audit of exemptions granted during the period from January 1, 2003, to December 31, 2008, to determine if the granting of exemptions was consistent with State law and rules.

A total of 559 positions were approved for exempt status during the six-year audit period. A majority of the positions, 341 or 61 percent, were approved during the first two years (2003-2004) of the audit period.

At various times, positions were approved as the result of new Executive Orders, such as the Shared Services Initiative, or new programs within agencies, such as the Opportunity Returns program at the Department of Commerce and Economic Opportunity (DCEO). During the course of the audit period, 23 positions were approved for exemption as a result of the Shared Services Initiative. When the first positions were approved, it was represented to the Commission that the creation of the Shared Services Centers would ultimately reduce the overall number of exempt positions. However, as of April 2010, there had not been a net reduction in positions as a result of the Shared Services Initiative.

We also noted patterns of similar types of positions approved across agencies. For example, there were 25 human resource positions and 20 Chief Financial Officer positions approved, the majority of which were approved over a 12-month period beginning in March 2003.

For all 50 positions in our sample, the granting of the exemption **was consistent** with the Personnel Code which allows the Commission to use its judgment in awarding exemptions. However, 40 percent (20 of 50) **did not meet** the more restrictive requirements of the administrative rules which specified that **before** a position shall qualify for exemption, the position shall be directly responsible to one of seven reporting options.

Commission staff stated that the Commission has never considered itself bound by the administrative rules and considers the rules to be guidelines for its staff and agencies. If, in the Commission's collective judgment, a position meets the criteria set forth in the statute, staff believes the Commission is obligated to approve it regardless of any self-imposed non-statutory criteria.

The Commission proposed new administrative rules which were initially published in the Illinois Register on April 10, 2009, and were adopted effective March 3, 2010. The new rules **substantially** change the requirements to qualify for an exemption. The new rules eliminated the specific reporting requirements and now, similar to the Personnel Code, allow the Commission to exercise its judgment when determining whether a position qualifies for exemption.

Over the years, the Commission has established various precedents for approving exempt positions even though the positions may not meet the requirements for exempt status. The established precedents are informal and are not documented in Commission policy. Commission officials noted that the Commission may look at past precedent but that every position up for approval is unique and is considered on its own merits.

When agencies submit a position description that describes the essential functions of the position, the position description can be written so that it meets the broad requirements of the statute. However, once a position is approved for exempt status, neither the Commission nor Central Management Services (CMS) monitors the exempt position to ensure that the duties being performed match the job description. While not specifically required by statute or the administrative rules, monitoring positions would help ensure that the duties performed match the job descriptions and the positions are being used as presented at the time of approval.

During the audit period, the number of exempt positions increased from 396 on December 31, 2002, to 840 exempt positions on December 31, 2008, an increase of 112 percent. The Department of Central Management Services saw the biggest increase during that time period going from 7 exempt positions to 110 exempt positions, an increase of 1,471 percent.

As of December 31, 2008, 205 of the 840 (24%) exempt positions were vacant and as of March 1, 2010, 95 of the 205 (46%) vacant positions remained vacant. For positions where information was available, the number of days vacant ranged from 136 days (*International Trade Liaison at DCEO*) to 3,614 days (*Assistant Superintendent Operations at Pere Marquette at Juvenile Justice*) with an average of 932 days vacant, or over two and a half years. While most agencies stated in our survey that these vacant positions were needed, responses indicated that 15 of the vacant positions were no longer needed.

Also in response to our survey, agencies stated that 28 of 840 positions failed to meet the statutory or administrative rule requirements for exempt status. Fifteen of these positions have since been abolished, are in the process of being abolished, or had their exempt status rescinded by the Commission. However, the remaining 13 positions continue as 4d(3) exempt positions even though they do not meet the requirements for exempt status as self-reported by the agencies.

The Commission has identified positions that were vacant for extended periods of time and has actively sought to rescind the exempt status of those positions. During calendar years 2007 to 2009, the Commission rescinded the exempt status of 52 positions, many of which were initiated by the Commission. This compares to only 12 positions that were rescinded during the four-year period from 2003 to 2006. The Commission should examine positions identified through our agency survey to determine if those positions should have their exempt status rescinded.

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## **INTRODUCTION**

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On May 30, 2009, the Illinois House of Representatives adopted House Resolution Number 140 which directed the Auditor General to conduct an audit of exemptions granted by the Civil Service Commission pursuant to its authority under item (3) of subsection (d) of Section 4 of the Personnel Code. This gives the Commission the authority to approve requests for exemption from Jurisdiction B of the Personnel Code. The audit is to determine if the granting of such exemptions was consistent with applicable State law and rules. The time period specified in the Resolution is the period from January 1, 2003, to December 31, 2008.

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## **BACKGROUND**

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The Civil Service Commission (Commission) was created in 1905 with the passage of the State Civil Service Law. The Commission acted as the central personnel agency for the State until 1957 when the Personnel Code went into effect and changed the role of the Commission.

Currently, the Commission's main area of responsibility is the hearing of appeals from State employees under the Personnel Code's jurisdiction who are discharged from their positions. The Commission also hears appeals from employees who have been suspended or demoted, who are involuntarily transferred from one geographical area to another, or who question the allocation of their position under the classification plan.

The Commission also approves requests for exemption from Jurisdiction B of the Personnel Code for those positions which, in its judgment, involve either principal administrative responsibility for the determination of policy or the way in which policies are implemented. This may occur only upon agency request and after recommendation by the Director of Central Management Services.

The Commission has offices in both Springfield and Chicago. The Commission is required to meet on a monthly basis and most of the meetings are held in Chicago. Meetings are generally held on the third Friday of each month.

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## **ORGANIZATIONAL STRUCTURE**

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The Commission employs four full-time staff including an Executive Director and Assistant Executive Director who are both Administrative Law Judges. The employees are appointed by the Commission. The Commission itself is comprised of five members who are appointed for six-year terms by the Governor with the advice and consent of the Senate. (The Commission was expanded in 2000 from three members to five members.) Each member of the Commission holds office until his successor is appointed. New appointees' terms expire six years from the date of expiration of the terms for which their predecessors were appointed. No more than three members may be from the same political party. Exhibit 1-1 lists the members of the Commission and their terms.

Three other individuals served on the Commission during the audit time period:

- Dan Fabrizio served as Commissioner through October 2003 and was replaced by Betty Bukraba.
- John Dorgan served as Commissioner through March 2004 and was replaced by Chris Kolker.
- George Richards served as Chairman of the Commission from November 1995 through March 2004 when Chris Kolker was appointed Chairman. Richards continued to serve as a Commissioner until March 2007. He was replaced by Ares Dalianis.

Exhibit 1-1 <b>MEMBERS OF THE CIVIL SERVICE COMMISSION</b> as of 12-31-08		
Name	Member Since	Term Expires
Chris Kolker (Chairman)	03-16-04	03-01-11
Raymond Ewell	08-01-00	03-01-11
Barbara Peterson	08-01-00	03-01-11
Betty Bukraba	10-06-03	03-01-09
Ares Dalianis	03-16-07	03-01-13
Source: Civil Service Commission annual reports.		

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## STATUTES AND RULES

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The Personnel Code (20 ILCS 415) establishes three separate areas of personnel jurisdiction as follows:

1. Jurisdiction A – deals with position classification and the pay plan.
2. Jurisdiction B – deals with merit and fitness such as examination requirements, veteran preferences, and term appointments. This covers the application, testing, and hiring procedures for positions that are not exempted. It also covers the establishment of eligibility lists, promotions, and transfers.
3. Jurisdiction C – deals with conditions of employment such as grievance procedures, leaves of absence, and work hours.

The Personnel Code lists several categories of positions that are exempt from all three jurisdictions. These positions include, for example:

- Elected officers;
- All positions under the Lieutenant Governor, Secretary of State, State Treasurer, State Comptroller, Attorney General, and State Board of Education;
- Judges, and officers and employees of the courts;
- Employees of the General Assembly; and
- Directors of departments, members of boards and commissions, and all other positions appointed by the Governor by and with consent of the Senate.

The Personnel Code goes on to list positions that are classified as partial exemptions. These positions are exempt only from Jurisdiction B. Included in this section is the authority for the Civil Service Commission to grant exemptions. This authority is granted under item (3) of

subsection (d) of Section 4 of the Personnel Code and are what are referred to as 4d(3) exemptions. This is the section that is the subject of the audit. The Personnel Code states:

*The Civil Service Commission, upon written recommendation of the Director of Central Management Services, shall exempt from jurisdiction B other positions which, in the judgment of the Commission, involve either principal administrative responsibility for the determination of policy or principal administrative responsibility for the way in which policies are carried out, except positions in agencies which receive federal funds if such exemption is inconsistent with federal requirements, and except positions in agencies supported in whole by federal funds. [20 ILCS 415/4d(3)]*

The administrative rules further define the requirements that a position must meet to be declared exempt. These rules were in effect during the audit period. Section 1.142(a) contains seven reporting requirements. The position must be directly responsible to one of these seven reporting options to qualify for an exemption.

**Section 1.142(a) 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 statutorily exempt position(s), or
  - 7) The elected head of an independent agency in the executive, legislative, or judicial branch of government. (80 Ill. Adm. Code 1.142)

If one of the above reporting requirements is met, the administrative rules further require that the position be responsible for one or more of three further requirements.

**Section 1.142(b) Jurisdiction B Exemptions**

- 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. (80 Ill. Adm. Code 1.142)

The main focus of the audit was to determine whether the granting of exemptions was consistent with the above law and rules. This is discussed in Chapter Two of the audit.

**New Administrative Rules**

The Commission recently proposed new rules to change the requirements that must be met to qualify for an exemption. The proposed rules were initially published in the Illinois Register on April 10, 2009. The new rules were adopted effective March 3, 2010. The new rules **substantially** change the requirements to qualify for an exemption.

**Section 1.142 Jurisdiction B Exemptions (New rules effective March 3, 2010)**

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
- 1) The amount and scope of principal policy making authority;
  - 2) The amount and scope of principal policy administering authority;
  - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
  - 4) The capability to bind the agency, board or commission to a course of action;
  - 5) The nature of the program for which the position has principal policy responsibility;
  - 6) The placement of the position on the organizational chart of the agency, board or commission;
  - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed. (80 Ill. Adm. Code 1.142)

The new subsection (a) replaces the previous subsection (a) and (b). The previous rules that were in place during the audit period outlined specifically the requirements that must be met to qualify for an exemption. The new rules take away the specific requirements and instead list factors that the Commission should consider in exercising its judgment when determining if a position qualifies for an exemption. The new rules are more subjective compared to the old rules.

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## APPROVAL PROCESS

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The exemption approval process is detailed in Exhibit 1-2. Requests for exempt positions originate at the agency level. Agencies submit requests for exempt positions to CMS. At CMS, the requests are taken by the Bureau of Personnel, Technical Services Division. If there are any issues with the request, CMS will work directly with the agency to resolve the issue. The agency might withdraw the request at this point and it would not be submitted to the Commission.

If the request appears to meet the requirements, CMS forwards the request on to the Commission and sends the following information:

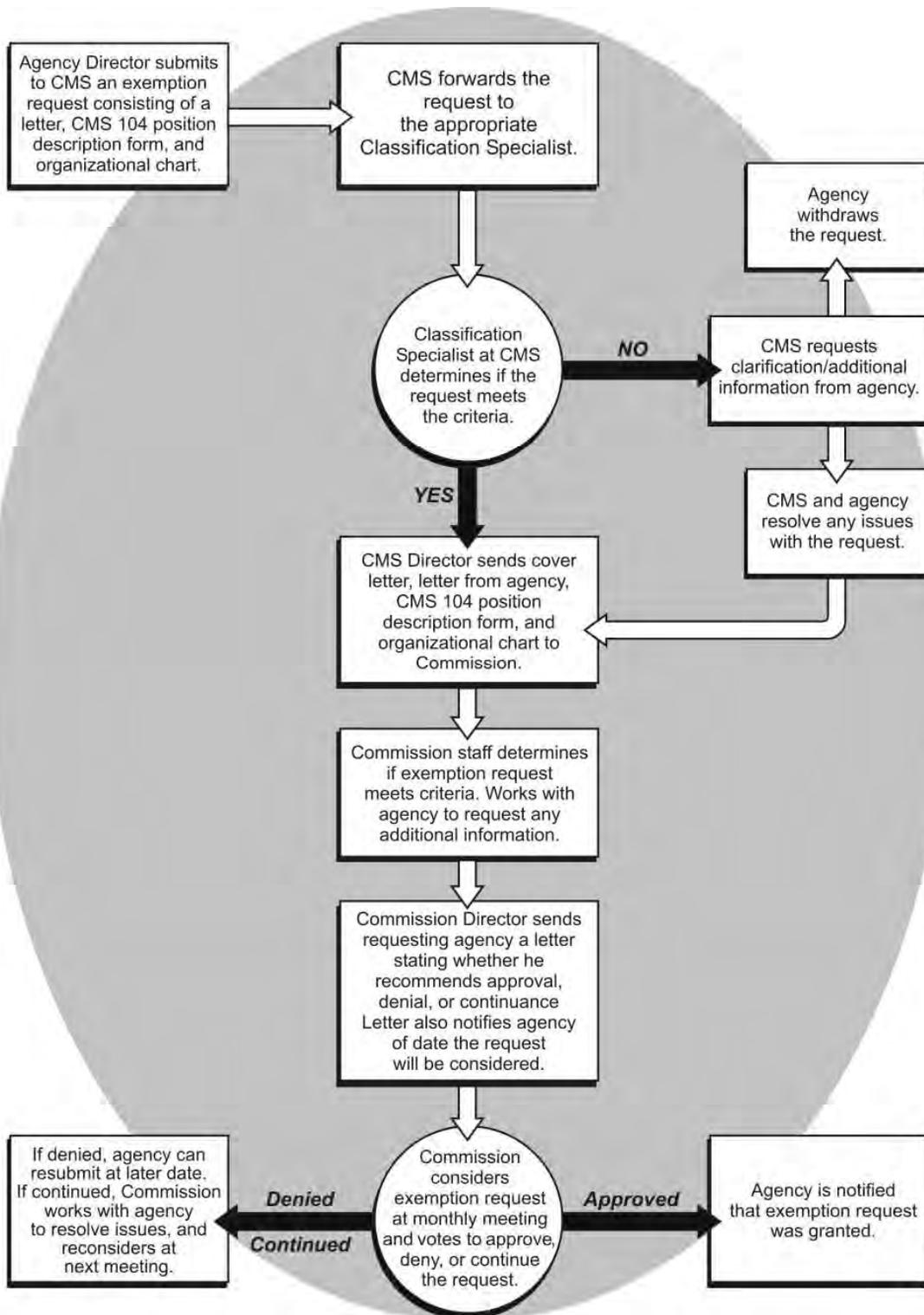
- A letter from the Director of CMS addressed to the Commission which also lists the position(s) being requested and stating that the Director of CMS recommends the exemption;
- A letter from the requesting agency addressed to the Director of CMS detailing the position(s) being requested;
- A CMS Position Description (Form 104); and
- An organizational chart.

Letter from CMS includes the following information:
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- |  |
|--|
| <ul style="list-style-type: none"><li>• Position title</li><li>• Position number</li><li>• Division</li><li>• Supervisor</li><li>• Location</li><li>• Incumbent (if any)</li></ul> |
|--|

Once the Commission receives the documentation from CMS, the Executive Director analyzes the information to determine whether the position meets the criteria for exemption. The Executive Director sends the agency a letter stating whether he recommends approval, denial, or continuance. Additional information may be requested from the agency at this time. The Commission then considers the request at its monthly meeting and votes to approve, deny, or continue the request.

**Exhibit 1-2  
EXEMPTION APPROVAL PROCESS**



Source: OAG summary of 4d(3) exemption process.

## COMMISSION ANNUAL REPORT

The Commission publishes an annual report that provides an overview of the Commission and details the accomplishments of the Commission over the previous fiscal year. A section of the annual report discusses actions on 4d(3) exemption requests including the number of exemptions approved, denied, and rescinded. The section also lists the number of exempt positions at each agency as of the end of the fiscal year.

Exhibit 1-3 shows the total number of exemptions as of the end of the fiscal year beginning with fiscal year 2001 as reported in the annual reports. As shown in Exhibit 1-3, the number of 4d(3) exempt positions has increased steadily since fiscal year 2001. Chapter Three contains a comparison of the number of 4d(3) exempt positions at each agency at the beginning of our audit period, January 1, 2003, compared to the end of the audit period, December 31, 2008.

Exhibit 1-3 4d(3) EXEMPT POSITIONS	
Fiscal Year	Total Positions as of End of Fiscal Year
2001	401
2002	419
2003	471
2004	658
2005	724
2006	742
2007	770
2008	792
2009	844
Source: Unaudited information from Commission annual reports.	

## AUDIT SCOPE AND METHODOLOGY

This audit was conducted in accordance with generally accepted government auditing standards and the audit standards promulgated by the Office of the Auditor General at 74 Ill. Adm. Code 420.310. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

The audit objectives for this audit were those as delineated in House Resolution Number 140 (see Appendix A), which directed the Auditor General to conduct an audit of exemptions granted by the Civil Service Commission pursuant to its authority under item (3) of subsection (d) of Section 4 of the Illinois Personnel Code during the period January 1, 2003, to December 31, 2008, to determine if the granting of such exemptions was consistent with applicable State law and rules. The audit objectives are listed in the Introduction section of Chapter One. Fieldwork for this audit was conducted from October 2009 to March 2010.

In conducting the audit, we reviewed applicable State statutes and rules. We reviewed compliance with those laws and rules to the extent necessary to meet the audit’s objectives. Any instances of non-compliance we identified are noted in this report.

We also reviewed management controls and assessed risk related to the audit’s objectives. A risk assessment was conducted to identify areas that needed closer examination. Any significant weaknesses in those controls are included in this report.

During the audit we met with officials from the Civil Service Commission and from Central Management Services. We examined all meeting minutes for the audit period and compiled a list of positions approved during that time period. See Appendix C for a complete list of positions approved during the audit period. We also surveyed all of the agencies that had exempt positions as of December 31, 2008, to verify those positions. Appendix D contains the list of exempt positions as of December 31, 2008.

We judgmentally selected a sample of 50 positions that had been approved for exempt status during the audit period. We examined each position to determine whether the granting of the exemption was consistent with statute and rule requirements. We also surveyed agencies regarding the employees who were in those positions during the audit period.

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## **REPORT ORGANIZATION**

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The remainder of this report is organized into the following chapters:

- Chapter Two – Granting Exemptions
- Chapter Three – Existing Positions

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## Chapter Two

# GRANTING EXEMPTIONS

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## CHAPTER CONCLUSIONS

A total of 559 positions were approved for exempt status during the six-year audit period. A majority of the positions, 341 or 61 percent, were approved during the first two years (2003-2004) of the audit period.

At various times, positions were approved as the result of new Executive Orders, such as the Shared Services Initiative, or new programs within agencies, such as the Opportunity Returns program at the Department of Commerce and Economic Opportunity (DCEO). During the course of the audit period, 23 positions were approved for exemption as a result of the Shared Services Initiative. When the first positions were approved, it was represented to the Commission that the creation of the Shared Services Centers would ultimately reduce the overall number of exempt positions. However, as of April 2010, there had not been a net reduction in positions as a result of the Shared Services Initiative.

We also noted patterns of similar types of positions approved across agencies. For example, there were 25 human resource positions and 20 Chief Financial Officer positions approved, the majority of which were approved over a 12-month period beginning in March 2003.

For all 50 positions in our sample, the granting of the exemption **was consistent** with the Personnel Code which allows the Commission to use its judgment in awarding exemptions. However, 40 percent (20 of 50) **did not meet** the more restrictive requirements of the administrative rules which specified that **before** a position shall qualify for exemption, the position shall be directly responsible to one of seven reporting options.

Commission staff stated that the Commission has never considered itself bound by the administrative rules and considers the rules to be guidelines for its staff and agencies. If, in the Commission's collective judgment, a position meets the criteria set forth in the statute, staff believes the Commission is obligated to approve it regardless of any self-imposed non-statutory criteria.

The Commission proposed new administrative rules which were initially published in the Illinois Register on April 10, 2009, and were adopted effective March 3, 2010. The new rules **substantially** change the requirements to qualify for an exemption. The new rules eliminated the specific reporting requirements and now, similar to the Personnel Code, allow the Commission to exercise its judgment when determining whether a position qualifies for exemption.

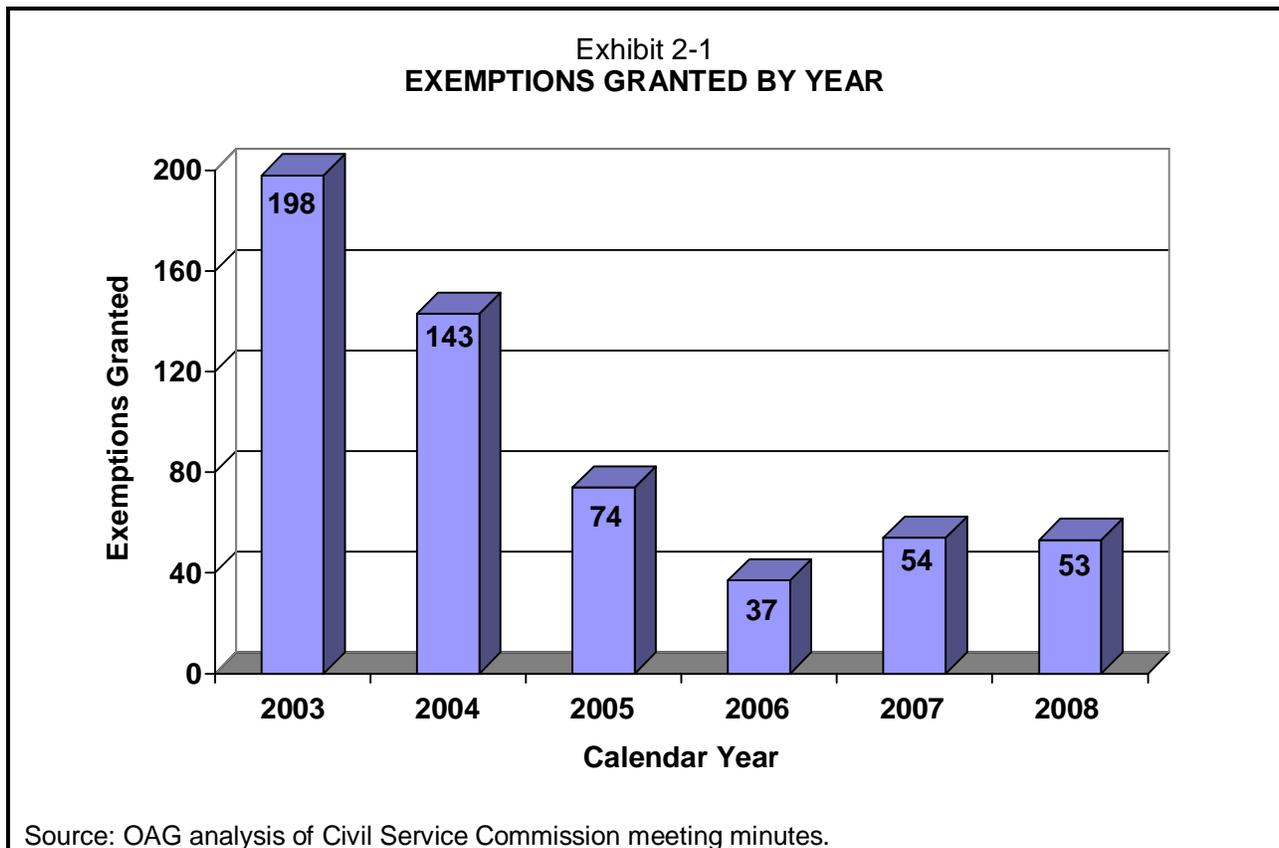
Over the years, the Commission has established various precedents for approving exempt positions even though the positions may not meet the requirements for exempt status. The established precedents are informal and are not documented in Commission policy. Commission

officials noted that the Commission may look at past precedent but that every position up for approval is unique and is considered on its own merits.

When agencies submit a position description that describes the essential functions of the position, the position description can be written so that it meets the broad requirements of the statute. However, once a position is approved for exempt status, neither the Commission nor Central Management Services (CMS) monitors the exempt position to ensure that the duties being performed match the job description. While not specifically required by statute or the administrative rules, monitoring positions would help ensure that the duties performed match the job descriptions and the positions are being used as presented at the time of approval.

### EXEMPTIONS GRANTED DURING AUDIT PERIOD

A total of 559 positions were approved for exempt status during the six-year audit period. The audit resolution asked us to look at exemptions granted by the Commission during the period January 1, 2003, to December 31, 2008. To compile this list, we examined the monthly minutes from the Commission meetings. The meeting minutes listed the positions that were considered for exempt status and whether the Commission approved the requests. Exhibit 2-1 shows the number of positions approved each year. Appendix C lists all of the positions approved during the six-year audit period.



