

**SECRETARY OF STATE  
MERIT COMMISSION**

**FY 17 ANNUAL REPORT**

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# ANNUAL REPORT--MERIT COMMISSION— FY 2017

The Secretary of State Merit Commission, which was established on July 1, 1977 by the enactment of the Merit Employment Code, completed its forty (40) fiscal year on June 30, 2017. The members of the Commission during FY 17 were:

Mr. Richard F. Pellegrino—Chairman

Mr. Pellegrino is the President of the Law Offices of Richard F. Pellegrino, Ltd. He is fulfilling the unexpired term of former Chairman Fred Serpe. Mr. Pellegrino's term expires on June 30, 2019.

Mr. James Taylor --Commissioner

Mr. Taylor is a retired Caterpillar employee and United AutoWorkers Executive Board Member. His term expires July 1, 2018.

Mr. Michael Masterson--Commissioner

Mr. Masterson is a business representative for the International Union of Operating Engineers. His term expires on June 30, 2021.

Mr. Edward C. Pacilli – Commissioner

Mr. Pacilli of Law Offices of Edward C. Pacilli and Associates. He is also Chief General Counsel and State Executive Board Member of the Illinois Police Association. His term expires November 17, 2019.

Ms. Judith A. Myers—Commissioner

Ms. Myers is a retired Senator from the 53<sup>rd</sup> District. Her term expires on November 17, 2019.

The members of the Commission are appointed by the Secretary of State, with the advice and consent of the Senate, to serve staggered 6-year terms. Each member must be a person in sympathy with the application of merit principles to public employment, and no more than three members may be affiliated with the

same political party. In July of every odd numbered year the Secretary of State appoints one of the members to chair the Commission for a two-year term.

The Commission staff consists of:

Richard F. Pellegrino – Chairman  
Janice S. Beyers—Managerial Assistant

Among the powers and duties given to the Commission by the Merit Employment Code are: (a) to exempt statutorily defined positions from Jurisdiction B of the Code; (b) to require special reports from the Director of Personnel; (c) to make rules; (d) to make an annual report to the Secretary of State; (e) to hear appeals of employees regarding their position allocations; (f) to hear appeals of certain disciplinary actions taken against employees; (g) to hear appeals of geographical transfers; (h) to hear appeals of employees who have been laid off; (i) to hear appeals of demotions; (j) to disapprove unsatisfactory position classifications; (k) to disapprove unsatisfactory personnel rules; and (l) to direct compliance with the Merit Employment Code if any violations of the Code are discovered.

The Commission met two (2) times in FY 2017 and worked primarily in the areas of Classification, Exemptions, and Hearing Appeals

### **REVIEW OF CLASS SPECIFICATIONS**

The Merit Commission has the authority to disapprove the Classification plan or amendments thereto including individual class specifications within thirty (30) days of their submission by the Director of Personnel. The review and updating of the classification system by the Department of Personnel should be a continuous process. The Commission recognizes that program changes, reorganizations, recruitment problems, and legislative changes may require

frequent requests for amendments to the classification plan. It will continue to work with management to assure that necessary changes are made within the guidelines set forth by the Merit Employment Code by utilizing sound and current personnel practices and classification techniques during its review process.

During FY 2017 the Director of Personnel proposed seven (7) changes to the classification system.

### **REVIEW OF THE RULES OF THE DEPARTMENT OF PERSONNEL**

The Merit Commission has the authority to disapprove "original rules or any part thereof, and any amendment thereof, within thirty calendar days after the submission of such rules to the Commission by the Director." In the absence of a court decision or written Attorney General's opinion, the Commission also has the final interpretive authority over Personnel Rules.

No amendments to the Department of Personnel Rules were submitted.

### **EXEMPTIONS**

The Commission has the authority to exempt positions from Jurisdiction B of the Merit Employment Code in accordance with certain guidelines set forth in the Code. The Commission attempts to work with management to meet changing needs for exempt positions while insuring that such exemption requests are in compliance with the Code and with sound personnel practices.

No (0) request for new exemption was received during FY 2017.