As shown in Exhibit 2-1, a majority of the positions, 341 or 61 percent, were approved during the first two years of the audit period. Exhibit 2-2 shows the number of positions approved for each agency. CMS had the most new exemptions with 114 positions approved during that timeframe. Most of these approvals, 98 positions, were during the first two years of the audit period.

During the audit period, some positions were either abolished or their exemptions were rescinded by the Commission. Using CMS as an example, on January 1, 2003, CMS had a total of 7 exempt positions. During the audit period, 114 positions were approved for exempt status. However, as of December 31, 2008, the end of the audit period, CMS had 110 exempt positions. The difference is the result of either positions being abolished or having their exempt status rescinded by the Commission. Abolished and rescinded positions are discussed in more detail in Chapter Three.

Exhibit 2-2  
**POSITIONS APPROVED FOR EXEMPT STATUS**  
 Calendar Years 2003 – 2008

Agency	2003	2004	2005	2006	2007	2008	Total
Central Management Services	44	54	10		1	5	114
Financial and Professional Regulation <sup>1</sup>	16	9	15	3	10	1	54
Commerce and Economic Opportunity	37	4	3	3	5		52
Corrections	11	9	1	7	11	5	44
Human Services	16	7	2	5	3	11	44
Revenue	3	16	3	9	7	5	43
Public Health	11	1	7	1	2	8	30
Children and Family Services	7	5	1		6	2	21
Employment Security	15	1	1		1		18
Environmental Protection Agency	5	6	4	1	1		17
Healthcare and Family Services	4	6	5			1	16
Agriculture	6	6				2	14
State Fire Marshal	3	1	2	2	2	1	11
Historic Preservation Agency	1	5	4		1		11
Natural Resources	4	3	2			2	11
Veterans' Affairs	2	1	3	1	1	1	9
Human Rights	2	1	2		1	1	7
Illinois Emergency Management Agency	1	1			1	4	7
Aging	1	2	2	1			6
Criminal Justice Information Authority	3	2	1				6
State Police	2	3	1				6
Workers' Compensation Commission			3	1	1		5
Guardianship and Advocacy Commission			1	1		1	3
Military Affairs	3						3
Juvenile Justice						2	2
Arts Council				1			1
Labor				1			1
State Board of Investment			1				1
State Retirement Systems						1	1
Transportation	1						1
<b>Total</b>	<b>198</b>	<b>143</b>	<b>74</b>	<b>37</b>	<b>54</b>	<b>53</b>	<b>559</b>

<sup>1</sup> Includes approvals for Financial Institutions, Insurance, Banks & Real Estate, and Professional Regulation.

Source: OAG analysis of Civil Service Commission meeting minutes.

### Reasons for the Number of Positions Approved

The Commission does not maintain an overall tracking document that explains the reason behind each exemption request or classifies approvals into groups. At various times, positions were approved as the result of new Executive Orders, such as the Shared Services Initiative, or new programs within agencies, such as the Opportunity Returns program at DCEO.

To help explain the number of positions approved, we classified positions into broader categories. Where possible, we grouped positions within an agency to show if the positions fell into an overall initiative at that agency. Exhibit 2-3 classifies 164 of the 559 positions approved during the audit period by agency.

Exhibit 2-3 EXEMPT POSITIONS APPROVED WITHIN BUREAUS Calendar Years 2003 – 2008			
Agency	Division/Bureau	# of Positions	Further Breakdown of Positions within Bureau
Central Management Services	•Bureau of Property Management	20	9 Client Managers
	•Bureau of Strategic Sourcing and Procurement	19	
	•Office of Communication and Information	18	15 Media Administrators
	•Bureau of Communication and Computer Services	13	
	•Legal Services	8	
Revenue	•Administrative & Regulatory Shared Services Center	11	
	•Legal Services	10	8 Deputy General Counsels
Corrections	•Public Safety Shared Services Center	12	5 Assistant Deputy Directors
	•Parole Division	6	
Human Services	•Mental Health	15	7 Regional Executive Directors
Commerce and Economic Opportunity	•Bureau of Economic Development	13	10 Regional Managers
Employment Security	•Field Operations	7	6 Regional Managers
Public Health	•Regional Health Services	7	7 Regional Health Officers
Historic Preservation Agency	•Abraham Lincoln Presidential Library and Museum	5	
<b>Total</b>		<b>164</b>	
Source: OAG analysis of Civil Service Commission meeting minutes.			

As shown in Exhibit 2-2, CMS had 114 positions approved during the audit period. Exhibit 2-3 classifies 78 of these positions. For example, 18 positions were approved during the audit period as a result of the creation of the Office of Communication and Information which was created as part of the media relations consolidation under Executive Order 2004-2. Another 20 positions were approved in Property Management as a result of Executive Order 2003-10 which consolidated the facilities management function into CMS.

### **Shared Services Initiative**

During the course of the audit period, 23 positions were approved for exemption as a result of the Shared Services Initiative. On March 31, 2006, then Governor Blagojevich issued Executive Order 2006-06 which created a Division of Shared Services within the Department of Revenue and also within the Department of Corrections. These were the first two of what was anticipated to be five Shared Service Centers. The purpose of the initiative was to combine common administrative functions from several agencies under one area.

The first exempt positions for Shared Services were approved in July 2006. At that time, it was anticipated that when the Shared Services Centers became operational, there would be a significant amount of overlapping responsibilities with an unknown number of current 4d(3) exempt positions. The effected exempt positions would need to be identified and their exemptions reconsidered. The July 2006 meeting minutes noted that “It was represented to the Commission that the overall number of exempt positions will ultimately be reduced.” The meeting minutes further noted that “...there will be exemption requests for 20-25 positions in all 5 Shared Services Centers upon full implementation, but a net loss in exempt positions will result from the abolition or rescission of exemptions in many currently exempt positions....” This July 2006 estimate appears to be significantly understated since a total of 23 positions have been approved just for the first two Shared Services Centers.

In June 2007, Shared Services representatives appeared before the Commission to give an update on the initiative. At that time it was noted that there could be a net reduction in the number of 4d(3) exempt positions but not for several years. In September 2007, the Commission considered the exemption of additional positions at the Shared Services Centers. The meeting minutes noted that the positions requested did not meet the strict interpretation of the Commission’s rules for exemption but that the Commission must make a judgment call as it has done many times in the past. It was noted that to meet the reporting requirements, the supervisor of the positions must be considered the equivalent of a Deputy Director and that the Shared Services Centers Director be treated as the equivalent of an agency Director.

In April 2010, we asked Commission officials if there had been a net reduction as a result of the Shared Services Initiative. Officials said that there has not been a reduction but that it could still occur in the future. Officials added that with the change in administration, it is unclear what will happen with the Shared Services Initiative.

### **Positions Approved Across Agencies**

In reviewing the positions approved we also noted patterns of similar types of positions approved across agencies. Exhibit 2-4 shows some of the different types of positions approved across agencies. For example, there were 25 human resource positions approved at 22 different

agencies; 18 of these positions were approved during a 12-month period beginning in March 2003. These positions were primarily the managers of the human resources bureaus within these agencies. There were 20 Chief Financial Officer positions approved at 19 different agencies, 10 of which were during the same 12-month period.

Exhibit 2-4 <b>TYPES OF POSITIONS APPROVED ACROSS AGENCIES</b> Calendar Years 2003 – 2008		
<b>Position Type</b>	<b># of Positions Exempted</b>	<b># of Agencies</b>
Legal Counsel	41	18
Human Resources	25	22
Chief Financial Officer	20	19
Policy Advisor	19	12
Legislative Liaison	15	11
Information Technology Manager	14	14
State Purchasing Officer	12	12
Chief of Staff	9	9
Administrative Assistant/Staff Assistant	8	6

Source: OAG analysis of approved positions.

A total of 12 State Purchasing Officer positions were approved during the audit period. At the February 2004 meeting, the Commission approved 10 State Purchasing Officer positions at 10 different agencies. In each of these cases, the positions were newly established on February 1, 2004, prior to being approved at the February 19, 2004 meeting. When making an exemption request, the agency submits a letter to CMS that explains why the position qualifies for exempt status. For these 10 positions, the letters from the 10 different agencies were virtually identical.

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## RESULTS OF TESTING

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We judgmentally selected a sample of 50 positions that had been approved for exempt status during the audit period. We examined each position to determine whether the granting of the exemption was consistent with statute and rule requirements.

### Meeting Statutory Requirements

For all 50 positions in our sample, the granting of the exemption **was consistent** with statutory requirements. The Personnel Code states that the Commission shall grant exemptions for positions that, in the judgment of the Commission, involve either:

- Principal administrative responsibility for the determination of policy; or
- Principal administrative responsibility for the way in which policies are carried out.

The Personnel Code is written to allow the Commission to use its judgment in determining whether a position meets the requirements. The requirements themselves are fairly broad in nature. When agencies submit a position description that describes the essential

functions of the position, the position description can be written so that it meets the broad requirements of the statute.

The meeting minutes noted instances where the agency revised the position description for a proposed exempt position so that any issues that might impact approval would be resolved. For example, an agency requested consideration for this matter be continued an additional month to allow the agency to submit a clarified position description form to resolve overlap issues between positions. As discussed in a later section, the exempt positions are not monitored to ensure that the duties being performed match the position description.

This wording of the statute allows for many different types of positions to be approved. Examples of different functional titles, along with excerpts from the position descriptions, approved during the audit period include the following from our sample:

- *Assistant to the Legislative Liaison (Aging)* – Functions as confidential staff assistant in the development, coordination, and implementation of the legislative program for the Department.
- *Statewide Project Manager for Economic Development Initiatives (Agriculture)* – Serves as the statewide Project Manager for the agency Regional Economic Development Plan; develops policy, implements, and manages the regional plans which fixes objectives and controls operating objectives for various intra and inter-agency organizational units.
- *Deputy Chief Administrative Officer (CMS)* – Serves as the Deputy Chief Administrative Officer responsible for policy-making, project managing, spokesperson, facilitative and review functions for all key strategic objectives.
- *Media Administrator (CMS)* – Serves as the Media Administrator for the Offices of Finance and Administration, Inter-Governmental Affairs, Planning and Programming, and the Division of Aeronautics and Bureaus of Personnel Management and Budget/Fiscal Management in the Illinois Department of Transportation.
- *Affirmative Action Chief (Children and Family Services)* – Serves as the Affirmative Action Chief and acts as policy-formulating administrator for affirmative action issues for the Department.
- *Assistant Deputy Director – Bureau of Energy and Recycling (DCEO)* – Plans, develops, implements, and controls strategic long term planning for the Bureau of Energy and Recycling programs.
- *Staff Assistant to the Director (Corrections)* – Serves as high-level executive Staff Assistant to the Director; has significant authority and independence to bind the agency in the development and implementation of policies for the operations of the Director’s Office.
- *Administrative Assistant to the Assistant Director (Public Health)* – Performs a full range of highly responsible, sensitive, and controversial administrative functions in the overall management of the agency; functions in a liaison capacity with various office and department staff on matters relating to the Assistant Director’s Office; participates in policy development and implements policy.

### Meeting Administrative Rule Requirements

For 20 of the 50 positions (40%) in our sample, the granting of exemptions **was not consistent** with the administrative rule requirements. While the Personnel Code allows the Commission to use its judgment in awarding exemptions, the administrative rules in place during the audit period specified that **before** a position shall qualify for exemption, the position shall be directly responsible to one of seven reporting options. These reporting options are listed on page 5 of Chapter One. In all 20 instances, the positions did not meet the reporting requirements outlined in the administrative rules. Exhibit 2-5 lists the positions from our sample that did not meet the administrative rule requirements.

Exhibit 2-5 APPROVED POSITIONS NOT MEETING REQUIREMENTS FOR EXEMPTION		
Agency	Date Approved	Functional Title
Aging	01/19/06	• Assistant to the Legislative Liaison
Central Management Services	10/21/04	• Deputy Chief Administrative Officer
Central Management Services	04/18/03	• Personnel Liaison
Central Management Services	01/15/04	• Contractual Labor and Specialty Services Strategic Sourcing Manager
Central Management Services	04/15/04	• Property Management, Client Manager #5
Central Management Services	04/21/05	• Manager of Transactions – Central & Southern Regions
Central Management Services	07/15/04	• Media Administrator #1 – Illinois Department of Transportation
Commerce and Economic Opportunity	05/15/03	• Liaison for the Statewide Grant Program
Commerce and Economic Opportunity	09/18/03	• Regional Manager – West Central
Commerce and Economic Opportunity	05/15/03	• Assistant Deputy Director – Bureau of Energy and Recycling
Corrections	09/20/07	• Assistant Deputy Director of Human Resources – Strategic Processes, Shared Services
Corrections	03/20/08	• Assistant Warden of Operations - Northern Reception and Classification Center
Employment Security	12/18/03	• Regional Manager – Northern Region
Environmental Protection Agency	12/15/05	• Assistant Legislative Liaison
Human Services	04/20/06	• Director, Office of Business Services
Public Health	07/17/08	• Assistant Deputy Director, Office of Finance & Administration/ Division Chief of Vital Records
Revenue	05/20/04	• Deputy General Counsel, Property Tax Law
Revenue	06/19/08	• Risk Assessment Project Manager, Shared Services
Revenue	09/20/07	• Assistant Human Resources Director – Functional Processes, Shared Services
State Police	03/17/05	• Chief, Fiscal Management Bureau
Source: OAG sample of 50 positions approved for exemption.		

For example, one option is for the position to report directly to the Director or Assistant Director of an agency. We noted positions that were approved despite being more than one level removed from the Director or Assistant Director.

**Case Example 1 – More Than One Level Removed from Director**

In 2008, the Department of Corrections requested an exemption for an Assistant Warden of Operations position. In e-mail correspondence, staff at the Commission worked to resolve several issues with the position. One issue was the reporting structure. It was determined that the position was four levels removed from the Director. (The Assistant Warden reported to the Warden who reported to the District Deputy Director who reported to the Chief of Operations who reported to the Director.) Despite the issues with the reporting structure, the position was approved for exemption.

Another reporting option in the administrative rules is for the position to be directly responsible to a deputy director as long as the deputy director exercised full line authority over **all** operating entities of the agency. This option further requires that it be in an agency with a statutory assistant director that was either vacant or was assigned clearly distinct and separate duties from the deputy director.

**Case Example 2 – Reporting to a Deputy Director**

In 2004, CMS sought an exemption for the position of Deputy Chief Administrative Officer. The position reported to the Chief Administrative Officer & General Counsel and did not meet any of the reporting requirement options in the administrative rules. In its letter to the Commission, CMS described the position of Chief Administrative Officer & General Counsel as being the equivalent of a deputy director. At the October 2004 meeting, the Chief Administrative Officer & General Counsel referenced an organizational structure at CMS in which he would be responsible for half of the agency. The Commission noted that this would impact the eligibility of numerous previously granted exemptions (e.g. this change in reporting structure could add a layer of reporting to previously approved exempt positions which may make them non-compliant with the administrative rule’s reporting requirements). The Chief Administrative Officer & General Counsel clarified that no such organizational change had occurred but that the statement was intended to emphasize the scope of responsibility of the requested exemption. Despite not meeting the reporting requirement outlined in the administrative rules, the Commission approved the exemption request.

As part of the process for exemption, CMS sends a letter to the Commission to recommend that the position be granted exempt status. For 5 of 50 (10%) positions in our sample, CMS acknowledged in its letter that the position did not meet the reporting requirements.

**Case Example 3 – CMS Agrees that Positions do not Meet Reporting Requirements**

In 2003, the Department of Commerce and Economic Opportunity asked that exempt status be granted for five Assistant Deputy Director positions for different bureaus within the Department. (One of these five positions was chosen for our sample and appears in Exhibit 2-5) The positions all reported to the Deputy Directors of their respective bureaus which does not meet the reporting requirements outlined in the administrative rules. CMS acknowledged this deficiency in its letter to the Commission stating: “Although the remaining five positions do not meet the reporting criteria...the Commission has granted exemptions of similar positions with the rationale that the employee serves in the capacity of a position exempted from the Code coverage in their absence.” Despite not meeting the reporting requirement outlined in the administrative rules, the Commission approved all five positions for exemptions.

In the opinion of Commission staff, beginning with the first exemptions approved in 1958, the Commission has approved positions that do not meet the reporting requirements in the administrative rules. In 1965, the meeting minutes reflect a discussion of a proposed exemption and the impact of the requirements outlined in the **rules**: “...although the Commission staff is bound to review all principal policy exemptions in terms of the criteria, the Commission has not adopted the criteria and is not bound by it.” Commission staff stated that the Commission has never considered itself bound by the administrative rules and considers the rules to be guidelines for its staff and agencies. Staff further stated that the Commission’s actions over the 50 + year period since the rules were first established support that conclusion. If, in the Commission’s collective judgment, a position meets the criteria set forth in the statute, staff believes the Commission is obligated to approve it regardless of any self-imposed non-statutory criteria.

<b>MEETING ADMINISTRATIVE RULE REQUIREMENTS</b>	
<b>RECOMMENDATION NUMBER  1</b>	<i>The Civil Service Commission should ensure that positions approved for exemption meet all of the requirements outlined in the administrative rules.</i>
<b>CIVIL SERVICE COMMISSION RESPONSE</b>	<p>The Civil Service Commission accepts this recommendation. Initially, the Commission notes how the majority of the tested positions met both the standard set forth in the Personnel Code and the criteria in the subordinate Administrative Rules. However, to understand the deliberative process of the Commission requires a brief retrospective as to how the process evolved since the adoption of the modern Personnel Code in 1957.</p> <p>It was not until August 1958 that the Commission approved the first 4d(3) exempt positions. Prior to that, Commission Staff had written the Director of Personnel that it was establishing “a definition or set of criteria which can be used as a guide in acting upon recommendations for exemption.” In 1961, the Commission addressed the issue of the criteria again. It issued “A Statement of Criteria Regarding Exemption of Principal Policy Positions Under Section 4d(3) of the Personnel Code.” This Statement provided, “The Commission, at its meeting of August 18, 1961, established the criteria defined herein as those the staff</p>
<b>Commission Response Continued on Next Page</b>	



<p><b>Commission Response (Continued)</b></p>	<p><i>Pye v. Marco</i>, 13 Ill.App.3d 923, 301 N.E.2d 63 (Ill. App. 4<sup>th</sup> Dist., 1973).</p> <ul style="list-style-type: none"> <li>• Generally, an administrative agency may develop guidelines to aid in statutory interpretation by promulgating rules of construction so long as they are not clearly erroneous, arbitrary, or unreasonable. Specifically, however, an administrative agency cannot thereby extend its authority or impose a limitation on a statute that the legislature did not prescribe. <i>Wesko Plating, Inc. v. Department of Revenue</i>, 222 Ill.App.3d 422, 584 N.E.2d 162 (Ill. App. 1<sup>st</sup> Dist., 1991)</li> <li>• If an agency promulgates rules beyond the scope of the legislative grant of authority, the rules are invalid, as are any rules that conflict with the statutory language under which the rules are adopted. <i>R.L. Polk and Co. v. Ryan</i>, 296 Ill.App.3d 132, 694 N.E.2d 1027 (Ill. App. 4<sup>th</sup> Dist., 1998).</li> <li>• State agency or official cannot impose by regulation or practice requirements inconsistent with statute conferring authority to that official. <i>Guzzo v. Snyder</i>, 326 Ill.App.3d 1058, 762 N.E.2d 663 (Ill. App. 3<sup>rd</sup> Dist., 2002).</li> </ul> <p>This apparently was recognized by all involved as an August 4, 1961 letter from the Director of Personnel to the Commission notes, “The Commission staff and the Department of Personnel staff are in agreement that the Commission has no power to ‘legislate’ in this area by adopting criteria that impose requirements not present in the statute.”</p> <p>Finally, as noted in the Draft Report, the Commission changed its Administrative Rules in March of this year to better reflect actual Commission practice since the inception of the Personnel Code. The process of rewriting the Administrative Rules actually started with initial research in 2003 and involved a comprehensive review of decades of exemption decisions, practices in neighboring states and other written materials as well as conferring with Central Management Services, the other major stakeholder in this process. The first draft of the rewritten rules was created in 2006. This revision makes it abundantly clear that it is the statutory language which controls the Commission’s ultimate determination while identifying commonly cited factors that affect its deliberations. This revision went through the normal rulemaking process (as part of a comprehensive reassessment of the Commission’s rules of practice) and a Certificate of No Objection was issued by the Joint Committee on Administrative Rules. As the Draft Report notes, applying the revised Administrative Rules to the audit sample would likely have resulted in no exceptions being noted. For that reason, the Commission is confident that the issues leading to this recommendation have been resolved going forward.</p>
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### **Other Cases from Testing**

In addition to determining whether granting of exemptions was consistent with statute and rules, we also identified other unique approval scenarios. We noted instances where an exempt position would transfer to another agency. This usually occurred during restructuring of an agency, such as when the Office of Banks and Real Estate was combined into the Department of Financial and Professional Regulation. However, in one instance, an exempt position was transferred to another agency but the position also continued to be maintained at the original agency. This splitting of one exempt position into two exempt positions circumvented the exemption approval process.

#### **Case Example 4 – Splitting One Exempt Position into Two Exempt Positions**

In 2003, the Department of Corrections sought exempt status for the newly created position of Executive Assistant to the Director. The exemption was granted in August 2003. In July 2004, this position was one of several positions targeted at a variety of agencies to be transferred to CMS. The transfers were part of an effort to consolidate media relations functions. Effective August 1, 2004, the position was transferred to CMS and the functional title changed to Media Administrator – Department of Corrections. An employee transferred from Corrections to take this exempt appointment. However, the original position of Executive Assistant to the Director continued as an exempt position at Corrections and the original employee in that position continued to occupy that position. In effect, the original exempt position became two separate exempt positions even though only one position went through process of being approved for exempt status by the Commission. As of December 31, 2008, the two positions continued to exist with two different employees occupying the positions.

In the next case example, the Commission staff expressed concern over possible duplication of duties with another agency but ultimately recommended approval. The position itself was approved for exemption on two separate occasions but no one ever occupied the position.

**Case Example 5 – Position Approved, Rescinded, and Later Approved Again**

In 2004, the Department of Agriculture sought an exemption for the position of Statewide Project Manager for Economic Development Initiatives. The position met both the statute and rule requirements. However, during its analysis, Commission staff questioned why this position was not within the realm of the Department of Commerce and Economic Opportunity (DCEO). The Commission staff expressed concern over possible duplication of principal authority with DCEO who presumably had its own employees performing similar functions. Despite these concerns, staff recommended approval and the exemption was granted by the Commission.

The exemption was first granted in 2004 but had its exempt status rescinded in 2007 because no appointment had ever been made. In 2008, Agriculture asked for exempt status to be granted again and the Commission approved the position for exempt status for the second time. In November 2009, subsequent to the audit period, the Commission again rescinded the exempt status of the position due to extended vacancy. From the time the position was first approved in 2004 up through November 2009, no one occupied the position.

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**PRECEDENTS ESTABLISHED BY THE COMMISSION**

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Over the years, the Commission has established various precedents for approving exempt positions even though the positions do not meet the requirements for exempt status. The established precedents are informal and are not documented in Commission policy. Commission officials noted that the Commission may look at past precedent but that every position up for approval is unique and is considered on its own merits.

Although not documented in a policy, the Commission appears to be aware of its past actions and tries to remain consistent with those past actions. For example, we noted several examples where the meeting minutes state that consistent with past decisions of the Commission, staff recommended approval. While consistent with past actions, the approvals were not always consistent with the requirements in the administrative rules.

One example of relying on an established precedent from our testing was in the approval for an Assistant Warden of Operations position which was mentioned previously in Case Example 1. The meeting minutes noted that the Commission made a determination back in 1980 to exempt Assistant Warden positions because they function as the heads of the institutions in the absence of the Warden. Although the position did not meet the reporting requirements outlined in the administrative rules, the Commission relied on the 30-year old precedent in approving the exemption.

In the previous example, the Commission debated whether to approve the position because the correctional center already had a 4d(3) exempt Assistant Warden of Operations. However, the agency argued that the correctional center actually consisted of two separate facilities and the second position was needed. In approving the position, the Commission specifically noted that the approval of the exemption request reflected the unique nature of the programs provided at the facility and was not precedent setting for the granting of exemptions for more than one Assistant Warden of Operations position.

During our audit testing and in examining meeting minutes, we noted other specific examples of approving an exemption based on past actions even though the position did not meet the reporting requirements:

- Assistant to the Legislative Liaison (Aging) – An e-mail from the Commission staff noted that not everyone on the legislative liaison staff is entitled to the historic exemption simply by virtue of their being assigned to the legislative affairs department. However, staff determined that the main focus of the position was legislative and not administrative. For that reason and consistent with past decisions of the Commission, staff recommended exemption.
- Director of the Office of Business Services (Human Services) – Staff noted that this position was twice removed from the Secretary but past actions of the Commission approved exemption of such positions when there was a position equivalent of an Assistant Director in the chain of command.
- Deputy General Counsel (Revenue) – The Department of Revenue had 10 Deputy General Counsel positions approved during the audit period. Historically, the Commission started approving exemptions for deputy general counsels in 2003. The meeting minutes noted that exemptions were granted “...when the position description sets forth some independent source of principal policy exemption exclusive of the ‘legal or technical advisor’ function inherent in the position.” For example, one position was approved because it was responsible for managing all external litigation and had the authority to bind the agency to a course of action.
- Assistant Facility Director, Shapiro Developmental Center (Human Services) – Staff concluded that this position was similar to an Assistant Warden at a correctional facility. The minutes also noted that the Commission had previously approved exemptions for two other Assistant Facility Directors at two other developmental centers.

### **Inconsistencies**

We noted at least one example where the Commission was not consistent in approving a type of position for exemption. The Commission approved an exemption request at one agency but denied requests for similar positions at two other agencies. In 2003, the Commission approved an exemption for the position of Affirmative Action Chief at the Department of Children and Family Services (DCFS). The position met the reporting requirements as the position reported directly to the Director of DCFS.

In 2006, the Department of Corrections and the Department of Juvenile Justice sought exemptions for Affirmative Action Officers at their agencies. Both positions reported directly to the Directors of their respective agencies. However, both requests were denied. The meeting minutes noted that the Illinois Department of Human Rights, in response to a Commission staff inquiry, advised that these positions were not appropriate candidates for principal policy exemptions. For that reason, Commission staff recommended these requests be denied.

As discussed in Chapter One, the rules governing 4d(3) exemptions were changed effective March 3, 2010. The new rules are more subjective compared to the old rules and allow

the Commission to exercise its judgment in granting exemptions. The more subjective nature of the new rules makes the reliance on past precedent more important. Documenting the Commission’s past precedent would assist agencies submitting exemption requests and would help ensure consistency in granting exemptions.

<b>DOCUMENTING PRECEDENTS</b>	
<b>RECOMMENDATION NUMBER</b>  <b>2</b>	<p><i>The Civil Service Commission should examine its past decisions and document any precedents that have been established. This could include the factors considered by the Commission when the precedents were established and when approving positions based on these precedents.</i></p>
<b>CIVIL SERVICE COMMISSION RESPONSE</b>	<p>The Civil Service Commission accepts this recommendation. Initially, the Commission notes the Draft Report’s finding that 61% of the exemption approvals occurred during the first two years of the audit period (2003-2004). It was also during most of this period of time that due to personnel turnover, the Commission was operating with only one full-time Administrative Law Judge who was also solely responsible for Staff evaluation and recommendations of exemption requests. That is why the Commission’s records and Minutes for this period of time do not contain a great deal of documentation or explanation as to the evaluation and deliberative process for these requests. It can best be described as a “perfect storm” of significantly increased requests at a time of reduced manpower. It was not until 2004 that the Minutes started to better reflect the discussions and presentations that occurred at Commission meetings in such a manner that would give guidance to agencies as to the Commission Staff’s analysis and the Commissioner’s deliberative process. This initiative improved over the ensuing years. In 2006, the Minutes started to contain some descriptive information about every request on each month’s agenda. The depth of information provided increased over the years so that the Minutes presently reflect significant detail as to the Staff’s analysis and any response by the agency as well as individual Commissioner’s inquiries and responses to those inquiries. All this information is subsequently posted on the Commission’s website for agency representatives (as well as the public) to view.</p> <p>In addition, past precedent is referenced in the Minutes when exemption requests are received that are approved or denied in accordance with these past precedents. For example, on June 19, 2008 the Commission approved the exemption request for a Deputy General Counsel position in the Department of Revenue. The Minutes included a brief recitation of the circumstances necessary for an attorney position to also qualify for a Section 4d(3) principal policy exemption. This occurs as opportunities present themselves in the form of pertinent agency requests.</p>

## MONITORING APPROVED POSITIONS

Once a position is approved for exempt status, neither the Commission nor CMS monitors the exempt position to ensure that the duties being performed match the job description. As specified in statute, the Commission approves positions for exemption based on whether the positions involve either principal administrative responsibility for the determination of policy or principal administrative responsibility for the way in which policies are carried out. As mentioned previously, job descriptions could be tailored to meet this broad definition.

The Commission’s annual report for fiscal year 2009 stated that “...the Commission not only acts to approve exemptions recommended by the Director [of CMS], but also monitors all positions that have been approved for exemption to ensure that they are used as presented at the time of approval.” However, the Commission **does not** monitor the actual duties being performed by employees in the exempt positions to ensure that the duties match what was presented at the time of approval.

When asked, Commission officials stated that they are unable to perform this monitoring due to a lack of manpower. The Commission employs only four full time staff – an Executive Director, an Assistant Executive Director, a fiscal officer, and an administrative/clerical staff person. CMS officials also stated that they **do not** monitor the duties being performed in the exempt positions.

While not specifically required by statute or the administrative rules, monitoring positions would help ensure that the duties performed match the job descriptions and are being used as presented at the time of approval. Monitoring could include periodically sampling positions identified by the Commission. These positions could include, for example, ones where the Commission had questions during the approval process about the duties being performed.

<b>MONITORING APPROVED POSITIONS</b>	
<b>RECOMMENDATION NUMBER  3</b>	<i>The Civil Service Commission should work with CMS to monitor exempt positions to ensure that duties being performed match the job description and are being used as presented at the time of approval.</i>
<b>CIVIL SERVICE COMMISSION RESPONSE  Commission Response Continued on Next Page</b>	The Civil Service Commission accepts this recommendation. The issue of ensuring that employees hired into 4d(3) exempt positions are performing the meaningful responsibilities of their positions has, somewhat surprisingly, not been a matter of contention over the years. That is because historically, it has been the agencies themselves that police this function. The Commission’s Minutes reflect this responsibility. They contain numerous instances of agency-initiated action to rescind the principal policy exemption of a position which, in the opinion of the agency, no longer meets the requirements for exemption. As recently as 2002 the Commission’s minutes reflect agency-initiated actions to rescind the exemptions of positions that no longer met the criteria for exemption. That is why the results of the survey – that there are 13 positions that in the agencies’ opinion no longer meet the requirements for exemption but the agency has not

<p><b>Commission Response (Continued)</b></p>	<p>moved forward to rescind the exemption or abolish the position – fly in the face of historical practice.</p> <p>Further, it must be noted that the Commission is presently operating at an historic low of four full-time employees. As recently as 1992 the Commission had twelve full-time employees. While there used to be two full-time employees devoted to the position review function that is now an unaffordable luxury. Even though, Commission Staff still takes the time to review each and every request and make a timely recommendation to the Commissioners prior to their monthly meetings. A file is maintained for each position and clarifications are dutifully reviewed and logged.</p> <p>Having said that, it is inexact that no monitoring occurs. As noted in the Draft Report, positions are monitored for the length of time they go unfilled. Extended vacant positions are placed on the Commission’s agenda for consideration of rescission on a quarterly basis. Just last month, fifteen positions had their exempt status rescinded due to extended vacancy. In addition, as information comes available to the Commission’s Staff it at times results in the consideration of the rescission of a position’s exempt status. For example, in 2007 it came to the attention of Commission Staff via several newspaper articles that an exempt position at the Department of Human Services was being utilized in a manner inconsistent with the duties set forth in its position description. An investigation confirmed this. After notice was provided to the agency and CMS in accordance with Commission rules, the exemption was rescinded on November 15, 2007.</p>
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## IMPACT OF NEW ADMINISTRATIVE RULE REQUIREMENTS

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As discussed in Chapter One, the Commission recently proposed new rules to change the requirements that must be met to qualify for an exemption. The proposed rules were initially published in the Illinois Register on April 10, 2009, and were adopted effective March 3, 2010.

The new administrative rules **substantially** change the requirements to qualify for an exemption. The previous rules listed two sets of criteria that had to be met in order to qualify for an exemption. The new rules eliminated these requirements and now allow the Commission to exercise its judgment when determining whether a position qualifies for exemption.

As discussed previously, we concluded that the granting of exemptions was not consistent with the administrative rule requirements for 20 of the 50 positions in our sample. Because the new rules are more subjective in nature, if the new rules had been in effect during the audit period, it is likely that our testing would have had no exceptions noted.

The new rules are now similar to the statute which allows the Commission to use its judgment in determining which positions should be approved for exempt status. The new rules will not change the way the Commission considers positions for exempt status because the new rules are more in line with how the Commission was making its determinations.

The Personnel Code states that the Commission shall exempt positions which, in the judgment of the Commission, involve either principal administrative responsibility for the determination of policy or principal administrative responsibility for the way in which policies are carried out. Position descriptions can be tailored to meet the broad requirements of the statute.

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## RESULTS FROM EMPLOYEE SURVEY

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For the 50 positions sampled, we looked at the employees in those positions. For 8 of the 50 positions (16%), the position was vacant from the time it was approved through the end of our audit period. Four of those vacant positions were filled subsequent to the audit period. A total of 72 different employees occupied the remaining 42 positions. From the survey we noted the following:

- 40 of the 72 employees (56%) worked for the State prior to working in the exempt position while the remaining 32 employees did not have prior experience with the State.
  - Of the 40 employees that worked for the State prior to working in the exempt positions, 31 (78%) were with the same agency immediately preceding working in the exempt positions while the remaining 9 moved from other agencies.
- 17 of the 40 employees (43%) moving into exempt positions had no increase in salary when moving to the new position. However, the remaining 23 employees had significant salary increases ranging from 8 percent to 29 percent when moving to the new positions.
- 19 of the 72 employees (26%) remained in the exempt position as of the time of our survey in March 2010.
  - Of the 53 employees that left their positions, 15 (28%) transferred to a different position within the same agency with 7 of the 15 (47%) transferring to another 4d(3) exempt position within the agency.

We examined the length of time employees spent in the positions and the salary increases over that time period. One employee was omitted from this analysis because she had been in the original position since 1991 but left the position ten days after it became an exempt position. For the remaining 52 employees that had left an exempt position, the average time spent in the position was 1.72 years. Salary increases were moderate with an average increase of 2.9 percent per year.

Exhibit 2-6 shows the range of annual average salary increases for the 52 employees leaving the exempt positions. As shown in the exhibit, 16 employees received no increase while in their position. Ten employees received a greater than 4 percent average annual increase while in their positions. One employee received an average annual increase of 20 percent.

Exhibit 2-6 AVERAGE ANNUAL SALARY INCREASE OF EMPLOYEES LEAVING POSITIONS	
Annual Increase	# of Employees
No Increase	16
< 3%	15
3% - 4%	11
> 4%	10
<b>Total</b>	<b>52</b>
Source: OAG analysis of employee survey results.	

Of the 50 positions sampled, 20 had multiple employees that occupied the positions during the audit period. We examined the starting salaries of the persons that occupied the same positions to see if they were comparable. We identified 12 instances in which the starting salary between employees in the same position varied greater than 25 percent. The difference in starting salaries ranged from 27 percent to 75 percent. Exhibit 2-7 shows the variance between the highest and lowest starting salary of the 12 positions.

For example, the first position listed in Exhibit 2-7 shows that an employee began work in the exempt position in October 2004 at an annual salary of \$87,504. This employee left the position, and a new employee began work in the same position in March 2007, at an annual salary of \$120,000, an increase of 37 percent. This employee also left the position, and the next employee that filled the position started in March of 2008, at an annual salary of \$101,856. This represents a decrease of 15 percent compared to the previous employee but was still 16 percent higher than employee A who had started three and a half years earlier.

**Exhibit 2-7  
STARTING SALARY VARIANCE OF EXEMPT POSITIONS**

<b>Agency</b>	<b>Functional Title</b>	<b>Employee</b>	<b>Dates in Position</b>	<b>Starting Annual Salary</b>	<b>Variance (Highest to Lowest)</b>
Central Management Services	Deputy Chief Operating Officer	A	10/18/04 – 01/26/07	\$87,504	37%
		B	03/16/07 – 08/31/07	\$120,000	
		C	03/10/08 – 03/13/09	\$101,856	
Central Management Services	Administrator, Diversity Enrichment Program	A	09/01/04 – 07/31/07	\$56,100	48%
		B	08/10/07 – Present	\$83,028	
Central Management Services	Property Management, Transactions, Central & South Regions	A	09/01/06 – 01/16/07	\$73,860	28%
		B	05/01/07 – 07/18/08	\$86,232	
		C	07/16/08 – 02/15/10	\$67,320	
Children and Family Services	Affirmative Action Chief	A	01/05/04 – 12/31/04	\$79,200	27%
		B	07/16/07 – 06/30/08	\$82,368	
		C	09/16/08 – Present	\$100,968	
Children and Family Services	Chief Information Officer	A	01/02/04 – 01/11/07	\$87,000	30%
		B	07/02/07 – 04/11/08	\$113,004	
Commerce and Economic Opportunity	Manager of Legislative Information	A	08/11/03 – 09/30/06	\$62,496	47%
		B	03/01/06 – 01/31/07	\$42,444	
Criminal Justice Information Authority	Associate Director of Human Resources	A	01/03/05 – 01/31/06	\$65,004	33%
		B	09/05/06 – 10/10/08	\$48,996	
Employment Security	Regional Manager, Northern	A	12/18/03 – 02/15/05	\$105,768	51%
		B	02/16/05 – 08/31/06	\$70,236	
		C	06/04/07 – Present	\$84,996	
Financial and Professional Regulation <sup>1</sup>	Administrative Assistant to the Assistant Director	A	05/19/03 – 06/01/04	\$38,004	30%
		B	09/11/04 – 06/30/09	\$49,560	
Historic Preservation Agency	Manager, ALPLM Marketing & Community Relations	A	01/15/04 – 06/28/06	\$80,004	37%
		B	01/16/08 – Present	\$110,004	
Public Health	Executive Assistant for Assistant Director	A	12/01/03 – 06/22/06	\$39,252	53%
		B	06/18/07 – 01/29/09	\$60,108	
State Police	Chief Financial Officer	A	03/29/05 – 08/31/06	\$90,000	75%
		B	09/11/06 – 11/18/09	\$51,540	

<sup>1</sup>As of July 1, 2009, this position moved to the Department of Insurance.

Source: OAG analysis of employee survey results.

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## Chapter Three

# EXISTING POSITIONS

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## CHAPTER CONCLUSIONS

During the audit period, the number of exempt positions increased from 396 on December 31, 2002, to 840 exempt positions on December 31, 2008, an increase of 112 percent. The Department of Central Management Services (CMS) saw the biggest increase during that time period going from 7 exempt positions to 110 exempt positions, an increase of 1,471 percent.

As of December 31, 2008, 205 of the 840 (24%) exempt positions were vacant and as of March 1, 2010, 95 of the 205 (46%) vacant positions remained vacant. For positions where information was available, the number of days vacant ranged from 136 days (*International Trade Liaison at the Department of Commerce and Economic Opportunity [DCEO]*) to 3,614 days (*Assistant Superintendent Operations at Pere Marquette at the Department of Juvenile Justice*) with an average of 932 days vacant, or over two and a half years. While most agencies stated in our survey that these vacant positions were needed, responses indicated that 15 of the vacant positions were no longer needed.

Also in response to our survey, agencies stated that 28 of 840 positions failed to meet the statutory or administrative rule requirements for exempt status. Fifteen of these positions have since been abolished, are in the process of being abolished, or had their exempt status rescinded by the Commission. However, the remaining 13 positions continue as 4d(3) exempt positions even though they do not meet the requirements for exempt status as self-reported by the agencies.

The Commission has identified positions that were vacant for extended periods of time and has actively sought to rescind the exempt status of those positions. During calendar years 2007 to 2009, the Commission rescinded the exempt status of 52 positions, many of which were initiated by the Commission. This compares to only 12 positions that were rescinded during the four-year period from 2003 to 2006. The Commission should examine positions identified through our agency survey to determine if those positions should have their exempt status rescinded.

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## INTRODUCTION

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The audit resolution asked our Office to conduct an audit of exemptions granted by the Commission during the period January 1, 2003, to December 31, 2008. In addition to examining the exemptions granted during this time period, we looked at other actions by the Commission, such as rescinding the exempt status of positions. We also looked at all existing 4d(3) exempt positions as of December 31, 2008, to determine:

- Whether the position was in fact an exempt position at the agency;

- Whether the position was vacant, how long it had been vacant, and if it was still needed; and
- Whether the position continued to meet the requirements for exempt status as outlined in statute and the administrative rules.

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## RESCINDING EXISTING EXEMPT POSITIONS

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In addition to approving positions for exempt status, the Commission also acts to rescind exempt status from positions. Agencies can ask that positions have their exempt status rescinded or the Commission can initiate the action. Rescinding a position does not mean the position is eliminated, only that the position is subject to the merit and fitness provisions of the Personnel Code and Rules. Rescissions can happen for a number of reasons such as:

- New positions having overlapping duties with existing positions;
- Extended vacancies of existing positions; and
- Positions being included in bargaining units certified by the Illinois Labor Relations Board.

<b>Administrative Rule Requirements – Rescissions</b>
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(c) The Commission may upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services rescind the exemption of any position which no longer meets the requirements for exemption as set forth in subsections (a) and (b) of this Section. However, withdrawal of exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status which will insure responsive and accountable administrative control of the programs of the agency. (80 Ill. Adm. Code 1.142)
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From our agency survey to verify positions, responses noted three specific positions that could be affected because of their inclusion in a bargaining unit:

- A Legislative Liaison position at the Department on Aging,
- A Legislative Liaison position at the Environmental Protection Agency, and
- A Human Resources position at the Department of Employment Security.

According to Commission staff, there have not yet been any positions rescinded because of being placed into a bargaining unit. However, the Commission has been clear that unionizing an exempt position will jeopardize the exempt status because inclusion in a bargaining unit is inconsistent with a 4d(3) exemption.

The Commission rescinded 64 positions from 2003 to 2009, 34 of which were during the six-year audit period. As Exhibit 3-1 shows, the Commission has actively pursued the rescission of positions in recent years.

In October 2007, the Commission initiated the rescission of 35 positions, most of which had been vacant in excess of six months. Notice was sent to the agencies of the proposed rescissions. The Commission worked with the agencies and many of the issues with the proposed rescissions were resolved which narrowed the list to 13 positions. The 13 positions were considered for rescission at the November 2007 meeting. The Commission voted to rescind the exempt status of 6 positions. In January 2008, the Commission initiated another group of positions and voted to rescind the exempt status of an additional 12 positions.

<b>Exhibit 3-1 RESCINDED POSITIONS</b>	
<b>Calendar Year</b>	<b>Positions Rescinded</b>
2003	0
2004	2
2005	5
2006	5
2007	8
2008	14
2009	30
<b>Total</b>	<b>64</b>
Source: OAG analysis of Commission meeting minutes.	

Subsequent to the audit period, the Commission has continued to rescind the exempt status of existing positions. In July 2009, the Commission initiated the rescission of 45 positions due to a number of reasons, the major factor being that there appeared to be duplication with other exempt positions. Letters were sent to the agencies notifying them that the Commission would consider the rescission of the positions at the next scheduled meeting. The letter noted that the need to maintain these exemptions must be reconsidered given the current fiscal climate and the continued vacancies of these positions. The initial notices included 45 positions. However, after working with the agencies to resolve issues with some of the positions, the list was narrowed down to 29 positions. At its August 2009 meeting, the Commission rescinded 16 of the 29 positions while moving to continue the remaining rescissions to a later meeting.

In October 2009, the Commission initiated the rescission of an additional 48 positions. The major factor with these positions was that they had all been vacant in excess of two years. Again, letters were sent to the agencies and by the time of the November meeting, the list had been narrowed down to 19 positions. At the November 2009 meeting, the Commission rescinded 13 of the 19 positions while moving to continue the remaining rescissions to a later meeting. A total of 30 positions were rescinded during calendar year 2009.

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### **ABOLISHED POSITIONS**

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In addition to rescinding positions, another way to reduce the number of exempt positions is to abolish the position. Positions are abolished by CMS, not by the Commission. Positions can be abolished at the request of an agency or CMS also has the authority to initiate abolishments as deemed necessary. Positions are abolished for a number of reasons including having overlapping duties with other positions, temporary positions created for a limited

duration, and reorganizations within agencies. For all positions that are currently exempt, CMS is required to notify the Commission of any changes to those positions.

In its annual reports, the Commission publishes the following information regarding exempt positions:

- The number of exempt positions as of the end of the fiscal year;
- The number of exemptions granted during the fiscal year;
- The number of exemptions rescinded during the fiscal year; and
- The number of other actions such as exemption requests denied and rescission requests denied.

The Commission, however, does not specifically track the number of exempt positions that were abolished during the year. While not an action of the Commission, the number of exempt positions abolished would be useful information to the users of the annual report. As discussed in the next section, the number of exempt positions increased from 396 positions on December 31, 2002, to 840 positions on December 31, 2008, which is an increase of 444 positions. However, as noted in Chapter 2, a total of 559 positions were approved for exempt status during that same period. This leaves 115 positions unaccounted for. This difference of 115 positions is likely because the positions were either rescinded or abolished. However, since the number of abolished positions is not tracked, this is not known for certain.

<b>TRACKING ABOLISHED POSITIONS</b>	
<b>RECOMMENDATION NUMBER  4</b>	<i>The Civil Service Commission should track the number of exempt positions that were abolished, as reported to it by CMS, and report this information in its annual report.</i>
<b>CIVIL SERVICE COMMISSION RESPONSE</b>	The Civil Service Commission accepts this recommendation. Historically, Commission Staff had concerns that agencies could accomplish “backdoor rescissions” by abolishing a position and then reestablishing it as a Coded position. (September 23, 1976 Minutes.) The Commission was more acutely aware of this occurring during a change of administration as it believed that succeeding administrations should be able to exercise “the same options that were enjoyed by the present and past administrations” in managing principal policy positions. (July 14, 1976 Minutes.) However, that has not appeared to be the practice. As information about abolishment is received by the Commission from CMS, it will be tracked and reported in upcoming Annual Reports.

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## AGENCY SURVEY

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As part of our audit testing, we compiled a list of 4d(3) exempt positions as of December 31, 2008. The list was compiled using information from both the Commission and CMS. Based on this list, we sent a survey to all agencies that had at least one 4d(3) exempt position. The survey asked the agencies to verify that the listed positions were 4d(3) exempt positions at their agencies. All agencies responded to the survey.

Exhibit 3-2 shows the number of exempt positions at each agency as of December 31, 2008. The exhibit also shows the number of exempt positions as of December 31, 2002, as reported in the Commission’s January 2003 meeting minutes and the percent increase or decrease over the six-year period. For comparison purposes, the Department of Juvenile Justice is combined with the Department of Corrections. Juvenile Justice replaced the Juvenile Division of the Department of Corrections on July 1, 2006. Existing exempt positions at Corrections were transferred to Juvenile Justice at that time.

As of December 31, 2008, there were 840 exempt positions at 38 agencies – the 37 agencies shown in Exhibit 3-2 plus the Department of Juvenile Justice. This compares to a total of 396 exempt positions as of December 31, 2002, an increase of 112 percent over the six-year period. CMS had the largest increase going from 7 exempt positions to a total of 110 positions, an increase of 1,471 percent. Twelve agencies experienced a slight decrease in the number of exempt positions or the number did not change over the six-year period. Appendix D lists all of the exempt positions as of December 31, 2008.

Exhibit 3-2  
**COMPARISON OF 4d(3) EXEMPT POSITIONS**  
 As of December 31, 2002 to as of December 31, 2008

Agency	Exempt Positions (as of 12-31-02)	Exempt Positions (as of 12-31-08)	Percent Increase (Decrease)
Aging	6	9	50.0 %
Agriculture	8	17	112.5 %
Arts Council	1	2	100.0 %
Central Management Services	7	110	1,471.4 %
Children and Family Services	29	52	79.3 %
Commerce and Economic Opportunity	20	67	235.0 %
Corrections	104	138 <sup>1</sup>	32.7 %
Criminal Justice Information Authority	0	6	-
Deaf and Hard of Hearing Commission	1	1	0.0 %
Developmental Disabilities Council	1	1	0.0 %
Employment Security	10	25	150.0 %
Environmental Protection Agency	4	18	350.0 %
Financial and Professional Regulation	19 <sup>2</sup>	52	173.7 %
Guardianship and Advocacy Commission	6	7	16.7 %
Healthcare and Family Services	14	29	107.1 %
Historic Preservation Agency	2	12	500.0 %
Human Rights Commission	2	2	0.0 %
Human Rights Department	5	10	100.0 %
Human Services	39	77	97.4 %
Illinois Emergency Management Agency	0	6	-
Labor	7	7	0.0 %
Labor Relations Board Educational	2	2	0.0 %
Labor Relations Board State	2	2	0.0 %
Law Enforcement Training and Standards Board	1	1	0.0 %
Medical District Commission	1	0	(100.0 %)
Military Affairs	0	3	-
Natural Resources	22	25	13.6 %
Pollution Control Board	3	2	(33.3 %)
Property Tax Appeal Board	2	1	(50.0 %)
Public Health	17	45	164.7 %
Revenue	40 <sup>3</sup>	69	72.5 %
State Board of Elections	1	0	(100.0 %)
State Board of Investment	1	2	100.0 %
State Fire Marshal	3	13	333.3 %
State Police	4	6	50.0 %
State Police Merit Board	1	1	0.0 %
State Retirement Systems	1	2	100.0 %
Veterans' Affairs	2	8	300.0 %
Workers' Compensation Commission	8	10	25.0 %
<b>Total</b>	<b>396</b>	<b>840</b>	<b>112.1 %</b>

<sup>1</sup>Includes 20 positions at Juvenile Justice.