### **EMPLOYEE APPEALS**

The Commission has the duty to hear appeals from employees who disagree with their position allocation, certain disciplinary actions taken against them, their demotion, or their geographical transfer. The Commission also has the duty to

investigate and/or hear appeals of employees who have been laid off or who claim that the Rules were violated in an attempt to deprive the employee of rights granted by the Code. A total of three(3) appeals were received during FY 2017, of which none (0) were an allocation appeal, three (3) were disciplinary appeals, five (5) of which were outside Commission jurisdiction, none were demotion appeals, none were geographical transfer appeals, none were lay off appeals, none were rule violations, and none were due diligence appeals.

*(Please note: the reason the numbers may not appear to be arithmetically correct in the proceeding summaries is that there are occasional appeals carried from one fiscal year into the next. There are also instances where appeals may be delivered to the Merit Commission, but investigation by the Merit Commission staff reveals a jurisdictional defect in the appeal. The Merit Commission may be required by law to reject an appeal on jurisdictional grounds.)*

### **ALLOCATION**

After an allocation appeal is received, the Department of Personnel and the employee submit briefs to the Commission setting forth all pertinent facts and arguments concerning the dispute. The Merit Commission makes a determination concerning the proper classification of the position based upon a study of the class specifications, the material submitted in the briefs, and an informal or formal hearing with both parties present (a decision may be based only upon the written material submitted if neither party requests a hearing). The employee bears the burden of demonstrating that the allocation decision of the Director of Personnel was incorrect.

No (0) allocation appeal was received during FY 2017.

## **GEOGRAPHICAL TRANSFER**

An employee who has been transferred from one geographical area of the state to another may appeal to the Merit Commission. At the hearing, the employee must prove to the satisfaction of the Commission that the action of the Department was arbitrary, capricious, or not in the best interests of the agency.

There were no geographical appeals received during FY 2017.

## **DISCIPLINE**

A certified employee, who has been disciplined by suspension for more than thirty days, or by discharge, may appeal to the Commission. The Commission must grant the employee a formal hearing within thirty days. At the hearing, the Department disciplining the employee must prove to the satisfaction of the Commission that the charges are true and that they warrant the punishment imposed. The hearing is conducted in a manner similar, but not identical, to that practiced in the courts of the State of Illinois. A complete verbatim transcript of the proceedings is prepared.

During the past year, three (3) appeals of disciplinary action were received by the Commission, and one (1) final decision was rendered. One (1) appeal was dismissed prior to a formal Merit Commission decision because the employee decided not to pursue the appeal after it had been filed. None were dismissed for lack of jurisdiction. No employees were discharged. There are two (2) appeals pending at the close of FY 2017.

## **LAYOFF AND RULE VIOLATIONS**

An appeal may be filed by an employee who has been laid off, or one may be filed by an employee who believes a personnel transaction, which adversely affects him, has been falsely labeled in an attempt to deprive the Commission of its

proper jurisdiction, or that it violates the Code and/or Rules. At the hearing, the employee must prove to the satisfaction of the Commission that the allegations are true. The hearing is conducted in the same manner as discharge proceedings.

No (0) rule violation appeals were received by the Commission during FY 2017.

### **DEMOTION**

A certified employee who has been demoted may appeal to the Merit Commission. The Commission must grant the employee a formal hearing within thirty days. At the hearing, the Department demoting the employee must prove to the satisfaction of the Commission that the demotion was warranted. The hearing is conducted in the same manner as disciplinary proceedings.

No (0) demotion appeal was received during FY 2017.

### **CODE VIOLATIONS**

The Merit Employment Code provides that the Commission shall direct compliance if it discovers any violations of the Merit Employment Code. The Commission occasionally receives complaints regarding alleged violations of the Code, which it investigates. No complaints were received during FY 2017.

### **ADMINISTRATIVE REVIEW**

In all of the aforementioned types of appeals, the decisions of the Merit Commission are final and binding on the parties unless appealed to the Circuit Court under the provisions of the Code of Civil Procedure.

No (0) decisions of the Commission were appealed during FY 2017. No (0) Administrative Review cases are pending at the close of FY 2017.