<sup>2</sup>Includes Banks and Real Estate, Financial Institutions, Insurance, and Professional Regulation.

<sup>3</sup>Includes Lottery and Liquor Control Commission.

Source: January 2003 Commission meeting minutes and OAG analysis of agency survey results.

### Vacant Positions

The results of our agency survey showed that, as of December 31, 2008, 205 of the 840 (24%) exempt positions were vacant. If the position was vacant, agencies were asked if the position was still vacant at the time of the survey. As of March 1, 2010, 95 of the 205 (46%) vacant positions remained vacant.

Agencies were also asked if the position was still vacant, how long it had been vacant. Of the 95 vacant positions, agencies provided a time period for 66 of the vacant positions. The number of days vacant for these 66 positions ranged from 136 days (*International Trade Liaison at DCEO*) to 3,614 days (*Assistant Superintendent Operations at Pere Marquette at Juvenile Justice*) with an average of 932 days vacant or over two and a half years.

Exhibit 3-3 VACANT EXEMPT POSITIONS	
Total positions as of 12-31-08	840
Vacant positions at 12-31-08	205
Still vacant at 03-01-10	95
Vacant positions not needed	15
Average days vacant	932 days
Source: OAG analysis of agency survey.	

Some agencies did not provide the time the position was vacant because the exempt status was rescinded or the position was in the process of being abolished. CMS was unable to provide information on how long its positions were vacant. CMS officials stated that its computer system tracks an employee's history not a position's history. Therefore, its computer system would show if a position was vacant as of a point in time but not how long it had been vacant. CMS officials stated in their response to the survey: "Absent incumbent information regarding all employees who have held a particular position during a defined time period, the duration of vacancy information cannot be determined by electronic or manual process."

The final question the survey asked related to vacant positions was: if the position was still vacant, whether the position was needed. Agencies indicated that 13 of the 95 vacant positions were not needed and two additional positions were at a facility pending closure. Most agencies responded that the positions were needed. One reason given by several agencies is that the positions were vacant due to budgetary constraints. Exhibit 3-4 lists the agencies that had vacant positions that were no longer needed.

In addition to the 15 vacant positions, agencies noted that other positions were not needed. For seven other positions, agencies noted that positions were being abolished or would be abolished once the positions were vacant. The Commission should look at all of these positions to determine if their exempt status should be rescinded.

Exhibit 3-4 <b>VACANT EXEMPT POSITIONS NOT NEEDED</b>		
Agency	# of Positions	Status of Position
Corrections	2	At facility pending closure
Historic Preservation Agency	1	Active
Juvenile Justice	1	Active
Public Health	1	Process of being abolished
Revenue	5	4 active; 1 rescinded
State Board of Investment	1	Rescinded
State Fire Marshal	1	Rescinded
State Police	2	1 rescinded; 1 in process of being abolished
Workers' Compensation Commission	1	Active
<b>Total</b>	<b>15</b>	
Source: OAG analysis of agency survey.		

<b>EXAMINING POSITIONS NOT NEEDED</b>	
<b>RECOMMENDATION NUMBER</b>  <b>5</b>	<p><i>The Civil Service Commission should examine positions from our survey where agencies indicated that the positions were no longer needed or that were going to be abolished to determine if their exempt status should be rescinded.</i></p>
<b>CIVIL SERVICE COMMISSION RESPONSE</b>	<p>The Civil Service Commission accepts this recommendation. It was in 2007 that the Commission started its current practice of proposing the rescission of positions that have been vacant for an extended period of time. The Commission was concerned that with a constant 25% vacancy rate, the number of exempt positions as reported monthly in the Commission's Minutes did not accurately reflect the actual number of exempt employees in State government. Not surprisingly, this initiative was met with resistance from many agencies. That is why it comes as a surprise that some of these same agencies are now acknowledging in their responses to the survey that they are maintaining exempt positions which they believe are no longer needed or which no longer meet the criteria for exempt status. The Commission agrees that such positions should either be abolished or have their exempt status rescinded in accordance with our new Rules. To assist in that task, the Commission is requesting a copy of the survey results.</p> <p>In addition, inspired by the Auditor General's survey, the Commission is now considering implementing an annual certification of exempt positions by agency to ensure all exempt positions remain qualified for exemption. Those that are no longer necessary or no longer qualify for exemption would then be placed before the Commission to consider rescission of their exempt status after appropriate notice is provided to the agency and CMS.</p>

### Meeting Personnel Code and Administrative Rule Requirements

The final question of the agency survey asked whether the exempt position continued to meet the requirements for exempt status as outlined in the Personnel Code and the administrative rules. The Personnel Code and administrative rule requirements were discussed in Chapter One.

As shown in Exhibit 3-5, agencies responded that 28 of the 840 positions failed to meet the statutory (Personnel Code) requirements, the administrative rule requirements, or both. Fifteen of these positions have since been abolished, are in the process of being abolished, or had their exempt status rescinded by the Commission. However, the remaining 13 positions continue as 4d(3) exempt positions even though they do not meet the requirements for exempt status as self-reported by the agencies. In addition to the 28 positions, agencies also noted that the question was not applicable for an additional 29 positions mainly because the positions had been abolished or rescinded. However, two of these positions remain as active positions.

Exhibit 3-5 POSITIONS NOT MEETING STATUTE OR ADMINISTRATIVE RULE REQUIREMENTS	
Status of Position	Number of Positions
Rescinded	11
Abolished	1
Will be abolished	3
Can be abolished	2
Active position	<u>11</u>
<b>Total</b>	<b>28</b>
Source: OAG analysis of agency survey.	

The survey asked agencies to explain why the positions did not meet the statutory and administrative rule requirements. For the active positions, one agency noted that the position was recently placed in the AFSCME (American Federation of State, County and Municipal Employees) bargaining unit. Another agency stated that the position does not direct programs defined by statute, nor does it make decisions in exercising principal responsibility for the determination or execution of policy. The Commission should examine these positions to determine whether their exempt status should be rescinded.

EXAMINING POSITIONS THAT DO NOT MEET STATUTE/ADMINISTRATIVE RULE REQUIREMENTS	
<b>RECOMMENDATION NUMBER</b>  <b>6</b>	<i>The Civil Service Commission should examine positions from our survey where agencies indicated that the positions did not meet the statutory or administrative rule requirements for exempt status to determine if their exempt status should be rescinded.</i>
<b>CIVIL SERVICE COMMISSION RESPONSE</b>	The Civil Service Commission accepts this recommendation. The Commission adopts its response to Recommendation #5 as its response to this Recommendation.



# **APPENDICES**



**APPENDIX A**

**House Resolution Number 140**



STATE OF ILLINOIS  
HOUSE OF REPRESENTATIVES  
96TH GENERAL ASSEMBLY

HOUSE RESOLUTION NO. 140

OFFERED BY REPRESENTATIVES JIM WATSON-KEITH FARNHAM-PATRICIA R. BELLOCE-SIDNEY H. MATHIAS

**WHEREAS**, The purpose of the Illinois Personnel Code is to establish for the government of the State of Illinois a system of personnel administration under the Governor, based on merit principles and scientific methods; and

**WHEREAS**, All offices and positions of employment in the service of the State of Illinois are subject to the provisions of the Personnel Code unless exempted by law; and

**WHEREAS**, The Illinois Personnel Code establishes the following jurisdictions: Jurisdiction A, with respect to the classification and compensation of positions in the State service; Jurisdiction B, with respect to the positions in the State service to which persons must hold appointments on a basis of merit and fitness; and Jurisdiction C, with respect to conditions of employment in State service; and

**WHEREAS**, The Personnel Code provides for the partial or total exemption of certain positions from provisions of the Code pertaining to Jurisdictions A, B, and C; and

**WHEREAS**, The Civil Service Commission is authorized to exempt from Jurisdiction B positions that in its judgment involve either principal administrative responsibility for the determination of policy or principal administrative responsibility for the way in which policies are carried out, upon written recommendation of the Director of Central Management Services; and

**WHEREAS**, Positions exempted from the Personnel Code by the Civil Service Commission typically involve upper-management positions, subject to a higher pay range than non-exempt positions, and may be filled without regard to veteran's preference or the merit and fitness requirements (testing) of the Code; and

**WHEREAS**, As of December 31, 2003, the number of exemptions granted by the Civil Service Commission in executive branch State agencies was 381; that number has consistently increased in the past 6 years to an unprecedented number of 824; and

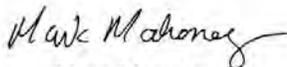
**WHEREAS**, A report recently released by the Executive Ethics Commission indicates that exempt positions were used by State agencies to circumvent veterans' preference requirements and to hire unqualified persons into State positions; therefore, be it

**RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS**, that the Auditor General is directed to conduct an audit of exemptions granted by the Civil Service Commission pursuant to its authority under item (3) of subsection (d) of Section 4 of the Illinois Personnel Code during the period January 1, 2003 to December 31, 2008, to determine if the granting of such exemptions was consistent with applicable State law and rules; and be it further

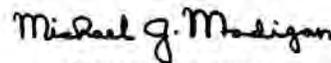
**RESOLVED**, That the Auditor General commence this audit as soon as possible and report his findings and recommendations upon completion in accordance with the provisions of the Illinois State Auditing Act; and be it further

**RESOLVED**, That a copy of this resolution be delivered to the Auditor General.

Adopted by the House of Representatives on May 30, 2009.

  
MARK MAHONEY  
CLERK OF THE HOUSE



  
MICHAEL J. MADIGAN  
SPEAKER OF THE HOUSE



**APPENDIX B**  
**Audit Methodology**



# AUDIT METHODOLOGY

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This audit was conducted in accordance with generally accepted government auditing standards and the audit standards promulgated by the Office of the Auditor General at 74 Ill. Adm. Code 420.310. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

The audit objectives for this audit were those as delineated in House Resolution Number 140 (see Appendix A), which directed the Auditor General to conduct an audit of exemptions granted by the Civil Service Commission pursuant to its authority under item (3) subsection (d) of Section 4 of the Personnel Code during the period January 1, 2003, to December 31, 2008, to determine if the granting of such exemptions was consistent with the applicable State law and rules. The audit objectives are listed in the Introduction section of Chapter One. Fieldwork for this audit was conducted between October 2009 and March 2010.

In conducting the audit, we reviewed applicable State statutes and rules. We reviewed compliance with those laws to the extent necessary to meet the audit's objectives. Any instances of non-compliance we identified are noted in this report.

We also reviewed management controls and assessed risk related to the audit's objectives. A risk assessment was conducted to identify areas that needed closer examination. Any significant weaknesses in those controls are included in this report.

During the audit we met with officials from the Civil Service Commission and from Central Management Services. We examined all meeting minutes from the audit period and compiled a list of positions approved during that time period. In addition, we looked at positions that were abolished and rescinded.

We also surveyed all of the agencies that had exempt positions as of December 31, 2008. All agencies responded to the survey. Our survey asked the agencies:

- To verify whether or not the position still existed at the agency and to explain why, if not;
- To verify the position number, the incumbent as of December 31, 2008, and the functional title;
- If the position was vacant as of December 31, 2008, how long it had been vacant and if it is still needed; and
- If the position continued to meet the requirements for exempt status.

We judgmentally selected a sample of 50 positions that had been approved for exempt status during the audit period. We examined each position to determine whether the granting of the exemption was consistent with statute and rule requirements. Results from the sample have not been projected to the universe of exemptions approved and should not be projected.

We also surveyed agencies regarding the employees that were in those positions during the audit period. We inquired as to when each employee started in the exempt position, the monthly salary at that start date, whether or not the employee worked for the State immediately preceding working in the exempt position, if that employee was still in the exempt position and if not, the monthly salary at the time of leaving the exempt position and if they went to another position within the agency. We examined the length of time employees spent in the positions and the salary increases over that time period. We also compared the different starting salaries for the different employees that held the exempt position.

## **APPENDIX C**

### **Exempt Positions Approved 2003 – 2008**



**APPENDIX C**

Exempt Positions Approved 2003 – 2008 Sorted by Agency and Date Approved

<b>Count</b>	<b>Date Approved</b>	<b>Division</b>	<b>Functional Title</b>
<b>Aging</b>			
1	04/18/03	Communications and Training	Manager, Communications and Training
2	02/19/04	Finance and Administration	Division Manager, Finance and Administration
3	12/16/04	Executive Office	Personnel Manager, Office of Human Resources
4	08/18/05	Home and Community Services	Manager, Home and Community Services
5	08/18/05	Planning, Research and Development	Manager, Planning, Research and Development
6	01/19/06	Executive Office	Assistant to the Legislative Liaison
<b>Agriculture</b>			
7	03/20/03	Executive Office	Human Resources Manager
8	04/18/03	Executive Office	Bureau Chief, County Fairs and Horse Racing
9	06/19/03	Executive Office	Bureau Chief, Illinois State Fair Programs
10	06/19/03	Executive Office	Bureau Chief, Fiscal Management and Budget
11	07/17/03	Executive Office	Manager of the Grants-In-Aid Programs
12	07/17/03	Executive Office	Director of the Bureau of Public Information
13	02/19/04	Office of Strategic Sourcing and Procurement	State Purchasing Officer
14	04/15/04	Office of the Director	Chief of Staff
15	05/20/04	Bureau of Buildings and Grounds	Bureau Chief, Bureau of Buildings and Grounds
16	06/17/04	Promotional Services	Bureau Chief, Business Services
17	06/17/04	Promotional Services	Advocate Liaison
18	09/16/04	Director's Office	Statewide Project Manager, Regional Economic Development Plan
19	02/21/08	Executive Office	Chief Legal Counsel
20	11/20/08	Director's Office	Statewide Project Manager, Economic Development Initiatives
<b>Arts Council</b>			
21	09/21/06	Programs	Deputy Director, Programs
<b>Central Management Services</b>			
22	04/17/03	Information Services	Chief Spokesperson for the Assistant Director or for CMS
23	04/17/03	Office of Finance	Chief Financial Officer
24	04/18/03	Director's Office	Personnel Liaison
25	04/18/03	Director's Office	Personnel Liaison
26	04/18/03	Director's Office	Personnel Liaison
27	04/18/03	Director's Office	Personnel Liaison
28	04/18/03	Director's Office	Personnel Liaison
29	04/18/03	Director's Office	Personnel Liaison
30	05/15/03	Bureau of Benefits	Manager of Bureau of Benefits
31	05/15/03	Bureau of Communication and Computer Services	Deputy Director, Bureau of Communication and Computer Services
32	05/15/03	Bureau of Personnel	Manager of Bureau of Personnel
33	05/15/03	Business Enterprise Program/ Assistant Director's Office	Bureau Manager of the Business Enterprise Program
34	05/15/03	Information Services	Manager, Information Services

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<b>Central Management Services (continued)</b>			
35	05/15/03	Internal Audits	Chief Internal Auditor
36	05/15/03	Legal Services	Chief Technical and Legal Advisor for the Chief of Operations
37	05/15/03	Property Management	Manager of Bureau of Property Management
38	05/15/03	Support Services	Manager of Support Services
39	06/19/03	Director's Office	Drug Advocate
40	06/19/03	Director's Office	Drug Advocate
41	06/19/03	Director's Office	Inspector General
42	06/19/03	Director's Office	First Deputy Inspector General
43	06/19/03	Director's Office	Chief Investigator, Office of Inspector General
44	07/17/03	Office of Internal Audits	Chief Internal Auditor
45	08/21/03	Bureau of Communication and Computer Services (BCCS) - Administration and Planning	Manager, BCCS Administration and Planning
46	08/21/03	Bureau of Communication and Computer Services - Information Management Services	Manager, Information Management Services Division
47	08/21/03	Bureau of Communication and Computer Services - Information Services	Manager, Information Services Division
48	08/21/03	Bureau of Communication and Computer Services - Telecommunications	Manager, BCCS Telecommunications
49	08/21/03	Director's Office	Policy Formulating Manager
50	09/18/03	Legal Services/Administration and Support Services	General Counsel, Administration and Support Services
51	09/18/03	Legal Services/Benefits and Personnel	General Counsel, Benefits and Personnel
52	09/18/03	Legal Services/Communications Computer/Information Services	General Counsel, Communications Computer/Information Services
53	09/18/03	Legal Services/Procurement	General Counsel, Procurement
54	09/18/03	Legal Services/Property Management and Claims	General Counsel, Property Management and Claims
55	11/20/03	Deputy Director's Office - Property Management	Manager, Statewide Facility Management
56	11/20/03	Deputy Director's Office - Property Management	Manager, Contract Administration - Property Management
57	11/20/03	Deputy Director's Office - Property Management	Manager, Fiscal Administration - Property Management
58	11/20/03	Deputy Director's Office - Property Management	Manager, Statewide Facility Energy Management Program
59	12/18/03	Bureau of Strategic Sourcing and Procurement (BOSSAP)	Chief of Staff, Bureau of Strategic Sourcing and Procurement
60	12/18/03	Bureau of Strategic Sourcing and Procurement	Chief Operating Officer, Bureau of Strategic Sourcing and Procurement
61	12/18/03	Bureau of Strategic Sourcing and Procurement	Portfolio Manager, BOSSAP Division of Equipment and Commodities

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<b>Central Management Services (continued)</b>			
62	12/18/03	Bureau of Strategic Sourcing and Procurement	Portfolio Manager, BOSSAP Division of Information Technology and Telecommunications
63	12/18/03	Bureau of Strategic Sourcing and Procurement	Portfolio Manager, BOSSAP Division of Medical and Healthcare Services
64	12/18/03	Bureau of Strategic Sourcing and Procurement	Portfolio Manager, BOSSAP Division of General Services
65	12/18/03	Bureau of Strategic Sourcing and Procurement	Manager, BOSSAP Division of Knowledge Management
66	01/15/04	Bureau of Strategic Sourcing and Procurement, Division of Equipment and Commodities Strategic Sourcing	Equipment Strategic Sourcing Program Manager
67	01/15/04	Bureau of Strategic Sourcing and Procurement, Division of Equipment and Commodities Strategic Sourcing	Commodities Strategic Sourcing Program Manager
68	01/15/04	Bureau of Strategic Sourcing and Procurement, Division of General Services Sourcing	Transportation Services Strategic Sourcing Manager
69	01/15/04	Bureau of Strategic Sourcing and Procurement, Division of General Services Sourcing	Contractual Labor and Specialty Services Strategic Sourcing Manager
70	01/15/04	Bureau of Strategic Sourcing and Procurement, Division of Information Technology and Telecommunications Strategic Sourcing	Information Technology Strategic Sourcing Program Manager
71	01/15/04	Bureau of Strategic Sourcing and Procurement, Division of Information Technology and Telecommunications Strategic Sourcing	Telecommunications Strategic Sourcing Program Manager
72	01/15/04	Bureau of Strategic Sourcing and Procurement, Division of Medical and Healthcare Services	Employee Benefits Program Strategic Sourcing Manager
73	01/15/04	Bureau of Strategic Sourcing and Procurement, Division of Medical and Healthcare Services	Healthcare Services Program Strategic Sourcing Manager
74	02/19/04	Multicultural Outreach Program	Administrator, Multicultural Outreach Program
75	02/19/04	Office of Strategic Sourcing and Procurement	State Purchasing Officer
76	03/18/04	Bureau of Communication and Computer Services - LAN and Office Systems Services Division	Manager, LAN/Office Systems Services Division
77	03/18/04	Bureau of Strategic Sourcing and Procurement, Division of Facilities Sourcing	Portfolio Manager, Division of Facilities Sourcing
78	03/18/04	Bureau of Strategic Sourcing and Procurement, Division of Facilities Sourcing	Facilities Trade and Building Services Sourcing Program Manager

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<b>Central Management Services (continued)</b>			
79	03/18/04	Bureau of Strategic Sourcing and Procurement, Division of Facilities Utilities and Professional Services Sourcing	Facilities Utilities and Professional Services Sourcing Program Manager
80	04/15/04	Bureau of Benefits/Group Insurance Division	Group Insurance Division Manager
81	04/15/04	Bureau of Benefits/Risk Management Division	Manager, Division of Risk Management
82	04/15/04	Bureau of Property Management	Property Management, Client Manager #1
83	04/15/04	Bureau of Property Management	Property Management, Client Manager #2
84	04/15/04	Bureau of Property Management	Property Management, Client Manager #3
85	04/15/04	Bureau of Property Management	Property Management, Client Manager #4
86	04/15/04	Bureau of Property Management	Property Management, Client Manager #5
87	04/15/04	Bureau of Property Management	Property Management, Client Manager #6
88	04/15/04	Bureau of Property Management	Property Management, Client Manager #7
89	04/15/04	Bureau of Property Management	Property Management, Client Manager #8
90	04/15/04	Bureau of Property Management	Property Management, Client Manager #9
91	04/15/04	Program Management Office	Finance Administrator, Program Management Office
92	04/15/04	Program Management Office	Process Administrator, Program Management Office
93	04/15/04	Program Management Office	Consolidation Administrator, Program Management Office
94	04/15/04	Program Management Office	Initiative Administrator, Program Management Office
95	05/20/04	Bureau of Property Management	Information Technology Administrator
96	05/20/04	Bureau of Property Management	Planning and Construction Administrator
97	05/20/04	Director's Office	Chief Educational Issues Policy Advisor
98	06/17/04	Bureau of Benefits/Benefits Management Division	Benefits Management Division Manager
99	06/17/04	Bureau of Benefits/Deferred Compensation Division	Deferred Compensation Division Manager
100	06/17/04	Bureau of Property Management	Manager, Transactions and Property Administration
101	07/15/04	Director's Office	Information Strategy Director
102	07/15/04	Illinois Office of Communication and Information (IOCI)	Media Administrator #1 – Central Management Services
103	07/15/04	Illinois Office of Communication and Information	Media Administrator #2 – Central Management Services
104	07/15/04	Illinois Office of Communication and Information	Media Administrator – Capital Development Board
105	07/15/04	Illinois Office of Communication and Information	Media Administrator – Illinois Emergency Management Agency /State Fire Marshall
106	07/15/04	Illinois Office of Communication and Information	Media Administrator #1 – Department of Transportation
107	07/15/04	Illinois Office of Communication and Information	Media Administrator #2 – Department of Transportation

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<b>Central Management Services (continued)</b>			
108	07/15/04	Illinois Office of Communication and Information	Media Administrator #3 – Department of Transportation
109	07/15/04	Illinois Office of Communication and Information	Media Administrator – Historic Preservation Agency
110	07/15/04	Illinois Office of Communication and Information	Media Administrator #1 – Public Health
111	07/15/04	Illinois Office of Communication and Information	Media Administrator #1 – Environmental Protection Agency
112	07/15/04	Illinois Office of Communication and Information	Media Administrator #1 – Natural Resources
113	07/15/04	Illinois Office of Communication and Information	Media Administrator #2 – Natural Resources
114	08/19/04	Illinois Office of Communication and Information	Media Administrator #1 – Commerce and Economic Opportunity
115	10/21/04	Chief Administrative Officer/General Counsel's Office	Deputy Chief Administrative Officer
116	10/21/04	Illinois Office of Communication and Information/Statewide Electronic Media Services	IOCI, Manager, Statewide Electronic Media Services
117	10/21/04	Illinois Office of Communication and Information/Statewide Publications, Editorial and Design Services	IOCI, Manager, Statewide Publications, Editorial and Design Services
118	10/21/04	Illinois Office of Communication and Information/Statewide Visual Media Services	IOCI, Manager, Statewide Visual Media Services
119	12/16/04	Chief Operating Officer's Office	Deputy Chief Operating Officer
120	01/20/05	Chief Administrative Officer and General Counsel's Office	Deputy General Counsel, Personnel
121	01/20/05	Legal/Labor Relations	Deputy General Counsel, Labor Relations
122	04/21/05	Bureau of Property Management/ Transactions and Property	Manager of Transactions - Chicago and Northern Regions
123	04/21/05	Bureau of Property Management/ Transactions and Property	Manager of Transactions - Central and Southern Regions
124	04/21/05	Bureau of Property Management/ Transactions and Property	Manager, Real Property Transactions
125	07/21/05	Bureau of Communication and Computer Services - Agency Relations Program	BCCS, Agency Relations Manager
126	07/21/05	Bureau of Communication and Computer Services - Chief of Staff's Office	BCCS, Chief of Staff
127	07/21/05	Bureau of Communication and Computer Services - Information Technology Division	BCCS, Chief Information Officer
128	10/20/05	Director's Office	Deputy Chief Operating Officer
129	11/17/05	Illinois Office of Communication and Information	Media Administrator #2 – Healthcare and Family Services

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<b>Central Management Services (continued)</b>			
130	07/19/07	Director's Office	Deputy Director, Labor Relations
131	02/21/08	Bureau of Communication and Computer Services	Chief Technology Officer, Infrastructure Services Division
132	08/21/08	Illinois Office of Communication and Information/Statewide Media Services	Media Administrator #2 – Public Health
133	11/20/08	Bureau of Communication and Computer Services	BCCS, Chief of Information Technology Policy and Planning
134	11/20/08	Bureau of Communication and Computer Services	BCCS, Enterprise Applications Manager
135	12/18/08	Bureau of Communication and Computer Services - Security and Compliance Solutions	BCCS, Chief Information Security Officer
<b>Children and Family Services</b>			
136	05/15/03	Director's Office	Deputy Director of Human Resources
137	07/17/03	Affirmative Action	Affirmative Action Chief
138	08/21/03	External Affairs	Chief of Latino Services
139	08/21/03	External Affairs	Chief of African-American Affairs
140	10/16/03	Director's Office	Special Assistant to the Director
141	11/20/03	Budget and Finance	Special Assistant to the Deputy Director of Budget and Finance
142	11/20/03	Planning and Performance Management	Chief Information Technology Manager
143	01/15/04	Director's Office	Administrator, Planning, Research, and Analysis
144	02/19/04	Director's Office	Confidential Staff Assistant to the Director
145	02/19/04	Director's Office	State Purchasing Officer
146	04/15/04	Legal Services - Assistant Deputy General Counsel	Assistant Deputy General Counsel, Office of Legal Services
147	06/17/04	Office of Legislative Affairs	Federal Legislation Program Manager
148	05/18/05	Director's Office	Statewide Contract Compliance Administrator
149	05/17/07	Director's Office	Emergency Reception Center Program Coordinator
150	07/19/07	Director's Office	Executive Deputy Director
151	08/16/07	Legal Services	Deputy General Counsel, Cook County Legal Services
152	09/20/07	Legal Services	Deputy General Counsel, Downstate Legal Services
153	10/18/07	Quality Assurance	Deputy Director, Division of Quality Assurance
154	11/15/07	Director's Office	Associate Director, Psychiatric Services
155	04/17/08	Guardian and Advocacy	Deputy Director, Division of Guardian and Advocacy
156	06/19/08	Budget and Finance	Manager, Office of Federal Financial Participation
<b>Commerce and Economic Opportunity</b>			
157	04/17/03	Director's Office	Manager, Women's Business Development Program

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<b>Commerce and Economic Opportunity (continued)</b>			
158	04/17/03	Illinois Film Office	Manager of the Illinois Film Office
159	04/17/03	Illinois Trade Office	Manager of the Illinois Trade Office
160	05/15/03	Bureau of Business Development	Assistant Deputy Director of Business Development
161	05/15/03	Bureau of Community Development	Assistant Deputy Director of Community Development
162	05/15/03	Bureau of Energy and Recycling	Assistant Deputy Director of Energy and Recycling
163	05/15/03	Bureau of Technology and Industrial Competitiveness	Assistant Deputy Director of Technology and Industrial Competitiveness
164	05/15/03	Bureau of Tourism	Assistant Deputy Director of Tourism
165	05/15/03	Director's Office	Chief of Staff
166	05/15/03	Director's Office	Associate Executive Assistant
167	05/15/03	Director's Office	Manager of Program and Policy Development
168	05/15/03	Director's Office	Liaison for the Statewide Grant Program
169	05/15/03	Director's Office/Bureau of Policy Development Planning and Research	Manager of the Illinois FIRST Program
170	05/15/03	Director's Office/Bureau of Policy Development Planning and Research	Manager of Census Data and Goal Review
171	05/15/03	Director's Office/Coal Development and Marketing	Manager of Coal Programs
172	05/15/03	Director's Office/Information Technology Management	Information Technology Manager
173	05/15/03	Director's Office/Management Operations	Manager, Management Operations
174	05/15/03	Director's Office/Office of Financial Management	Chief Financial Officer
175	05/15/03	Director's Office/Office of Human Resources and Labor Relations	Human Resources Manager
176	05/15/03	Illinois Trade Office	Manager of the International Business European/Middle East/Africa and Asia Offices
177	05/15/03	Illinois Trade Office	Manager of the Americas Office and Export Trade Office
178	05/15/03	Office of High Performance Workplace	Manager of the Office of High Performance Workplace
179	06/19/03	Workforce Preparation	Assistant Deputy Director for the Bureau of Workforce Preparation
180	06/19/03	Workforce Preparation	Deputy Director for the Bureau of Workforce Preparation
181	08/21/03	Market Development Chicago Division	Policy Formulating Manager of the Market Development Chicago Division
182	09/18/03	Bureau of Economic Development	Deputy Director, Bureau of Economic Development
183	09/18/03	Bureau of Economic Development	Assistant Deputy Director, Bureau of Economic Development
184	09/18/03	Bureau of Economic Development	Regional Manager - Northeast
185	09/18/03	Bureau of Economic Development	Regional Manager - Northern Stateline

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<b>Commerce and Economic Opportunity (continued)</b>			
186	09/18/03	Bureau of Economic Development	Regional Manager - Northwest
187	09/18/03	Bureau of Economic Development	Regional Manager - East Central
188	09/18/03	Bureau of Economic Development	Regional Manager - Central
189	09/18/03	Bureau of Economic Development	Regional Manager - North Central
190	09/18/03	Bureau of Economic Development	Regional Manager - West Central
191	09/18/03	Bureau of Economic Development	Regional Manager - Southeastern
192	09/18/03	Bureau of Economic Development	Regional Manager - Southern Central
193	09/18/03	Bureau of Economic Development	Regional Manager - Southwestern
194	02/19/04	Director's Office/Entrepreneurial/ Small Business	Manager of the Statewide Entrepreneur Program
195	02/19/04	Office of Strategic Sourcing and Procurement	State Purchasing Officer
196	04/15/04	Assistant Director's Office	Executive Assistant to the Assistant Director
197	08/19/04	Director's Office	Manager, Marketing/Publications Projects
198	04/21/05	Bureau of Homeland Security Marketplace	Deputy Director, Homeland Security Marketplace
199	05/18/05	Director's Office/Film Office	Assistant Managing Director, Film Office
200	07/21/05	Bureau of Homeland Security Marketplace	Assistant Deputy Director, Bureau of Homeland Security Marketplace
201	02/16/06	Director's Office/Illinois Trade Office	Manager, Foreign Direct Investment Program
202	07/20/06	Director's Office/Office of Legislative Affairs	Legislative Liaison
203	12/21/06	Legal Office	Chief Legal Counsel
204	01/18/07	Legal Office	Deputy General Counsel, Springfield
205	01/18/07	Legal Office	Deputy General Counsel, Chicago
206	05/17/07	Office of Urban Assistance	Managing Director, Office of Urban Assistance
207	10/18/07	Director's Office	Chief Accountability Officer
208	12/20/07	Bureau of Economic Development	Deputy Director, Bureau of Economic Development
<b>Corrections</b>			
209	03/20/03	Chief of Staff	Administrator, Public Relations Outreach Program
210	04/18/03	Director's Office	Human Resources Policy Advisor
211	06/19/03	Chief of Staff	Chief of Staff
212	07/17/03	Director's Office	Special Assistant to the Director
213	07/17/03	Support Services	Deputy Director of Support Services
214	08/21/03	Director's Office	Staff Administrative Assistant to the Director
215	08/21/03	Director's Office	Program Administrator - Affirmative Action Program and Statewide Recruitment Program
216	09/18/03	Sheridan Correctional Center	Assistant Warden of Programs, Sheridan Correctional Center
217	09/18/03	Sheridan Correctional Center	Assistant Warden of Operations, Sheridan Correctional Center
218	10/16/03	Parole Division	Deputy Director, Parole Division
219	11/20/03	Labor Relations	Chief of Labor Relations

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<b>Corrections (continued)</b>			
220	02/19/04	Director's Office/Strategic Sourcing and Procurement	State Purchasing Officer
221	05/20/04	School District 428	Administrator, School District #428
222	07/15/04	Parole Division	District I-II Field Services Supervisor
223	07/15/04	Parole Division	District III-V Field Services Supervisor
224	08/19/04	Director's Office/Personnel	Agency Personnel Manager
225	08/19/04	Director's Office/Placement Resources	Manager, Placement Resources Unit
226	09/16/04	Planning and Research	Manager, Planning and Research Unit
227	11/18/04	Fiscal Services	Manager, Fiscal Services
228	12/16/04	Finance and Administration/ Information Services	Information Services Manager
229	09/15/05	Administration	Chief of Administration
230	07/20/06	Director's Office	Staff Assistant to the Director
231	07/20/06	Public Safety Shared Services Center (PSSSC)	Director, PSSSC
232	07/20/06	Public Safety Shared Services Center	Chief of Administration, PSSSC
233	07/20/06	Public Safety Shared Services Center	Human Resources Director, PSSSC
234	07/20/06	Public Safety Shared Services Center	Chief Financial Officer, PSSSC
235	07/20/06	Public Safety Shared Services Center	Projects Director, PSSSC
236	09/21/06	Adult Education and Vocational Services	Chief Administrative Officer
237	04/19/07	Assistant Director's Office	Chief, Statewide Resources and Program Development
238	06/21/07	Parole Division	Deputy Director, Parole, Operations and Security
239	07/19/07	Operations	Deputy Director, Offender Classification and Population Management
240	09/20/07	Administration	Director of Staff Development and Training
241	09/20/07	Public Safety Shared Services Center	Assistant Deputy Director of Human Resources - Functional Processes, PSSSC
242	09/20/07	Public Safety Shared Services Center	Assistant Deputy Director of Human Resources - Strategic Processes, PSSSC
243	09/20/07	Public Safety Shared Services Center	Risk Assessment Project Manager, PSSSC
244	09/20/07	Support Services	Chief of Medical Services
245	10/18/07	Public Safety Shared Services Center	Change Management Project Manager, PSSSC
246	11/15/07	Parole Division	Regional Supervisor Parole District I (Area North and South)
247	11/15/07	Parole Division	Regional Supervisor Parole Districts IV and V
248	01/17/08	Director's Office	Executive Staff Assistant to Chief of Intergovernmental Relations
249	03/20/08	Public Safety Shared Services Center	Assistant Deputy Director of Fiscal Operations, PSSSC
250	03/20/08	Public Safety Shared Services Center	Assistant Deputy Director of Fiscal Accounting Compliance, PSSSC
251	03/20/08	Public Safety Shared Services Center	Assistant Deputy Director of Fiscal Strategic Planning, PSSSC
252	03/20/08	Stateville Correctional Center	Assistant Warden of Operations - Northern Reception and Classification Center

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<b>Criminal Justice Information Authority</b>			
253	08/21/03	Federal and State Grants Unit	Associate Director
254	08/21/03	Office of Fiscal Management	Chief Fiscal Officer
255	09/18/03	Information Systems Unit	Associate Director, Information Systems Unit
256	10/21/04	Human Resources	Associate Director, Office of Human Resources
257	10/21/04	Research and Analysis	Associate Director, Research and Analysis Unit
258	09/15/05	Office of Executive Director	General Counsel
<b>Employment Security</b>			
259	06/19/03	Director's Office	Chief Financial Officer
260	06/19/03	Director's Office	Executive Director of the Board of Review
261	06/19/03	Director's Office	Manager, Office of Appeals
262	06/19/03	Director's Office	Human Resources Manager
263	06/19/03	Director's Office	Principal Policy Advisor
264	07/17/03	Director's Office	Administrator of the Office of Community Relations
265	07/17/03	Field Operations	Manager of Field Operations
266	07/17/03	Revenue	Manager of the Revenue Program
267	09/18/03	Director's Office	Administrator, Chief Legal and Technical Advisor for the Board of Review
268	12/18/03	Field Operations	Regional Manager, Chicago Metropolitan Region
269	12/18/03	Field Operations	Regional Manager, Metro South Region
270	12/18/03	Field Operations	Regional Manager, Northern Region
271	12/18/03	Field Operations	Regional Manager, Northwest Region
272	12/18/03	Field Operations	Regional Manager, Central Region
273	12/18/03	Field Operations	Regional Manager, Southern Region
274	05/20/04	Administration	Manager, Bureau of Administration
275	03/17/05	Office of Legal Counsel	Chief Legal Counsel
276	09/20/07	Economic Information and Analysis	Manager, Economic Information and Analysis
<b>Environmental Protection Agency</b>			
277	05/15/03	Director's Office	Intergovernmental Affairs Liaison
278	10/16/03	Deputy Director	Manager, Office of Emergency Response
279	10/16/03	Director's Office	Budget Officer
280	11/20/03	Director's Office	Agency Communications Manager
281	12/18/03	Legal Counsel	Chief Legal Counsel
282	02/19/04	Associate Director	Environmental Policy and Outreach Advisor
283	02/19/04	Director's Office	Chief Policy Advisor on Environmental Issues
284	02/19/04	Office of Strategic Sourcing and Procurement	State Purchasing Officer
285	08/19/04	Deputy Director's Office	Chief Information Officer
286	09/16/04	Director's Office	Statewide Project Manager, Regional Economic Development Plan
287	09/16/04	Director's Office	Manager, Citizens' Response Program
288	02/17/05	Bureau of Air	Bureau Chief , Bureau of Air
289	02/17/05	Division of Laboratories	Administrator, Division of Laboratories
290	03/17/05	Bureau of Water	Bureau Chief , Bureau of Water

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<b>Environmental Protection Agency (continued)</b>			
291	12/15/05	Legislative Affairs	Assistant Legislative Liaison
292	09/21/06	Bureau of Land	Bureau Chief , Bureau of Land
293	05/17/07	Director's Office	Assistant to the Director/Policy Advisor
<b>Financial and Professional Regulation</b>			
294	11/18/04	Banks and Real Estate	Manager, Loan Originator Regulation
295	11/18/04	Human Resources Manager	Deputy Director, Human Resources
296	04/21/05	Fiscal	State Purchasing Officer
297	05/18/05	Commercial Bank Supervision Division	Director, Springfield Commercial Bank Supervision Division
298	05/18/05	Commercial Bank Supervision Division	Director, Chicago Commercial Bank Supervision Division
299	05/18/05	Commercial Bank Supervision Division	Director, International Commercial Bank Supervision Division
300	07/21/05	Thrifts Division	Manager, Thrifts Division
301	10/20/05	Administrative Services	Deputy Director, Administrative Services
302	10/20/05	Consumer Credit, Financial Institutions	Manager, Consumer Credit
303	11/17/05	Fiscal Operations	Chief Financial Officer
304	11/17/05	Information Technology	Director, Information Technology
305	11/17/05	Legislative Affairs	Legislative Liaison, Division of Insurance
306	11/17/05	Legislative Affairs	Legislative Director
307	11/17/05	Legislative Affairs, Financial Institutions	Legislative Liaison
308	11/17/05	Office of Legal Affairs	General Counsel
309	11/17/05	Office of Legal Affairs	Deputy General Counsel
310	11/17/05	Office of Legal Affairs	Deputy General Counsel
311	04/20/06	Secretary's Office-Policy and Community Relations	Policy Advisor
312	06/15/06	Professional Regulation	Nursing Act Coordinator
313	08/17/06	Insurance	Deputy Director, Consumer Education
314	03/15/07	Insurance	Deputy Director, Workers' Compensation Fraud
315	04/19/07	Professional Regulation	Director of Pharmacy Investigations
316	04/19/07	Professional Regulation	Director of Athletics
317	07/19/07	Professional Regulation	Chief of Medical Prosecutions
318	07/19/07	Professional Regulation	Chief of Business Prosecutions
319	07/19/07	Professional Regulation	Chief of Health Related Prosecutions
320	07/19/07	Professional Regulation	Chief of General Prosecutions
321	07/19/07	Professional Regulation	Chief of Real Estate Prosecutions
322	09/20/07	Professional Regulation	Director of Real Estate Investigations
323	11/15/07	Professional Regulation	Medical Coordinator
324	04/17/08	Banking	Residential Real Property Disclosure Program Director

**APPENDIX C**

Exempt Positions Approved 2003 – 2008 Sorted by Agency and Date Approved

<b>Count</b>	<b>Date Approved</b>	<b>Division</b>	<b>Functional Title</b>
<b>Financial Institutions</b>			
325	10/16/03	Credit Union	Financial Institutions Examiner Supervisor, Credit Union Division
326	10/16/03	Title Insurance	Financial Institutions Examiner Supervisor, Title Insurance Division
327	06/17/04	Information Systems Division	Manager, Information System Division
<b>Guardianship and Advocacy Commission</b>			
328	12/15/05	Human Resources Office	Human Resources Director
329	10/19/06	Administration	Director of Financial and Fiscal Operations
330	05/16/08	Administration	Director of Policy and Training
<b>Healthcare and Family Services</b>			
331	04/18/03	Office of the Director	Deputy Director of Human Resources
332	08/21/03	Office of the Director	Strategic Planning Specialist
333	08/21/03	Office of the Director	Intergovernmental Affairs Liaison
334	12/18/03	Division of Finance	Administrator, Division of Finance
335	02/19/04	Office of Strategic Sourcing and Procurement	State Purchasing Officer
336	02/19/04	Office of the Director	Special Assistant for Medical Finance
337	06/17/04	Office of the Director	Policy Advisor and Liaison
338	08/19/04	Office of the Director	Special Assistant, Prescription Drug Program
339	11/18/04	Office of the Director	Special Assistant and Chief Operating Officer
340	11/18/04	Office of the Director	Special Assistant, Business Practices
341	03/17/05	Office of the Director	Policy Advisor, HIPAA and Computer Security
342	09/15/05	Division of Information Services	Chief Information Officer
343	09/15/05	Office of Energy Assistance	Chief, Office of Energy Assistance
344	09/15/05	Office of the Director	Special Assistant, Prescription Drug Program
345	11/17/05	Office of Legislative Affairs	Legislative Liaison
346	02/21/08	Office of the Director	Deputy Director, Policy Coordination and New Initiatives
<b>Historic Preservation Agency</b>			
347	11/20/03	Abraham Lincoln Presidential Library and Museum (ALPLM)	Sales and Marketing Manager, ALPLM
348	03/18/04	Abraham Lincoln Presidential Library and Museum	Division Manager for the Historical Library
349	03/18/04	Director's Office	Administrator, Education and Program Development
350	07/15/04	Abraham Lincoln Presidential Library Museum Programs	Museum Programs Division Manager, ALPLM
351	10/21/04	Abraham Lincoln Presidential Library and Museum Security	Director of Security, ALPLM
352	12/16/04	Director's Office	Chief Fiscal Officer
353	07/21/05	Abraham Lincoln Presidential Library and Museum	Deputy Director, ALPLM
354	07/21/05	Director's Office	Chief Information Officer

**APPENDIX C**

Exempt Positions Approved 2003 – 2008 Sorted by Agency and Date Approved

<b>Count</b>	<b>Date Approved</b>	<b>Division</b>	<b>Functional Title</b>
<b>Historic Preservation Agency (continued)</b>			
355	08/18/05	Preservation Services	Chief Legal Counsel
356	09/15/05	Administrative Services	Division Manager, Administrative Services
357	04/19/07	Director's Office	Deputy Director
<b>Human Rights</b>			
358	06/19/03	Director's Office	Executive Director, Commission on Discrimination and Hate Crimes
359	06/19/03	Director's Office	Director of Legislative Affairs
360	03/18/04	Housing	Manager, Statewide Housing Program
361	10/20/05	Administration	Operations Manager
362	10/20/05	Compliance Division	Manager, Compliance Division
363	12/20/07	Administrative Executive Office	Administrator, Interagency Committee on Employees with Disabilities
364	05/16/08	Legal	Assistant Chief Legal Counsel and Chief Litigation Attorney
<b>Human Services</b>			
365	03/20/03	Secretary's Office	Policy Advisor
366	06/19/03	Hispanic/Latino Affairs	Special Assistant, Hispanic/Latino Affairs
367	06/19/03	Mental Health and Developmental Disabilities Services	Assistant Facility Director, Fox Developmental Center
368	06/19/03	Mental Health and Developmental Disabilities Services	Assistant Facility Director, Ludeman Developmental Center
369	06/19/03	Office of Alcoholism and Substance Abuse	Bureau Chief, Administration and Quality Assurance
370	06/19/03	Office of Alcoholism and Substance Abuse	Manager, Program Planning Development and Evaluation
371	06/19/03	Office of Alcoholism and Substance Abuse	Bureau Chief, Program Services
372	06/19/03	Secretary's Office	Chief Financial Officer
373	06/19/03	Secretary's Office	Chief Operations Officer
374	06/19/03	Secretary's Office	Administrator of Human Capital Development Services
375	07/17/03	Office of Contract Administration	Manager of the Office of Contract Administration
376	07/17/03	Office of Facility Administration	Manager of the Office of Facility Administration
377	07/17/03	Office of Mental Health	Chief of Staff of Medical and Clinical Services
378	08/21/03	Office of Fiscal Services	Manager of Office of Fiscal Services
379	09/18/03	Office of Human Resources	Manager, Office of Human Resources
380	11/20/03	Office of Human Resources	Manager, Bureau of Recruitment and Selection
381	01/15/04	Office of Contract Administration	Bureau Chief, Bureau of Policy and Review, Office of Contract Administration
382	01/15/04	Office of Facility Administration	Manager, Bureau of Administrative Services, Office of Facility Administration
383	02/19/04	Office of Strategic Sourcing and Procurement	State Purchasing Officer
384	02/19/04	Secretary's Office	Director, Grants Administration Office

**APPENDIX C**

Exempt Positions Approved 2003 – 2008 Sorted by Agency and Date Approved

<b>Count</b>	<b>Date Approved</b>	<b>Division</b>	<b>Functional Title</b>
<b>Human Services (continued)</b>			
385	03/18/04	Office of Contract Administration	Bureau Chief, Bureau of Contract Compliance
386	06/17/04	Secretary's Office	Executive Assistant to the Secretary
387	10/21/04	Office of Community Relations	Director, Office of Community Relations
388	10/20/05	Secretary's Office	Governor's Office Liaison
389	10/20/05	Training and Development	Bureau Chief, Training and Development
390	01/19/06	Office of Mental Health	Director, Mental Health
391	02/16/06	Assistant Secretary's Office	Director, Immigration Policy Office and Latino Worker Safety Panel
392	04/20/06	Office of Business Services	Director, Office of Business Services
393	09/21/06	Assistant Secretary	Director, Immigrant Welcoming Center
394	09/21/06	Mental Health	Bureau Chief, Bureau of System Support
395	01/18/07	Division of Mental Health	Administrator, System Transformation
396	01/18/07	Division of Mental Health	Manager, Administrative Services Organization
397	04/19/07	Assistant Secretary's Office	Project Manager, DHS New Framework Business Model
398	01/17/08	Chief Operations Office	Chief, Bureau of Civil Affairs
399	04/17/08	Assistant Secretary	Special Management Assistant and Senior Policy Advisor
400	04/17/08	Mental Health	Regional Executive Director of Region 1 North
401	06/19/08	Mental Health	Regional Executive Director, Alton Mental Health Center
402	06/19/08	Mental Health	Regional Executive Director, Elgin Mental Health Center
403	06/19/08	Mental Health	Regional Executive Director, Madden Mental Health Center
404	06/19/08	Mental Health	Regional Executive Director, McFarland Mental Health Center
405	06/19/08	Mental Health	Regional Executive Director, Singer Mental Health Center
406	06/19/08	Mental Health	Regional Executive Director, Tinley Park Mental Health Center
407	07/17/08	Mental Health and Developmental Disabilities	Director, Bureau of Pharmacy and Clinical Support
408	10/16/08	Developmental Disability	Assistant Facility Director, Shapiro Developmental Center
<b>Illinois Emergency Management Agency</b>			
409	04/17/03	Director's Office	Deputy Director/Chair - Illinois Terrorism Task Force
410	04/15/04	Director's Office	Chief Public Safety Policy Advisor
411	09/20/07	Disaster Assistance and Preparedness	Bureau Chief, Disaster Assistance and Preparedness
412	04/17/08	Administration	Policy Administrator
413	07/17/08	Director's Office	Chief of Staff
414	08/21/08	Director's Office	Community Outreach Officer
415	08/21/08	Director's Office	Senior Policy Advisor

## APPENDIX C

### Exempt Positions Approved 2003 – 2008 Sorted by Agency and Date Approved

Count	Date Approved	Division	Functional Title
<b>Insurance</b>			
416	04/18/03	Director's Office	Deputy Director Human Resources
417	05/15/03	Executive	Administrative Assistant to the Assistant Director
418	02/19/04	Executive	Policy Advisor, Outreach and Community Relations
419	06/17/04	Legal	Chief Counsel
<b>Juvenile Justice</b>			
420	03/20/08	Program Services	Deputy Director, Division of Program Services
421	10/16/08	Director's Office	Chief Legal Advisor
<b>Labor</b>			
422	11/16/06	Administration	Chief Fiscal Officer
<b>Military Affairs</b>			
423	06/19/03	State Personnel	Manager, Human Resources Office
424	08/21/03	Comptroller	Comptroller
425	08/21/03	Legislative and Governmental Affairs	Director of Legislative and Governmental Affairs
<b>Natural Resources</b>			
426	04/18/03	Human Resources	Director of Human Resources
427	05/15/03	Director's Office	Deputy Director, Scientific Research and Analysis
428	05/15/03	Director's Office	Facilities Manager/Chair Statewide Safety and Emergency Plan Committee
429	06/19/03	Director's Office	Manager, Chicago Operations
430	02/19/04	Office of Strategic Sourcing and Procurement	State Purchasing Officer
431	03/18/04	Office of Legislation and Constituency Services	Legislative Liaison
432	09/16/04	Director's Office	Manager, Regional Economic Development Plan
433	09/15/05	World Shooting/Recreational Complex	Executive Director, World Shooting Complex
434	10/20/05	Director's Office	Equal Employment Opportunity Officer
435	06/19/08	Office of Resource Conservation	Director, Office of Resource Conservation
436	08/21/08	Special Events Programs and Promotions	Office Director, Special Events, Programs, and Promotions
<b>Office of Banks and Real Estate</b>			
437	12/18/03	Bureau of Administration	Assistant Commissioner, Bureau of Administration
438	12/18/03	Bureau of Banks and Trust Companies	Assistant Commissioner, Bureau of Banks and Trust Companies
439	12/18/03	Bureau of Real Estate Professions	Assistant Commissioner, Bureau of Real Estate Professions
440	12/18/03	Bureau of Residential Finance	Assistant Commissioner, Bureau of Residential Finance
441	03/18/04	Bureau of Real Estate Professions	Director of Real Estate
442	03/18/04	Community Relations	Director of Community Relations

**APPENDIX C**

Exempt Positions Approved 2003 – 2008 Sorted by Agency and Date Approved

<b>Count</b>	<b>Date Approved</b>	<b>Division</b>	<b>Functional Title</b>
<b>Professional Regulation</b>			
443	08/21/03	Fiscal Operations	Director of Fiscal Operations
444	08/21/03	Formal Hearing/Committee Boards	Chief Hearing Officer
445	08/21/03	Human Resources	Deputy Director of Human Resources
446	08/21/03	Information Technology	Director of Information Technology
447	08/21/03	Nursing Coordinator Division	Nursing Act Coordinator
448	10/16/03	Public Information	Public Information Officer
449	12/18/03	Statewide Enforcement	Chief of Investigations
450	12/18/03	Statewide Enforcement	Chief of Prosecutions
451	03/18/04	Statewide Enforcement	Chief of Administration
452	03/18/04	Statewide Enforcement	Chief of Special Operations
<b>Public Health</b>			
453	05/15/03	Health Promotion	Deputy Director Office of Health Promotion
454	06/19/03	Director's Office	Chief of Staff
455	08/21/03	Director's Office	Policy Advisor, Customer Service Program
456	08/21/03	Director's Office	Chief Internal Auditor
457	08/21/03	Office of Health Policy	Chief of the Division of Health Policy
458	08/21/03	Minority Health	Manager, Division of Minority Health
459	08/21/03	Office of Health Policy	Deputy Director, Office of Health Policy
460	08/21/03	Office of Human Resources	Human Resources Director
461	09/18/03	Public Health Preparedness	Deputy Director, Office of Public Health Preparedness
462	10/16/03	Director's Office	Staff Assistant to the Director
463	11/20/03	Assistant Director's Office	Administrative Assistant to the Assistant Director
464	08/19/04	Office of Health Protection	Administrator, Office of Health Protection
465	06/16/05	Office of the Director - Regional Health Services	Regional Health Officer, Rockford
466	06/16/05	Office of the Director - Regional Health Services	Regional Health Officer, Peoria
467	06/16/05	Office of the Director - Regional Health Services	Regional Health Officer, Edwardsville
468	06/16/05	Office of the Director - Regional Health Services	Regional Health Officer, Marion
469	06/16/05	Office of the Director - Regional Health Services	Regional Health Officer, Champaign
470	06/16/05	Office of the Director - Regional Health Services	Regional Health Officer, West Chicago
471	06/16/05	Office of the Director - Regional Health Services	Regional Health Officer, Chicago
472	02/16/06	Director's Office - Hearing Review	Chief Administrative Law Judge
473	09/20/07	Division of Legal Services	Deputy Chief Counsel, Health Facilities Planning Board
474	10/18/07	Division of Legal Services	Deputy Chief Legal Counsel
475	01/17/08	Office of Information Technology	Chief Information Officer
476	04/17/08	Office of Health Protection	Division Chief, Food, Drugs, and Dairies
477	05/16/08	Office of Health Protection	Division Chief, Infectious Diseases Division

**APPENDIX C**

Exempt Positions Approved 2003 – 2008 Sorted by Agency and Date Approved

<b>Count</b>	<b>Date Approved</b>	<b>Division</b>	<b>Functional Title</b>
<b>Public Health (continued)</b>			
478	05/16/08	Office of Health Protection	Division Chief, Environmental Health Division
479	07/17/08	Office of Finance and Administration	Assistant Deputy Director, Office of Finance and Administration, and Division Chief of Vital Records
480	09/18/08	Office of Men's Health	Deputy Director, Office of Men's Health
481	11/20/08	Long Term Care	Division Chief, Division of Long Term Care
482	11/20/08	Patient Safety	Division Chief, Division of Patient Safety
<b>Revenue</b>			
483	04/18/03	Research Office	Manager, Research Office
484	05/15/03	Human Resource Management	Human Resource Manager
485	06/19/03	Legislative Office	Legislative Liaison
486	01/15/04	Legal Services - Income Tax Division	Deputy Chief Counsel, Income Tax Division Manager
487	02/19/04	Bureau of Personnel	Personnel Bureau Manager
488	03/18/04	Legal Services - Racing Board Office	Deputy General Counsel, Racing Board Office
489	03/18/04	Legal Services Income Tax Technical Office	Deputy General Counsel, Income Tax
490	04/15/04	Legal Service - Liquor Control Commission	Deputy General Counsel, Liquor Control Commission
491	05/20/04	Legal Services - Property Tax Law Office	Deputy General Counsel, Property Tax Law
492	05/20/04	Legal Services - Sales/Excise Taxes Office	Deputy General Counsel, Sales and Excise Taxes
493	06/17/04	Legal Services - Lottery Legal Division	Deputy Chief Counsel, Lottery
494	06/17/04	Office of Purchasing	State Purchasing Officer
495	07/15/04	Lottery-Corporate Accounts Office	Deputy Director, Corporate Accounts
496	07/15/04	Lottery-Hispanic Market Office	Deputy Director, Lottery-Hispanic Market
497	08/19/04	Lottery-Instant Game Product Office	Deputy Director, Product Development
498	08/19/04	Lottery-On-Line Product Office	Deputy Director, Lottery-On-Line Product Office
499	09/16/04	Lottery-Events/Sponsorship Office	Deputy Director, Events/Sponsorship
500	09/16/04	Lottery-Promotions Office	Deputy Director, Promotions
501	10/21/04	Local Government Services	Manager, Local Government Services
502	05/18/05	Bureau of Criminal Investigations	Manager, Bureau of Criminal Investigations
503	06/16/05	Equal Employment Opportunity Office	Equal Employment Opportunity and Ethics Officer
504	08/18/05	Chicago Administrative/Financial Services Program	Administrator, Chicago Administrative/Financial Services Program
505	03/16/06	Budget and Planning Office	Chief Financial Officer
506	04/20/06	Labor Relations Division	Chief Labor Relations Director
507	07/20/06	Administrative and Regulatory Shared Services Center	Director, A&R SSC
508	07/20/06	Administrative and Regulatory Shared Services Center	Administrative Director, A&R SSC

**APPENDIX C**

Exempt Positions Approved 2003 – 2008 Sorted by Agency and Date Approved

<b>Count</b>	<b>Date Approved</b>	<b>Division</b>	<b>Functional Title</b>
<b>Revenue (continued)</b>			
509	07/20/06	Administrative and Regulatory Shared Services Center	Human Resources Director, A&R SSC
510	07/20/06	Administrative and Regulatory Shared Services Center	Chief Financial Officer, A&R SSC
511	08/17/06	Collections Bureau	Manager, Collections Bureau
512	09/21/06	Legal Services	Deputy General Counsel, Assistant Attorney General Support Office
513	10/19/06	Audit	Manager, Audit Bureau
514	01/18/07	Fiscal Division, Liquor Control Commission	Chief Fiscal Officer, Liquor Control Commission
515	01/18/07	Lottery Superintendent's Office	Lottery Communications Manager
516	06/21/07	Informal Conference Board	Administrator, Informal Conference Board
517	09/20/07	Administrative and Regulatory Shared Services Center	Assistant Human Resources Director - Strategic Processes, A&R SSC
518	09/20/07	Administrative and Regulatory Shared Services Center	Assistant Human Resources Director - Functional Processes, A&R SSC
519	11/15/07	Administrative and Regulatory Shared Services Center	Assistant Chief Financial Officer of Fiscal Strategic Processes, A&R SSC
520	11/15/07	Administrative and Regulatory Shared Services Center	Assistant Chief Financial Officer of Fiscal Functional Processes, A&R SSC
521	06/19/08	Administrative and Regulatory Shared Services Center	Projects Director, A&R SSC
522	06/19/08	Administrative and Regulatory Shared Services Center	Project Communications Manager, A&R SSC
523	06/19/08	Administrative and Regulatory Shared Services Center	Risk Assessment Project Manager, A&R SSC
524	06/19/08	Legal Services	Deputy General Counsel, Litigation
525	06/19/08	Legal Services	Deputy General Counsel, Income Tax Litigation
<b>State Board of Investment</b>			
526	08/18/05	Fiscal Office	Chief Fiscal Officer
<b>State Fire Marshal</b>			
527	03/20/03	Executive	Legislative Liaison
528	09/18/03	Executive	Statewide Strategic Planner
529	11/20/03	Executive Office	Chief of Staff
530	02/19/04	Management Services	Information Systems Administrator
531	04/21/05	Legal	Chief General Counsel
532	08/18/05	Executive	Hispanic Liaison
533	11/16/06	Boiler and Pressure Vessel Safety	Director, Statewide Boiler and Pressure Vessel Safety Division
534	11/16/06	Elevator Safety and Certification	Director, Statewide Elevator Safety and Certification Division
535	06/21/07	Director's Office	Policy Advisor
536	12/20/07	Fire Prevention	Fire Safety Compliance Manager
537	11/20/08	Fire Prevention	Division Director, Fire Prevention

**APPENDIX C**

Exempt Positions Approved 2003 – 2008 Sorted by Agency and Date Approved

<b>Count</b>	<b>Date Approved</b>	<b>Division</b>	<b>Functional Title</b>
<b>State Police</b>			
538	01/16/03	Executive Security/Director's Office	Chief of Executive Security
539	11/20/03	Director's Office	Chief Legal Advisor
540	02/19/04	Office of Strategic Sourcing and Procurement	State Purchasing Officer
541	03/18/04	Director's Office	Chief Public Safety Policy Advisor
542	11/18/04	Human Resource Bureau	Chief, Human Resource Bureau
543	03/17/05	Administration	Chief, Fiscal Management Bureau
<b>State Retirement Systems</b>			
544	04/17/08	Data Processing	Chief Information Officer
<b>Transportation</b>			
545	07/17/03	Office of Finance and Administration	Human Resources Manager
<b>Veterans' Affairs</b>			
546	06/19/03	Deputy Director's Office	Deputy Director of Human Resources
547	10/16/03	Director's Office	Manager, Grants Writing/Proposal Program
548	03/18/04	Administration	Manager, Chicago Veterans' Home
549	03/17/05	Director's Office	Deputy Director, Human Resources
550	05/18/05	Director's Office	Chief of Staff
551	09/15/05	Administration	Chief Fiscal Officer
552	04/20/06	Legal Affairs	Chief Legal Counsel
553	09/20/07	Homeless and Disabled Veterans' Program	Director, Homeless and Disabled Veterans' Program
554	04/17/08	Information Technology/Electronic Data Processing	Chief Information Officer
<b>Workers' Compensation Commission</b>			
555	04/21/05	Fiscal	Chief Financial Officer
556	04/21/05	Insurance Compliance	Manager, Insurance Compliance
557	08/18/05	Legal Counsel Division	Chief Legal Counsel
558	01/19/06	Law Division	Chief of Staff/Assistant Secretary
559	02/15/07	Human Resources	Human Resources Manager

Source: OAG analysis of Commission meeting minutes and Commission files.



## **APPENDIX D**

### **Exempt Positions as of December 31, 2008**



**APPENDIX D**  
Exempt Positions as of December 31, 2008

Count	Functional Title	Vacant	Still Vacant as of 3-01-10	No Longer Needed	Does Not Meet Requirements in:	
					Statute	Rule
<b>Aging</b>						
1	Assistant Legislative Liaison	X				
2	CFO/Division Manager, Finance & Administration					
3	Deputy Director					
4	Division Manager, Community Relations & Outreach					
5	Division Manager, Home & Community Services					
6	Human Resources Manager					
7	Legislative Liaison					
8	Manager, Planning, Research & Development					
9	Staff Assistant to the Director/Special Projects				X	X
<b>Agriculture</b>						
10	Bureau Chief, Building & Grounds					
11	Bureau Chief, Business Services					
12	Bureau Chief, Fiscal Management & Budget					
13	Bureau Chief, Illinois State Fair					
14	Chief Legal Counsel	X				
15	Chief Legislative Advisor					
16	Chief of Staff					
17	Chief Policy Advisor	X				
18	County Fairs & Horse Racing Programs					
19	Division Manager, Administrative Services	X	X			
20	Division Manager, Agricultural Industry Regulation	X	X			
21	Division Manager, Food Safety & Animal Protection					
22	Division Manager, Natural Resources					
23	Human Resources Manager					
24	Promotional Services					
25	State Purchasing Officer	X	X			
26	Statewide Project Manager for Economic Development Initiatives	X	X			
<b>Arts Council</b>						
27	Deputy Director					
28	Executive Director					
<b>Central Management Services</b>						
29	Administrator, Diversity Enrichment Program					
30	Bureau of Communication and Computer Services (BCCS), Agency Relations Manager					
31	BCCS, Chief Information Technology Policy & Planning	X	X			
32	BCCS, Chief Information Officer					
33	BCCS, Chief Information Security Officer	X	X			

**APPENDIX D**

Exempt Positions as of December 31, 2008

Count	Functional Title	Vacant	Still Vacant as of 3-01-10	No Longer Needed	Does Not Meet Requirements in:	
					Statute	Rule
<b>Central Management Services (continued)</b>						
34	BCCS, Chief of Staff					
35	BCCS, Chief Technology Officer					
36	BCCS, Deputy Director					
37	BCCS, Enterprise Applications Manager	X	X			
38	BCCS, Information Technology (DFR)				X	X
39	BCCS, Manager of Administration and Planning					
40	BCCS, Manager of Telecommunications Division	X	X			
41	Bureau of Strategic Sourcing and Procurement (BOSSAP), Commodities Manager					
42	BOSSAP, Deputy Director					
43	BOSSAP, Equipment & Commodities Manager					
44	BOSSAP, Equipment Manager					
45	BOSSAP, Facilities Sourcing Portfolio Manager					
46	BOSSAP, Facilities Sourcing, Trade & Building Services					
47	BOSSAP, Facilities Sourcing, Utilities & Professional Services					
48	BOSSAP, General Services Portfolio Manager					
49	BOSSAP, General Services, Contractual Labor & Specialty Services					
50	BOSSAP, General Services, Transportation Services					
51	BOSSAP, Information Technology Portfolio Manager					
52	BOSSAP, Information Technology, Sourcing Program					
53	BOSSAP, Information Technology, Telecomm Sourcing Program					
54	BOSSAP, Knowledge Manager					
55	BOSSAP, Medical & Healthcare Services Portfolio Manager	X	X			
56	BOSSAP, Operations					
57	BOSSAP, State Purchasing Officer	X	X			
58	Chief Administration Officer/General Counsel					
59	Chief Financial Officer					
60	Chief Internal Auditor					
61	Chief Operating Officer					
62	Deputy Chief Operating Officer					
63	Deputy Chief Operating Officer					
64	Deputy Chief Operating Officer					
65	Deputy Director, Benefits					
66	Deputy Director, Business Enterprise Program					
67	Deputy Director, Governmental Affairs					
68	Deputy Director, Labor Relations					
69	Deputy Director, Personnel					

**APPENDIX D**  
Exempt Positions as of December 31, 2008

Count	Functional Title	Vacant	Still Vacant as of 3-01-10	No Longer Needed	Does Not Meet Requirements in:	
					Statute	Rule
<b>Central Management Services (continued)</b>						
70	Deputy Director, Property Management	X	X			
71	Deputy General Counsel, Administration & Support Services	X	X			
72	Deputy General Counsel, BCCS					
73	Deputy General Counsel, Benefits & Personnel	X	X			
74	Deputy General Counsel, Labor Relations	X				
75	Deputy General Counsel, Personnel					
76	Deputy General Counsel, Procurement					
77	Deputy General Counsel, Property Management & Claims					
78	Information Strategy Director					
79	IOCI, Deputy Director, Office of Communication & Information	X	X			
80	IOCI, Division Manager, Illinois Information Services					
81	IOCI, Manager of Electronic Media Services	X	X		X	X
82	IOCI, Manager of Publications and Design Services					
83	IOCI, Manager, Statewide Media Relations					
84	IOCI, Media Administrator #2 (DCEO & Employment Security)					
85	IOCI, Media Administrator #2 (Public Health)	X				
86	IOCI, Media Administrator (Agriculture)					
87	IOCI, Media Administrator (CMS-BOSSAP, Property Management, Finance)					
88	IOCI, Media Administrator (DCEO #1)					
89	IOCI, Media Administrator (DCEO #3)					
90	IOCI, Media Administrator (DCEO & Employment Security)					
91	IOCI, Media Administrator (Financial and Professional Regulation)					
92	IOCI, Media Administrator (Human Services)					
93	IOCI, Media Administrator (Human Services)					
94	IOCI, Media Administrator (Natural Resources)					
95	IOCI, Media Administrator (Natural Resources)					
96	IOCI, Media Administrator (Corrections)					
97	IOCI, Media Administrator (Corrections)					
98	IOCI, Media Administrator (Environmental Protection)					
99	IOCI, Media Administrator (Environmental Protection)	X				
100	IOCI, Media Administrator (Healthcare and Family Services)					
101	IOCI, Media Administrator (Healthcare and Family Services)					

**APPENDIX D**  
Exempt Positions as of December 31, 2008

Count	Functional Title	Vacant	Still Vacant as of 3-01-10	No Longer Needed	Does Not Meet Requirements in:	
					Statute	Rule
<b>Central Management Services (continued)</b>						
102	IOCI, Media Administrator (IEMA & State Fire Marshal)					
103	IOCI, Media Administrator (Historic Preservation & Capital Development Board)					
104	IOCI, Media Administrator (Labor/Human Rights)					
105	IOCI, Media Administrator (Public Health)					
106	IOCI, Media Administrator (Public Health)					
107	IOCI, Media Administrator (Revenue)					
108	IOCI, Media Administrator (Transportation)					
109	IOCI, Media Administrator (Transportation)					
110	IOCI, Media Administrator (Transportation)					
111	IOCI, Media Administrator (Veterans' Affairs & Aging)					
112	Legislative Liaison					
113	Legislative Liaison	X				
114	Legislative Liaison	X	X			
115	Manager, Risk Management					
116	Personnel Liaison					
117	Personnel Liaison	X	X			
118	Personnel Liaison	X				
119	Personnel Liaison					
120	Personnel Liaison					
121	Personnel Liaison					
122	Property Management, CFO					
123	Property Management, Energy Manager					
124	Property Management, Facilities, General Manager	X				
125	Property Management, Information Technology Administrator	X	X		X	X
126	Property Management, Region I Client Manager					
127	Property Management, Region II Client Manager					
128	Property Management, Region III Client Manager					
129	Property Management, Region IV Client Manager					
130	Property Management, Region V Client Manager					
131	Property Management, Region VI Client Manager					
132	Property Management, Region VII Client Manager					
133	Property Management, Strategic Planning & Space Management					
134	Property Management, Transactions & Property Administration, Real Property	X	X			
135	Property Management, Transactions & Property Administration	X				
136	Property Management, Transactions, Central & South Regions					
137	Property Management, Transactions, Chicago & North Regions					

**APPENDIX D**  
Exempt Positions as of December 31, 2008

Count	Functional Title	Vacant	Still Vacant as of 3-01-10	No Longer Needed	Does Not Meet Requirements in:	
					Statute	Rule
<b>Central Management Services (continued)</b>						
138	Statewide Safety/Emergency Plan Program & DNR-SPI					
<b>Children and Family Services</b>						
139	Administrative Assistant, Legislative Affairs					
140	Administrative Assistant, Legislative Affairs					
141	Administrative Assistant, Legislative Affairs					
142	Administrative Assistant, Legislative Affairs					
143	Administrative Assistant, Legislative Affairs					
144	Administrator of Planning, Analysis and Research					
145	Affirmative Action Chief					
146	Assistant Deputy General Counsel, Administrative Hearings	X				
147	Associate Deputy Director, Education and Transition Services	X				
148	Associate Director, Psychiatric Services					
149	Associate to the Deputy Director of Budget and Finance	X				
150	CFO/Deputy Director of Budget and Finance					
151	Chief Deputy General Counsel (Cook)					
152	Chief Information Officer/Assoc Deputy Director – Office of Information Technology Services	X				
153	Chief of Staff					
154	Chief, African American Services					
155	Chief, Latino Services					
156	Contract Compliance Administrator	X	X			
157	Deputy Director Child Protection	X	X			
158	Deputy Director Clinical Practice & Professional Development	X				
159	Deputy Director External Affairs					
160	Deputy Director Field Operations					
161	Deputy Director Monitoring Services					
162	Deputy Director of Communications					
163	Deputy Director of Human Resources					
164	Deputy Director Placement & Permanency Services	X				
165	Deputy Director Planning & Performance Management	X				
166	Deputy Director Quality Assurance					
167	Deputy Director Service Support	X				
168	Deputy Director, Division of Guardian & Advocacy					
169	Deputy Director, Legislative Affairs					
170	Deputy General Counsel (Downstate)	X				
171	Emergency Reception Center/Shelter System Program Coordinator					
172	Executive Deputy Director					

**APPENDIX D**  
Exempt Positions as of December 31, 2008

Count	Functional Title	Vacant	Still Vacant as of 3-01-10	No Longer Needed	Does Not Meet Requirements in:	
					Statute	Rule
<b>Children and Family Services (continued)</b>						
173	General Counsel					
174	Legislative Liaison					
175	Legislative Liaison (federal)	X	X	Rescind- ed	X	
176	Manager, Office of Federal Financial Participation	X				
177	OIG Chief Legal Counsel					
178	Public Information Officer (Cook)					
179	Public Information Officer (Downstate)					
180	Regional Administrator Central Region					
181	Regional Administrator Cook Central					
182	Regional Administrator Cook North	X				
183	Regional Administrator Cook South					
184	Regional Administrator Northern Region					
185	Regional Administrator Southern Region					
186	Service Intervention	X				
187	Special Assistant to the Director					
188	Special Assistant to the Director					
189	Special Assistant to the Director					
190	State Purchasing Officer					
<b>Commerce and Economic Opportunity</b>						
191	Assistant Deputy Director for Workforce Development					
192	Assistant Deputy Director of Business Development					
193	Assistant Deputy Director of Community Development	X				
194	Assistant Deputy Director of Economic Development					
195	Assistant Deputy Director of Energy & Recycling	X				
196	Assistant Deputy Director of Homeland Security Marketplace	X	X	Rescind- ed	X	X
197	Assistant Deputy Director of Technology & Industrial Competitiveness	X	X			
198	Assistant Deputy Director of Tourism					
199	Assistant Deputy Director, Policy Development, Planning & Research	X				
200	Assistant Managing Director, Film Office					
201	Associate Executive Assistant	X			X	X
202	Chief Accountability Officer					
203	Chief Budget Officer					
204	Chief Financial Officer	X				
205	Chief Information Officer					
206	Chief Legal Counsel	X				
207	Chief Legislative Liaison					
208	Chief of Staff					

**APPENDIX D**

Exempt Positions as of December 31, 2008

Count	Functional Title	Vacant	Still Vacant as of 3-01-10	No Longer Needed	Does Not Meet Requirements in:	
					Statute	Rule
<b>Commerce and Economic Opportunity (continued)</b>						
209	Chief Operating Officer					
210	Coal Development & Marketing					
211	Deputy Director Homeland Security Marketplace	X	X			
212	Deputy Director of Business Development					
213	Deputy Director of Community Development					
214	Deputy Director of Economic Development	X				
215	Deputy Director of Energy & Recycling					
216	Deputy Director of Human Resources					
217	Deputy Director of Policy Development, Planning & Research					
218	Deputy Director of Technology & Industrial Competitiveness					
219	Deputy Director of Tourism					
220	Deputy Director of Workforce Development					
221	Deputy General Counsel Chicago					
222	Deputy General Counsel Springfield					
223	Director of Operations					
224	Director, Marketing & Publications					
225	Entrepreneurial/Small Business Programs					
226	Executive Assistant to the Assistant Director					
227	High Impact Business Program					
228	High Performance Workplace	X				
229	International Trade Liaison	X	X			
230	Legislative Liaison	X	X		X	X
231	Legislative Liaison					
232	Local Government Initiatives					
233	Manager of the Coal Program					
234	Manager of the Illinois Film Office					
235	Manager, Energy & Business Utility Programs					
236	Manager, Grant Unit					
237	Manager, Illinois Trade Office (Americas)	X	X			
238	Manager, Illinois Trade Office (European, Middle East, Africa & Asia)	X	X			
239	Manager, Illinois Trade Office (Foreign Direct Investment Program)					
240	Manager, Market Development					
241	Manager, Performance Measurement					
242	Manager, Real Estate Development					
243	Manager, Women's Business Development					
244	Managing Director, Urban Assistance	X				
245	Office of Trade and Investment					
246	Regional Manager (Central)	X	X			
247	Regional Manager (East Central)					
248	Regional Manager (North Central)					
249	Regional Manager (Northeast)					

**APPENDIX D**  
Exempt Positions as of December 31, 2008

Count	Functional Title	Vacant	Still Vacant as of 3-01-10	No Longer Needed	Does Not Meet Requirements in:	
					Statute	Rule
<b>Commerce and Economic Opportunity (continued)</b>						
250	Regional Manager (Northern State Line)					
251	Regional Manager (Northwest)					
252	Regional Manager (Southeastern)	X				
253	Regional Manager (Southern Central)	X	X			
254	Regional Manager (Southwestern)					
255	Regional Manager (West Central)					
256	Senior Economic Development Advisor					
257	State Purchasing Officer					
<b>Corrections</b>						
258	Assistant Supervisor, Decatur Adult Transition Center (ATC)	X				
259	Assistant Supervisor, Fox Valley ATC					
260	Assistant Supervisor, Jessie "Ma" Houston ATC	X				
261	Assistant Supervisor, Peoria ATC	X	X			
262	Assistant Supervisor, Southern Illinois ATC	X				
263	Assistant Supervisor, West Side ATC					
264	Assistant Warden of Operations-Big Muddy					
265	Assistant Warden of Operations-Centralia					
266	Assistant Warden of Operations-Danville					
267	Assistant Warden of Operations-Decatur					
268	Assistant Warden of Operations-Dixon					
269	Assistant Warden of Operations-Dwight					
270	Assistant Warden of Operations-Dwight					
271	Assistant Warden of Operations-East Moline					
272	Assistant Warden of Operations-Graham					
273	Assistant Warden of Operations-Hill	X	X			
274	Assistant Warden of Operations-Illinois River					
275	Assistant Warden of Operations-Jacksonville					
276	Assistant Warden of Operations-Lawrence					
277	Assistant Warden of Operations-Lincoln					
278	Assistant Warden of Operations-Logan	X	X			
279	Assistant Warden of Operations-Menard					
280	Assistant Warden of Operations-Pinckneyville					
281	Assistant Warden of Operations-Pontiac					
282	Assistant Warden of Operations-Robinson					
283	Assistant Warden of Operations-Shawnee	X	X			
284	Assistant Warden of Operations-Sheridan					
285	Assistant Warden of Operations-Southwestern Illinois	X				
286	Assistant Warden of Operations-Stateville					
287	Assistant Warden of Operations-Stateville Northern Reception & Classification	X	X			
288	Assistant Warden of Operations-Tamms					
289	Assistant Warden of Operations-Taylorville	X	X			

**APPENDIX D**  
Exempt Positions as of December 31, 2008

Count	Functional Title	Vacant	Still Vacant as of 3-01-10	No Longer Needed	Does Not Meet Requirements in:	
					Statute	Rule
<b>Corrections (continued)</b>						
290	Assistant Warden of Operations-Thomson	X	X	Pending Closure		
291	Assistant Warden of Operations-Vandalia					
292	Assistant Warden of Operations-Vienna					
293	Assistant Warden of Operations-Western Illinois					
294	Assistant Warden of Programs-Big Muddy					
295	Assistant Warden of Programs-Centralia					
296	Assistant Warden of Programs-Danville					
297	Assistant Warden of Programs-Decatur					
298	Assistant Warden of Programs-Dixon					
299	Assistant Warden of Programs-Dwight					
300	Assistant Warden of Programs-East Moline					
301	Assistant Warden of Programs-Graham	X				
302	Assistant Warden of Programs-Hill					
303	Assistant Warden of Programs-Illinois River	X	X			
304	Assistant Warden of Programs-Jacksonville					
305	Assistant Warden of Programs-Lawrence					
306	Assistant Warden of Programs-Lincoln					
307	Assistant Warden of Programs-Logan					
308	Assistant Warden of Programs-Menard					
309	Assistant Warden of Programs-Pinckneyville	X	X			
310	Assistant Warden of Programs-Pontiac					
311	Assistant Warden of Programs-Robinson					
312	Assistant Warden of Programs-Shawnee					
313	Assistant Warden of Programs-Sheridan					
314	Assistant Warden of Programs-Southwestern Illinois					
315	Assistant Warden of Programs-Stateville	X				
316	Assistant Warden of Programs-Stateville Northern Reception & Classification					
317	Assistant Warden of Programs-Tamms					
318	Assistant Warden of Programs-Taylorville					
319	Assistant Warden of Programs-Thomson	X	X	Pending Closure		
320	Assistant Warden of Programs-Vandalia					
321	Assistant Warden of Programs-Vienna	X	X			
322	Assistant Warden of Programs-Western Illinois	X	X			
323	Chief Administrative Officer, Adult Education & Vocational					
324	Chief Information Officer					
325	Chief Legal Counsel					
326	Chief Legislative Liaison					
327	Chief of Investigations & Intelligence					
328	Chief of Labor Relations					
329	Chief of Medical Services					

**APPENDIX D**  
Exempt Positions as of December 31, 2008

Count	Functional Title	Vacant	Still Vacant as of 3-01-10	No Longer Needed	Does Not Meet Requirements in:	
					Statute	Rule
<b>Corrections (continued)</b>						
330	Chief of Operations					
331	Chief of Program & Support Services	X				
332	Chief of Staff					
333	Chief, Performance Based Standards	X	X			
334	Community Corrections Deputy Director					
335	Correctional Industries Program	X	X			
336	Deputy CFO	X				
337	Deputy Director Human Resources	X				
338	Deputy Director of Support Services					
339	Deputy Director, Community Outreach					
340	Deputy Director, District III					
341	Deputy Director, District IV					
342	Deputy Director, Parole Division					
343	Deputy Director, Parole, Operations & Security	X				
344	Deputy Director, Women's and Family Services					
345	Executive Assistant to the Director					
346	Legislative Liaison					
347	Legislative Liaison					
348	Legislative Liaison					
349	Manager of the Placement Resources Program					
350	Manager, Planning & Research Unit					
351	Northern Deputy Director					
352	Northern Region Parole					
353	Operations Administrator	X				
354	Out Reach Program Coordinator					
355	Personnel Liaison					
356	PSSSC-Assistant Deputy Director Human Resources (Functional Processes)					
357	PSSSC-Assistant Deputy Director Human Resources (Strategic Processes)					
358	PSSSC-Assistant Deputy Director of Fiscal Accounting Compliance					
359	PSSSC-Assistant Deputy Director of Fiscal Operations					
360	PSSSC-Assistant Deputy Director of Fiscal Strategic Planning	X				
361	PSSSC-CFO					
362	PSSSC-Change Management Project Manager					
363	PSSSC-Chief of Administration	X				
364	PSSSC-Deputy Director Human Resources					
365	PSSSC-Deputy Director Projects	X				
366	PSSSC-Director					
367	PSSSC-Risk Assessment Project Manager					
368	Regional Supervisor Parole District I (Area North & South)	X				

**APPENDIX D**  
Exempt Positions as of December 31, 2008

Count	Functional Title	Vacant	Still Vacant as of 3-01-10	No Longer Needed	Does Not Meet Requirements in:	
					Statute	Rule
<b>Corrections (continued)</b>						
369	Regional Supervisor Parole Districts IV and V	X				
370	Southern Deputy Director					
371	Southern Region Parole	X				
372	Staff Assistant to the Director					
373	Staff Assistant, Intergovernmental Relations					
374	Staff Development & Training					
375	State Purchasing Officer					
<b>Criminal Justice Information Authority</b>						
376	Associate Director of Human Resources	X				
377	Associate Director, Federal and State Grants Unit					
378	Associate Director, Research & Analysis					
379	Chief Financial Officer	X	X			
380	Chief Information Officer	X	X			
381	General Counsel					
<b>Deaf and Hard of Hearing Commission</b>						
382	Executive Director					
<b>Developmental Disabilities Council</b>						
383	Executive Director					
<b>Employment Security</b>						
384	Chief Financial Officer					
385	Chief Information Officer	X				
386	Chief Legal Counsel					
387	Community Relations Manager					
388	Deputy Director, Administration					
389	Deputy Director, Operations					
390	Executive Director, Board of Review					
391	Human Resources					
392	Human Resources Advisory Council	X				
393	Legislative Liaison					
394	Manager, Revenue					
395	Manager, Board of Review					
396	Manager, Economic Information and Analysis					
397	Manager, Field Operations					
398	Manager, Finance Bureau					
399	Manager, Human Resources					
400	Manager, Office of Appeals					
401	Policy Advisor					
402	Policy Advisor					
403	Regional Manager, Central					
404	Regional Manager, Chicago Metro					

**APPENDIX D**

Exempt Positions as of December 31, 2008

Count	Functional Title	Vacant	Still Vacant as of 3-01-10	No Longer Needed	Does Not Meet Requirements in:	
					Statute	Rule
<b>Employment Security (continued)</b>						
405	Regional Manager, Metro South					
406	Regional Manager, Northern					
407	Regional Manager, Northwest					
408	Regional Manager, Southern					
<b>Environmental Protection Agency</b>						
409	Administrator, Division of Laboratories					
410	Associate Director					
411	Budget Officer	X	X			
412	Bureau Chief, Air					
413	Bureau Chief, Land					
414	Bureau Chief, Water					
415	Chief Information Officer				X	X
416	Chief Legal Counsel					
417	Chief Legislative Liaison					
418	Chief Policy Advisor (Environment)					
419	Deputy Director, Operations	X				
420	Emergency Response Manager					
421	Legislative Liaison					
422	Legislative Liaison (federal)					
423	Manager, Citizens' Response Program					
424	Policy Advisor	X	X	Rescind- ed		
425	Policy Advisor (Assistant to the Director/Policy Advisor)					
426	State Purchasing Officer	X				
<b>Financial and Professional Regulation</b>						
427	Administrator, Constituent Information Program					
428	Assistant Commissioner of Banks					
429	Chief Administrative Law Judge					
432	Chief Information Officer					
431	Chief Financial Officer					
432	Chief Legislative Liaison					
433	Chief Legislative Liaison (Banking)					
434	Chief of Administration					
435	Chief of Business Prosecution	X				
436	Chief of General Prosecution					
437	Chief of Health Related Prosecution					
438	Chief of Investigations					
439	Chief of Medical Prosecution					
440	Chief of Real Estate Prosecution					
441	Community Outreach					
442	Consumer Credit					
443	Credit Unions	X	X			

**APPENDIX D**  
Exempt Positions as of December 31, 2008

Count	Functional Title	Vacant	Still Vacant as of 3-01-10	No Longer Needed	Does Not Meet Requirements in:	
					Statute	Rule
<b>Financial and Professional Regulation (continued)</b>						
444	Currency Exchanges					
445	Deputy Director of Administrative Services					
446	Deputy General Counsel (Banking)					
447	Deputy General Counsel (Financial and Professional Regulation)					
448	Deputy General Counsel (Financial Institutions)					
449	Deputy General Counsel (Financial Institutions)					
450	Deputy General Counsel (Professional Regulation)					
451	Director of Athletics					
452	Director of Pharmacy Investigation					
453	Director of Real Estate Investigation					
454	Director, Policy & Community Relations					
455	Director, Statewide Enforcement					
456	General Counsel (Financial and Professional Regulation)					
457	Legislative Liaison					
458	Legislative Liaison					
459	Legislative Liaison					
460	Legislative Liaison					
461	Licensing and Testing (Professional Regulation)					
462	Manager, Loan Originator Regulation	X				
463	Manager, Residential Finance	X	X			
464	Medical Coordinator					
465	Nursing Act Coordinator					
466	Real Estate Examinations					
467	Residential Real Property Disclosure Program Director	X				
468	State Purchasing Officer					
469	Title Insurance	X				
<b>Guardianship and Advocacy Commission</b>						
470	Chief Financial Officer					
471	Director of Policy & Training	X	X			
472	Director, Human Rights Authority					
473	Director, Legal Advocacy Services					
474	Director, Office of State Guardian					
475	General Counsel					
476	Human Resources Director					
<b>Healthcare and Family Services</b>						
477	Administrator, Medical Programs					
478	Administrator, Child Support					
479	Assistant CFO/Deputy Administrator Finance & Budget	X				
480	Chief Financial Officer					

**APPENDIX D**

Exempt Positions as of December 31, 2008

Count	Functional Title	Vacant	Still Vacant as of 3-01-10	No Longer Needed	Does Not Meet Requirements in:	
					Statute	Rule
<b>Healthcare and Family Services (continued)</b>						
481	Chief Information Officer					
482	Chief Legislative Liaison					
483	Chief Operating Officer					
484	Chief, Energy Assistance	X				
485	Chief, Healthcare Purchasing	X	X			
486	Deputy Director, Administration					
487	Deputy Director, Administrative Operations					
488	Deputy Director, Human Resources					
489	Deputy Director, Policy Coordination & New Initiatives	X				
490	General Counsel					
491	Healthcare Services Program Strategic Sourcing Manager					
492	Inspector General					
493	Legislative Liaison					
494	Legislative Liaison					
495	Legislative Liaison					
496	Medical Program Policy Advisor	X				
497	Special Assistant, All Kids	X				
498	Special Assistant, Business Practices					
499	Special Assistant, Child Support					
500	Special Assistant, HIPAA/Computer Security					
501	Special Assistant, Hospital Policy					
502	Special Assistant, Medical Finance	X				
503	Special Assistant, Prescription Drug Program					
504	State Purchasing Officer					
505	Strategic Planning Advisor					
<b>Historic Preservation Agency</b>						
506	Chief Financial Officer	X				
507	Chief Information Officer					
508	Deputy Director	X	X			
509	Deputy Director, Abraham Lincoln Presidential Library and Museum (ALPLM)					
510	Director of Security, ALPLM					
511	General Counsel					
512	Manager, Administrative Services					
513	Manager, ALPLM Guest Services	X	X	X		
514	Manager, ALPLM Library Services					
515	Manager, ALPLM Marketing & Community Relations					
516	Manager, ALPLM Museum Programs	X	X			
517	Manager, ALPLM Research & Collections					

**APPENDIX D**

Exempt Positions as of December 31, 2008

Count	Functional Title	Vacant	Still Vacant as of 3-01-10	No Longer Needed	Does Not Meet Requirements in:	
					Statute	Rule
<b>Human Rights Commission</b>						
518	Director of Human Rights Commission					
519	General Counsel					
<b>Human Rights Department</b>						
520	Chief Legal Counsel					
521	Chief Litigation /Assistant Chief Legal Counsel					
522	Deputy Director					
523	Director of Legislative Liaison					
524	Executive Director for the Commission on Discrimination and Hate Crimes					
525	Interagency Committee on Employees with Disabilities (ICED) Director	X	X			
526	Manager of Charge Processing					
527	Manager of Compliance Program	X	X			
528	Manager of Fair Housing					
529	Manager of Operations					
<b>Human Services</b>						
530	Administrator, Disability Policy					
531	Administrator, Mental Health & Developmental Disabilities					
532	Administrator, System Transformation					
533	Assistant Facility Director, Fox Development Center					
534	Assistant Facility Director, Ludeman Development Center	X				
535	Assistant Facility Director, Shapiro Development Center					
536	Assistant for Special Projects					
537	Assistant, Compliance Access & Workplace Safety					
538	Associate Director, Childcare & Family Services					
539	Associate Director, Employment & Training					
540	Associate Director, Family Health					
541	Associate Director, Financial Support Services					
542	Associate Director, Office of Prevention					
543	Associate Director, Rehabilitation Services					
544	Bureau Chief, Administration & Quality Assurance					
545	Bureau Chief, Contract Compliance					
546	Bureau Chief, Management and Field Services					
547	Bureau Chief, Policy and Review					
548	Bureau Chief, Program Services	X				
549	Bureau Chief, Program Support of Community Health & Prevention					
550	Bureau Chief, Systems Support					
551	Bureau Chief, Training & Development					

**APPENDIX D**  
Exempt Positions as of December 31, 2008

Count	Functional Title	Vacant	Still Vacant as of 3-01-10	No Longer Needed	Does Not Meet Requirements in:	
					Statute	Rule
<b>Human Services (continued)</b>						
552	Chief Budget Officer					
553	Chief Financial Officer					
554	Chief Information Officer	X				
555	Chief Legal Counsel	X				
556	Chief of Staff					
557	Chief of the Bureau of Civil Affairs					
558	Chief Operating Officer					
559	Chief, Recruitment and Selection					
560	Deputy Director, Blind Services					
561	Deputy Director, Developmental Disabilities Center Administration					
562	Deputy Inspector General					
563	Director of Grants Administration Office					
564	Director of Human Capital Development					
565	Director, Bureau of Pharmacy and Clinical Support	X				
566	Director, Business Services	X	X			
567	Director, Community Health & Prevention					
568	Director, Community Operations (Family Community Resources)					
569	Director, Developmental Disabilities					
570	Director, Human Resources					
571	Director, Immigrant Welcoming Center					
572	Director, Mental Health					
573	Director, Transitional Services					
574	Executive Assistant to the Secretary	X				
575	Healthcare/Human Services Liaison	X				
576	Legislative Liaison					
577	Legislative Liaison					
578	Manager of Latino Worker Safety & Immigration Office	X	X			
579	Manager, Accreditation & Licensure					
580	Manager, Administrative Services Organization Contract	X	X			
581	Manager, Alcoholism and Substance Abuse					
582	Manager, Community Relations					
583	Manager, Contract Administration					
584	Manager, Facility Administration					
585	Manager, Fiscal Services					
586	Manager, Office of Clinical Administrative & Program Support					
587	Manager, Outcomes and Strategic Planning					
588	Manager, Program Planning Development & Evaluation					
589	Project Manager, New Framework Business Model					

**APPENDIX D**  
Exempt Positions as of December 31, 2008

Count	Functional Title	Vacant	Still Vacant as of 3-01-10	No Longer Needed	Does Not Meet Requirements in:	
					Statute	Rule
<b>Human Services (continued)</b>						
590	Regional Administrator, Region 1 North					
591	Regional Administrator, Community Operations, Region 1 Central					
592	Regional Administrator, Community Operations, Region 3					
593	Regional Administrator, Community Operations, Region 5					
594	Regional Administrator, Human Capital Development, Region 2	X				
595	Regional Administrator, Human Capital Development, Region 4					
596	Regional Administrator, Community Operations, Region 1 South					
597	Regional Executive Director of Region 1 North	X				
598	Regional Executive Director, Alton					
599	Regional Executive Director, Elgin	X	X			
600	Regional Executive Director, Madden					
601	Regional Executive Director, McFarland					
602	Regional Executive Director, Singer					
603	Regional Executive Director, Tinley Park					
604	Special Assistant, Hispanic/Latino Affairs					
605	Special Management Assistant/Senior Policy Advisor	X				
606	State Purchasing Officer					
<b>Illinois Emergency Management Agency</b>						
607	Bureau Chief, Disaster Assistance & Preparedness					
608	Chief of Staff	X				
609	Community Outreach Officer	X	X			
610	Policy Administrator					
611	Policy Advisor/Chair – Illinois Terrorism Task Force					
612	Senior Policy Advisor	X				
<b>Insurance<sup>1</sup></b>						
613	Administrative Assistant to the Assistant Director					
614	Chief Deputy Director (Insurance)					
615	Consumer Education					
616	Deputy Director, Workers' Comp Fraud	X				
617	Deputy General Counsel (Insurance)					
618	Insurance Regulation					
619	Legislative Liaison	X	X		X	X
620	Manager, Consumer Division	X				
621	Policy Advisor (Insurance)					

**APPENDIX D**  
Exempt Positions as of December 31, 2008

Count	Functional Title	Vacant	Still Vacant as of 3-01-10	No Longer Needed	Does Not Meet Requirements in:	
					Statute	Rule
<b>Juvenile Justice</b>						
622	Assistant Superintendent Operations at Harrisburg					
623	Assistant Superintendent Operations at Illinois Youth Center (IYC) Chicago	X	X			
624	Assistant Superintendent Operations at Joliet					
625	Assistant Superintendent Operations at Murphysboro					
626	Assistant Superintendent Operations at Pere Marquette	X	X	X		
627	Assistant Superintendent Operations at Saint Charles					
628	Assistant Superintendent Operations at Warrenville					
629	Assistant Superintendent Programs at Harrisburg	X	X			
630	Assistant Superintendent Programs at IYC Chicago					
631	Assistant Superintendent Programs at Joliet					
632	Assistant Superintendent Programs at Kewanee					
633	Assistant Superintendent Programs at Kewanee					
634	Assistant Superintendent Programs at Murphysboro					
635	Assistant Superintendent Programs at Pere Marquette					
636	Assistant Superintendent Programs at Saint Charles					
637	Assistant Superintendent Programs at Warrenville					
638	Chief Legal Advisor	X				
639	Deputy Director, Division of Program Services	X	X			
640	Deputy Director, Operations	X	X			
641	Superintendent, District #428					
<b>Labor</b>						
642	Chief Financial Officer					
643	Chief Legal Counsel					
644	Legislative Liaison					
645	Manager, Carnival & Amusement Rides Inspection Division					
646	Manager, Conciliation and Mediation					
647	Manager, Fair Labor Standards					
648	Manager, Safety Inspection and Education	X				
<b>Labor Relations Board – Educational</b>						
649	Executive Director					
650	General Counsel					
<b>Labor Relations Board – State</b>						
651	Executive Director					
652	General Counsel	X				

**APPENDIX D**  
Exempt Positions as of December 31, 2008

Count	Functional Title	Vacant	Still Vacant as of 3-01-10	No Longer Needed	Does Not Meet Requirements in:	
					Statute	Rule
<b>Law Enforcement Training and Standards Board</b>						
653	Executive Director					
<b>Military Affairs</b>						
654	Chief Financial Officer					
655	Human Resources Director					
656	Legislative Liaison					
<b>Natural Resources</b>						
657	Chief Financial Officer					
658	Chief Special Assistant					
659	Conservation Resource Administrator	X				
660	Deputy Director					
661	Deputy Director, Land Management					
662	Deputy Director, Law Enforcement					
663	Deputy Director, Mines & Minerals					
664	Deputy Director, Realty & Environmental Planning					
665	Deputy Director, Scientific Research & Analysis					
666	Deputy Director, Water Resources					
667	Director of Human Resources					
668	Equal Employment Opportunity (EEO) Officer					
669	Executive Director, World Shooting Complex	X	X			
670	General Counsel					
671	Legislative Liaison					X
672	Legislative Liaison	X				X
673	Legislative Liaison					X
674	Legislative Liaison	X				
675	Manager, Administrative Support					
676	Manager, Chicago Operations					X
677	Manager, Public Services					
678	Manager, Public Services					
679	Officer Director, Special Events, Programs & Promotions					
680	Project Manager, Regional Economic Development Plan					
681	State Purchasing Officer					
<b>Pollution Control Board</b>						
682	Chief Legal Counsel					
683	Executive Director	X				
<b>Property Tax Appeal Board</b>						
684	Executive Director					

**APPENDIX D**  
Exempt Positions as of December 31, 2008

Count	Functional Title	Vacant	Still Vacant as of 3-01-10	No Longer Needed	Does Not Meet Requirements in:	
					Statute	Rule
<b>Public Health</b>						
685	Assistant Deputy Director of Finance and Administration & Division Chief of Vital Records					
686	Assistant Deputy Director, Office of Health Protection					
687	Chief Administrative Law Judge					
688	Chief Financial Officer					
689	Chief Information Officer					
690	Chief Legal Counsel					
691	Chief of Staff					
692	Chief of Staff	X				
693	Deputy Chief Legal Counsel					
694	Deputy Chief Legal Counsel					
695	Deputy Director, Epidemiology & Health Systems Development					
696	Deputy Director, Health Policy					
697	Deputy Director, Health Policy					
698	Deputy Director, Health Promotion	X				
699	Deputy Director, Health Protection	X	X	X		
700	Deputy Director, Health Protection					
701	Deputy Director, Health Statistics Policy & Planning	X				
702	Deputy Director, Healthcare Regulation	X	X			
703	Deputy Director, Office of Men's Health	X				
704	Deputy Director, Public Health Preparedness					
705	Deputy Director, Women's Health					
706	Division Chief for Long Term Care, Office of Healthcare Regulation	X				
707	Division Chief, Division of Patient Safety in Office of Policy, Planning & Statistics	X				
708	Division Chief, Environmental Health	X	X			
709	Division Chief, Food, Drugs, and Dairies	X	X			
710	Division Chief, Infectious Diseases	X				
711	Executive Assistant for Assistant Director					
712	Executive Secretary, Health Facilities Planning Board					
713	Human Resources Director					
714	Legislative Liaison					
715	Legislative Liaison					
716	Legislative Liaison	X				
717	Legislative Liaison					
718	Legislative Liaison					
719	Legislative Liaison					
720	Manager, Minority Health					
721	Program Policy Advisor					
722	Regional Health Officer, Champaign					
723	Regional Health Officer, Chicago					

**APPENDIX D**

Exempt Positions as of December 31, 2008

Count	Functional Title	Vacant	Still Vacant as of 3-01-10	No Longer Needed	Does Not Meet Requirements in:	
					Statute	Rule
<b>Public Health (continued)</b>						
724	Regional Health Officer, Edwardsville					
725	Regional Health Officer, Marion	X	X			
726	Regional Health Officer, Peoria					
727	Regional Health Officer, Rockford					
728	Regional Health Officer, West Chicago					
729	Staff Assistant to the Director					
<b>Revenue</b>						
730	A&R SSC: Administrative Director					
731	A&R SSC: Assistant CFO, Functional Processes					
732	A&R SSC: Assistant CFO, Strategic Processes	X	X			
733	A&R SSC: Assistant Human Resources Director, Functional Processes					
734	A&R SSC: Assistant Human Resources Director, Strategic Processes					
735	A&R SSC: Chief Financial Officer	X				
736	A&R SSC: Director					
737	A&R SSC: Director, Human Resources	X				
738	A&R SSC: Project Communications Manager	X	X	X		
739	A&R SSC: Projects Director	X				
740	A&R SSC: Risk Assessment Project Manager	X	X	X		
741	Administrator, Chicago Administrative/Financial Services Program	X				
742	Administrator, Illinois Gaming Board					
743	Administrator, Informal Conference Board					
744	Administrator, Research Office					
745	Associate Director					
746	Associate Director	X	X			
747	Chairman, Board of Appeals					
748	Chief Administrative Law Judge	X				
749	Chief Financial Officer					
750	Chief Information Officer					
751	Chief Investigator	X	X			
752	Chief Legal Counsel					
753	Chief Legal Counsel					
754	Chief of Labor Relations	X	X			
755	Chief of Staff	X	X			
756	Communications Officer					
757	Deputy Director	X	X	X	X	X
758	Deputy Director, Corporate Accounts					
759	Deputy Director, Events/Sponsorship	X	X		X	X
760	Deputy Director, Lottery-Hispanic Market					
761	Deputy Director, Promotions					
762	Deputy General Counsel, Assistant Attorney General Support Office (Revenue Litigation)					

**APPENDIX D**  
Exempt Positions as of December 31, 2008

Count	Functional Title	Vacant	Still Vacant as of 3-01-10	No Longer Needed	Does Not Meet Requirements in:	
					Statute	Rule
<b>Revenue (continued)</b>						
763	Deputy General Counsel, Income Tax					
764	Deputy General Counsel, Income Tax	X	X			
765	Deputy General Counsel, Income Tax Litigation					
766	Deputy General Counsel, Liquor Control Commission					
767	Deputy General Counsel, Litigation	X				
768	Deputy General Counsel, Lottery					
769	Deputy General Counsel, Property, Sales & Excise Tax Litigation					
770	Deputy General Counsel, Sales & Excise Taxes					
771	Director of Product Development					
772	Equal Employment Opportunity (EEO) Officer					
773	Executive Director					
774	Human Resources Director					
775	Legislative Liaison					
776	Legislative Liaison					
777	Legislative Liaison					
778	Legislative Liaison	X				
779	Legislative Liaison					
780	Legislative Liaison	X	X	X	X	X
781	Legislative Liaison					
782	Lottery Communications Manager	X				
783	Manager, Audit Bureau					
784	Manager, Collections Bureau					
785	Manager, Criminal Investigations	X				
786	Manager, Internal Affairs					
787	Manager, Internal Security	X				
788	Manager, Local Government Services	X				
789	Manager, Marketing Office					
790	Manager, Operations Division					
791	Manager, Research, Education & Information (Liquor Control)					
792	Manager, Tax Enforcement	X				
793	Manager, Tax Processing Administration	X				
794	Manager, Taxpayer Services					
795	Policy Advisor, Informal Conference Board					
796	Policy Advisor, Investigations & Legislation					
797	Public Information Officer	X	X	X	X	X
798	State Purchasing Officer					
<b>State Board of Investment</b>						
799	Chief Financial Officer					
800	Chief Financial Officer (Accounting & Investments)	X	X	X		

**APPENDIX D**  
Exempt Positions as of December 31, 2008

Count	Functional Title	Vacant	Still Vacant as of 3-01-10	No Longer Needed	Does Not Meet Requirements in:	
					Statute	Rule
<b>State Fire Marshal</b>						
801	Chief Financial Officer					
802	Chief Information Officer				X	X
803	Chief Legal Counsel					
804	Chief of Staff					
805	Deputy Director					
806	Director, Boiler & Pressure Vessel Safety				X	X
807	Director, Elevator Safety				X	X
808	Director, Petroleum & Chemical Safety				X	X
809	Division Director, Fire Prevention				X	X
810	Fire Safety Compliance Manager	X			X	X
811	Hispanic Liaison	X	X	X	X	X
812	Legislative Liaison					
813	Policy Advisor	X				
<b>State Police</b>						
814	Chief Financial Officer					
815	Chief Legal Counsel					
816	Chief Policy Advisor (Public Safety)	X	X	X	X	X
817	Chief, CMS Police				X	X
818	Director of Human Resources	X	X	X	X	X
819	State Purchasing Officer					
<b>State Police Merit Board</b>						
820	Executive Director					
<b>State Retirement Systems</b>						
821	Chief Information Officer					
822	Executive Director					
<b>Veteran's Affairs</b>						
823	Chief Financial Officer					
824	Chief Information Officer					
825	Chief Legal Counsel					
826	Chief Legal Counsel					
827	Chief of Staff					
828	Deputy Director of Human Resources					
829	Director, Homeless and Disabled Veterans' Program					
830	Manager, Grants Writing/Proposals					
<b>Workers' Compensation Commission</b>						
831	Assistant Secretary	X	X	X		
832	Chief Financial Officer					
833	Chief Information Officer	X	X			
834	Chief Legal Counsel					

**APPENDIX D**  
Exempt Positions as of December 31, 2008

Count	Functional Title	Vacant	Still Vacant as of 3-01-10	No Longer Needed	Does Not Meet Requirements in:	
					Statute	Rule
<b>Workers' Compensation Commission (continued)</b>						
835	Chief of Staff /Assistant Secretary	X	X			
836	Director of Human Resources	X				
837	Legislative Liaison	X	X			
838	Manager, Education and Research					
839	Manager, Insurance Compliance					
840	Manager, Self Insurance Administration					

<sup>1</sup> Positions were verified by the Department of Insurance. However, as of 12-31-08, these positions were still part of the Department of Financial and Professional Regulation.

Source: Results from survey of State agencies.

**APPENDIX E**  
**Agency Responses**





Daniel Stralka  
EXECUTIVE DIRECTOR

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June 9, 2010

**Hand Delivered**

Mr. Joe Butcher  
Performance Audit Manager  
Office of the Auditor General  
740 East Ash  
Springfield, Illinois 62703-3154

In Re: HR140 Audit

Dear Mr. Butcher:

The Civil Service Commission is in receipt of your transmittal dated May 19, 2010 which contained your Confidential Draft Report of the above audit of exemptions granted by the Civil Service Commission during the period from January 1, 2003 to December 31, 2008 as directed by House Resolution Number 140. As previously communicated to you, the Commission will not be requesting a formal exit conference. The following shall serve as the Commission's written response to the audit.

The Commission was pleased that it was the Auditor General's conclusion that of the 50 positions tested in its sample, the granting of all 50 exemptions was consistent with the applicable section of the Personnel Code. In accordance with your instructions, the following is our specific response to the six Recommendations set forth in the Draft Report.

Recommendation #1: *The Civil Service Commission should ensure that positions approved for exemption meet all of the requirements outlined in the Administrative Rules.*

**Commission Response:**

The Civil Service Commission accepts this recommendation. Initially, the Commission notes how the majority of the tested positions met both the standard set forth in the Personnel Code and the criteria in the subordinate Administrative Rules. However, to understand the deliberative process of the Commission requires a brief retrospective as to how the process evolved since the adoption of the modern Personnel Code in 1957.

It was not until August 1958 that the Commission approved the first 4d(3) exempt positions. Prior to that, Commission Staff had written the Director of Personnel that it was establishing "a definition or set of criteria which can be used as a guide in acting upon recommendations for exemption." In 1961, the Commission addressed the issue of the criteria again. It issued "A Statement of Criteria Regarding Exemption of Principal Policy Positions Under Section 4d(3) of the Personnel Code." This Statement provided, "The Commission, at its meeting of August 18, 1961, established the criteria defined herein as those the staff shall use in the evaluation of positions submitted for exemption and in making recommendation to the Commission...." This apparently was a contentious issue back then as the Director of Personnel protested the adoption of any criteria to the exclusion of other factors. The Minutes of this meeting reflect that at least one of the three Commissioners questioned whether the Commission should have any criteria at all. It was the consensus of the Commissioners that the criteria could not impose requirements beyond those present in the statute. In fact, the Commission unanimously adopted a formal motion at this meeting:

It was duly and unanimously resolved that that the Commission instruct the Staff to utilize the amended criteria as a guide in making recommendations to the Commission regarding exemptions recommended by the Director of Personnel under Section 4d(3) of the Personnel Code.

These 1961 criteria were clearly the forerunner of the Administrative Rules which remained in effect through March of this year. It is also clear that the Commission never considered that every exemption request must meet the criteria to be approved because starting with the very next meeting, the Commission approved an agency request that its Staff recommended it deny for failing to meet the criteria. The Commission has operated in such a manner ever since when determining exemption requests, relying on its Staff to evaluate the request using the criteria and then making its collective determination in accordance with the statutory direction.

In addition, the validity of these criteria would be called into question if it were ever considered to place additional limitations on an agency's right to have a position declared 4d(3) exempt that were not present in the base statutory language. Section 4d(3) of the Personnel Code mandates that the Commission use its collective judgment to grant exempt status for positions that "involve either principal administrative responsibility for the determination of policy or principal administrative responsibility for the way in which policies are carried out." That's it. The criteria as set forth in the Administrative Rules add both a reporting requirement and programmatic requirement to the evaluation process. There is a long line of case law that suggests placing these additional conditions on the Commission as mandatory considerations may invalidate the Administrative Rules.

- Administrative rules can neither limit nor extend the scope of a statute. *Standard Oil Co. v. Department of Finance*, 73 Ill.2d 243, 383 N.E.2d 197 (1978).
- It is axiomatic that the authority of an administrative agency or department to adopt rules and regulations is limited by statutory language under which the rules are to be adopted. To the extent that any such rule, although adopted in conformity with the rule making procedure, is in conflict with the statute it is invalid. *Pye v. Marco*, 13 Ill.App.3d 923, 301 N.E.2d 63 (Ill. App. 4<sup>th</sup> Dist., 1973).
- Generally, an administrative agency may develop guidelines to aid in statutory interpretation by promulgating rules of construction so long as they are not clearly erroneous, arbitrary, or unreasonable. Specifically, however, an administrative agency cannot thereby extend its authority or impose a limitation on a statute that the legislature did not prescribe. *Wesko Plating, Inc. v. Department of Revenue*, 222 Ill.App.3d 422, 584 N.E.2d 162 (Ill. App. 1<sup>st</sup> Dist., 1991)
- If an agency promulgates rules beyond the scope of the legislative grant of authority, the rules are invalid, as are any rules that conflict with the statutory language under which the rules are adopted. *R.L. Polk and Co. v. Ryan*, 296 Ill.App.3d 132, 694 N.E.2d 1027 (Ill. App. 4<sup>th</sup> Dist., 1998).
- State agency or official cannot impose by regulation or practice requirements inconsistent with statute conferring authority to that official. *Guzzo v. Snyder*, 326 Ill.App.3d 1058, 762 N.E.2d 663 (Ill. App. 3<sup>rd</sup> Dist., 2002).

This apparently was recognized by all involved as an August 4, 1961 letter from the Director of Personnel to the Commission notes, "The Commission staff and the Department of Personnel staff are in agreement that the Commission has no power to 'legislate' in this area by adopting criteria that impose requirements not present in the statute."

Finally, as noted in the Draft Report, the Commission changed its Administrative Rules in March of this year to better reflect actual Commission practice since the inception of the Personnel Code. The process of rewriting the Administrative Rules actually started with initial research in 2003 and involved a comprehensive review of decades of exemption decisions, practices in neighboring states and other written materials as well as conferring with Central Management Services, the other major stakeholder in this process. The first draft of the rewritten rules was created in 2006. This revision makes it abundantly clear that it is the statutory language which controls the Commission's ultimate determination while identifying commonly cited factors that affect its deliberations. This revision went through the normal

rulemaking process (as part of a comprehensive reassessment of the Commission's rules of practice) and a Certificate of No Objection was issued by the Joint Committee on Administrative Rules. As the Draft Report notes, applying the revised Administrative Rules to the audit sample would likely have resulted in no exceptions being noted. For that reason, the Commission is confident that the issues leading to this recommendation have been resolved going forward.

Recommendation #2: *The Civil Service Commission should examine its past decisions and document any precedents that have been established. This could include the factors considered by the Commission when the precedents were established and when approving positions based on these precedents.*

Commission Response:

The Civil Service Commission accepts this recommendation. Initially, the Commission notes the Draft Report's finding that 61% of the exemption approvals occurred during the first two years of the audit period (2003-2004). It was also during most of this period of time that due to personnel turnover, the Commission was operating with only one full-time Administrative Law Judge who was also solely responsible for Staff evaluation and recommendations of exemption requests. That is why the Commission's records and Minutes for this period of time do not contain a great deal of documentation or explanation as to the evaluation and deliberative process for these requests. It can best be described as a "perfect storm" of significantly increased requests at a time of reduced manpower. It was not until 2004 that the Minutes started to better reflect the discussions and presentations that occurred at Commission meetings in such a manner that would give guidance to agencies as to the Commission Staff's analysis and the Commissioner's deliberative process. This initiative improved over the ensuing years. In 2006, the Minutes started to contain some descriptive information about every request on each month's agenda. The depth of information provided increased over the years so that the Minutes presently reflect significant detail as to the Staff's analysis and any response by the agency as well as individual Commissioner's inquiries and responses to those inquiries. All this information is subsequently posted on the Commission's website for agency representatives (as well as the public) to view.

In addition, past precedent is referenced in the Minutes when exemption requests are received that are approved or denied in accordance with these past precedents. For example, on June 19, 2008 the Commission approved the exemption request for a Deputy General Counsel position in the Department of Revenue. The Minutes included a brief recitation of the circumstances necessary for an attorney position to also qualify for a Section 4d(3) principal policy exemption. This occurs as opportunities present themselves in the form of pertinent agency requests.

Recommendation #3: *The Civil Service Commission should work with CMS to monitor exempt positions to ensure that duties being performed match the job description and are being used as presented at the time of approval.*

Commission Response:

The Civil Service Commission accepts this recommendation. The issue of ensuring that employees hired into 4d(3) exempt positions are performing the meaningful responsibilities of their positions has, somewhat surprisingly, not been a matter of contention over the years. That is because historically, it has been the agencies themselves that police this function. The Commission's Minutes reflect this responsibility. They contain numerous instances of agency-initiated action to rescind the principal policy exemption of a position which, in the opinion of the agency, no longer meets the requirements for exemption. As recently as 2002 the Commission's minutes reflect agency-initiated actions to rescind the exemptions of positions that no longer met the criteria for exemption. That is why the results of the survey – that there are 13 positions that in the agencies' opinion no longer meet the requirements for exemption but the agency has not moved forward to rescind the exemption or abolish the position – fly in the face of historical practice.

Further, it must be noted that the Commission is presently operating at an historic low of four full-time employees. As recently as 1992 the Commission had twelve full-time employees. While there used to be two full-time employees devoted to the position review function that is now an unaffordable luxury. Even though, Commission Staff still takes the time to review each and every request and make a timely recommendation to the Commissioners prior to their monthly meetings. A file is maintained for each position and clarifications are dutifully reviewed and logged.

Having said that, it is inexact that no monitoring occurs. As noted in the Draft Report, positions are monitored for the length of time they go unfilled. Extended vacant positions are placed on the Commission's agenda for consideration of rescission on a quarterly basis. Just last month, fifteen positions had their exempt status rescinded due to extended vacancy. In addition, as information comes available to the Commission's Staff it at times results in the consideration of the rescission of a position's exempt status. For example, in 2007 it came to the attention of Commission Staff via several newspaper articles that an exempt position at the Department of Human Services was being utilized in a manner inconsistent with the duties set forth in its position description. An investigation confirmed this. After notice was provided to the agency and CMS in accordance with Commission rules, the exemption was rescinded on November 15, 2007.

Recommendation #4: *The Civil Service Commission should track the number of exempt positions that were abolished, as reported to them by CMS, and report this information in its annual report.*

Commission Response:

The Civil Service Commission accepts this recommendation. Historically, Commission Staff had concerns that agencies could accomplish “backdoor rescissions” by abolishing a position and then reestablishing it as a Coded position. (September 23, 1976 Minutes.) The Commission was more acutely aware of this occurring during a change of administration as it believed that succeeding administrations should be able to exercise “the same options that were enjoyed by the present and past administrations” in managing principal policy positions. (July 14, 1976 Minutes.) However, that has not appeared to be the practice. As information about abolishment is received by the Commission from CMS, it will be tracked and reported in upcoming Annual Reports.

Recommendation #5: *The Civil Service Commission should examine positions from our survey where agencies indicated that the positions were no longer needed or that were going to be abolished to determine if their exempt status should be rescinded.*

Commission Response:

The Civil Service Commission accepts this recommendation. It was in 2007 that the Commission started its current practice of proposing the rescission of positions that have been vacant for an extended period of time. The Commission was concerned that with a constant 25% vacancy rate, the number of exempt positions as reported monthly in the Commission’s Minutes did not accurately reflect the actual number of exempt employees in State government. Not surprisingly, this initiative was met with resistance from many agencies. That is why it comes as a surprise that some of these same agencies are now acknowledging in their responses to the survey that they are maintaining exempt positions which they believe are no longer needed or which no longer meet the criteria for exempt status. The Commission agrees that such positions should either be abolished or have their exempt status rescinded in accordance with our new Rules. To assist in that task, the Commission is requesting a copy of the survey results.

In addition, inspired by the Auditor General’s survey, the Commission is now considering implementing an annual certification of exempt positions by agency to ensure all exempt positions remain qualified for exemption. Those that are no longer necessary or no longer qualify for exemption would then be placed before the Commission to consider rescission of their exempt status after appropriate notice is provided to the agency and CMS.

Recommendation #6: *The Civil Service Commission should examine positions from our survey where agencies indicated that the positions did not meet the statutory or Administrative Rules requirements for exempt status to determine if their exempt status should be rescinded.*

Commission Response:

The Civil Service Commission accepts this recommendation. The Commission adopts its response to Recommendation #5 as its response to this Recommendation.

In addition, the Commission would like to further comment regarding the following items in the Draft Report:

1. On Pages 1 and 16, the Draft Report references the Shared Service Centers Initiative. The Draft Report correctly notes that a reduction in the number of exempt positions was predicted to be a side effect of this initiative. That has not occurred as of yet as the future of this initiative is unclear. There are only two Centers presently functioning and there have been no exemption requests related to the three additional Centers that were planned. Until the Commission is clear as to the future of this initiative, its course of action will be to maintain the status quo as to presently exempt positions. However, it is still anticipated that there will be a reduction of exempt positions, either in the agencies if this initiative is renewed or in the existing Shared Service Centers if it is abandoned.
2. On Page 2, the Draft Report notes that the agency with the largest increase in exempt positions over the audit period was CMS. From the Commission's perspective, this was due to a number of consolidations that occurred, many a result of Executive Orders issued by the Governor. These included Procurement, Property Management, Media Administration and in the Bureau of Communication and Computer Services.
3. On Page 6, the Draft Report states, "The new rules **substantially** change the requirements to qualify for an exemption." As shown above, the rules were meant to act as guidelines for the agencies and staff in their evaluation of requests. Over the past five decades, Commission Minutes are replete with instances where the Commission approved exemption requests that did not meet the criteria in the Administrative Rules. The new rules are just a reflection of these practices and provide a more realistic elucidation of how the Commission utilizes its collective judgment in considering exemption requests. One constant that never changed, though, was the requirement that the position have principal administrative responsibility for the development or implementation of policy. That is also reinforced in the new rules.
4. On Page 22 in Case Example 4, the Draft Report notes an example of how a single exempt position was "split" into two exempt positions. The sequence of events as described therein certainly indicates that there was breakdown in some part of the position creation or maintenance process. To determine how that occurred will require the Commission and CMS to work backwards using the position numbers of the post-split positions so the specific transactions may be identified. Commission Staff has been unable to verify the position numbers of these positions and is requesting that the Auditor General forward this information to the Commission so this review may occur.

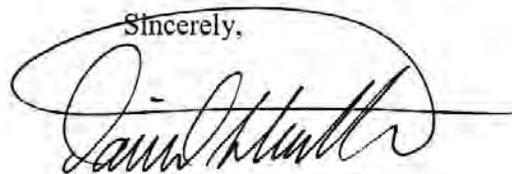
In addition, it has been the standard over the years that anytime an exempt position is clarified so that more than 50% of its duties change, it must be resubmitted to the Commission for reconsideration of its exempt status. This is noted as the transfer of the position from an Executive Assistant to a Media Administrator may have triggered such an action.

5. On Page 24, the Draft Report references an inconsistency in the exemption requests for full-time Affirmative Action Officers as one agency made a request that was approved while three years later two other agencies made requests that were denied. The reason this became an issue is that with regard to the later requests, the Commission sought and received an informal opinion from the Department of Human Rights (DHR) that 4d(3) exemption was inconsistent with the position's responsibilities. However, after a lengthy telephone conference DHR ultimately indicated that exemption was not necessarily inconsistent with the duties of the position. The agencies never renewed their requests.

55 years ago, the legislature recognized that government would work best when certain positions in the State were free from the typical Personnel Code limitations on hiring and firing. The standard it set was those that have principal policy responsibility for developing and carrying out policy would be, essentially, "at will" employees. The legislature also recognized that there needed to be flexibility in these determinations so it gave the authority to the bi-partisan Civil Service Commission. Having reviewed over 50 years of Minutes and other historical materials, it is clear that the Commission has taken this responsibility seriously as it considered a wide variety of agency requests during this period of time. Each request was evaluated against the statutory standard set forth in the Personnel Code before it was approved or rejected, usually by unanimous vote of the Commissioners. The finding of the Draft Report that the granting of all 50 exemptions in the tested sample was consistent with the Personnel Code supports this conclusion.

The Commission would like to thank you and your auditing team for preparing this Draft Report and your patience with regard to waiting for responses to your information and document requests. Please advise if any additional information or supporting documentation is required.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Stralka", enclosed within a large, loopy oval flourish.

Daniel Stralka  
Executive Director

cc: Commissioners