
COMMISSION MEETING MINUTES

Tuesday, February 27, 2019 1:00 – 3:00 PM

Video Conference Sites

Chicago: James R. Thompson Center, Room 2-025
Springfield: Capitol City Training Center, 130 West Mason Street, Room 104

Commissioners Present

Anthony E. Rothert, Chairman	Dr. Sharon Jenkins-Collins
Honorable Andrea M. Schleifer, Vice Chairman	Representative Michael McAuliffe
Representative William Davis	Senator Julie Morrison

Commissioners Absent

Brian N. Rubin

Executive Staff Present

Dr. Mary L. Milano	Executive Director
Veronique Baker	Director, Legal Advocacy Service
Kenya Jenkins-Wright	General Counsel
Barry Lowy	Director, Office of State Guardian
Gia Orr	Director, Community Rights, Relationships & Resources
Teresa Parks	Director, Human Rights Authority
Constance Umbles-Sailers	Confidential Assistant to the Director
Michelle L. Braker	Private Secretary to the Director, Springfield
Florence P. Martin	Private Secretary to the Director, Chicago

Executive Staff Absent

Bobbie Fox	Director, Human Resources
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Meeting was called to order by Chairman Rothert at 1:10 pm. A quorum was present.

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DIRECTOR'S REPORT

Dr. Mary L. Milano

Director Milano spoke about the challenges of holding meetings that comply with the Open Meetings Act in terms of having a quorum. Since the Quinn administration the Agency has submitted requests from several individuals who have expressed a desire to be Commissioners. We have been able to obtain Representatives Davis and McAuliffe and most recently Senator Julie Morrison have been appointed; however, we are seeking to fill positions that have occurred due to the resignation of Commissioners Barbara Berry-Bailey, Inez Torres Davis, Ira Silverstein and Marlene Rankin. The Agency will continue its efforts to fill those vacancies.

The Agency has been aggressively pursuing its mandates and attempting to keep the headcount as close as possible to the authorized number. Some obstacles have been the number of retirements that occurred in the last fiscal year, we are trying to fill those positions as quickly as we can and think this year will be more stable. There have been changes in the management structure to bring middle management and resources closer to the field. We've divided the State into 3 instead of 2 segments, each with a Manager and a Managing Attorney. There has been some difficulty in getting Central Management Systems (CMS) to permit us to place people in areas where they are needed because they prefer Sangamon County, but we don't have anyone to supervise in that county. We are working to get individuals established in Peoria and Metro East to handle those areas where they can do fieldwork and provide supervision to field employees.

Several legislations are being pursued with the support of Representative Davis. Only 1 bill was passed last year which requires posting of notices of an individual's rights to contact the Human Rights Authority (HRA) in facilities where it wasn't previously posted.

This year we are reintroducing HB 3299, which would require the provision of sex education by providers of residential services to those with developmental disabilities. There have been 3 listening and dialog sessions held throughout the State in Chicago, Springfield and Marion. Supporters and non-supporters attended the sessions; those opposed were largely from parents of residents at Murray Developmental Center and Representative Meyer. There were several changes made to the legislation based on the sessions but are unwilling to change some of the core principles which includes the right of every human being to sexual expression, the right to education at the developmentally appropriate level and the right to be protected from predators and unwanted advances. Director Milano stated that, in her opinion, the largest and most significant points of opposition relate to the concept that persons with developmental disabilities are not adults but children and their parents and guardians have the right to treat them as such and make decisions for them, knowing they're not able to make decisions for themselves. In addition, there's the belief that they do not have the right to sexual expression and that guardianship trumps an individual's decision making in all cases. The Agency disagrees with all three points. Representative Meyer has introduced his own Bill, without prior notice, which incorporates those and several other positions. We are attempting to reengage Representative Meyer, but right now stand in firm opposition of his Bill. We have prepared serials comparing both Bills and the reasons for our opposition.

We will reintroduce a Bill that will extend the number of counseling sessions an individual with a guardian can have because of sexual assault, without the consent of the guardian, from 4 sessions presently permitted to 12 1-hour sessions. The third Bill reconstitutes the Task Force on Persons with Disabilities and their engagement with the criminal justice system. When the Bill was originally

passed, the Governor had to make several appointments which took a long time. A Bill was introduced extending the period that the report could be given, but not extending the life of the Commission. There are several other Bills that appertain to guardianship and disabilities which we are actively interested and will be playing an active role in supporting or opposing.

The Agency has several initiatives that are continuing which relate to several intersecting areas. One is the improvement of services in Central and downstate areas in Illinois. We are regrouping some of our headcount to better serve those areas and utilizing circuit riding and other means to enhance our presence.

We have been planning for several years to do a pilot program in Special Education. We feel our mandate is broad enough to encompass it and something that was done in the past prior to major budget cuts. It is an interdivisional effort between the Human Rights Authority (HRA) and Legal Advocacy Service (LAS) which will create a team of an attorney and advocate and a support person to provide services at the same kind of low-cost no-cost, non-litigious resolution of Special Education disputes. Our current target area is Peoria, possibly moving into Sangamon County. We feel this is another resource available to families that will avoid the need to hire an attorney and to resolve disputes in a timely manner that does not cause families to develop an adversarial relationship with a provider. We hope to be able to establish the positions this year; our FY20 budget includes a small increase to cover those positions.

The budget request for FY20 is \$12,509,700 of which \$2,300,000 will come from the GAC fund. This should be adequate to cover what we need, as well as support the work already being done downstate. We have been hampered considerably since November 2019 when the Agency's CFO/CIO, Gloria Lasley, resigned to take a position with DoIT. As a result, several staff members have stepped up to undertake complicated projects because of a settlement over back pay for AFSCME employees; primarily Bobbie Fox and Constance Umbles-Sailers, as well as a temporary accountant hired from the outside. Ms. Lasley has been very helpful in providing advice as she can while we wait to hire a new CFO. We are in constant contact with our Deputy Governor, Sol Flores, to fill this critical position.

We're continuing the grant for agreed outpatient orders for LAS as well as other community outreach initiatives. We're making every effort to expand our services and service level without incurring any additional cost to the State: this continues to happen primarily due to the commitment of our staff and the support we get from the Commission.

LEGAL REPORT

Kenya Jenkins-Wright, General Counsel

Counsel Jenkins-Wright discussed an OSHA complaint that was brought because of a grievance filed by an employee. The Agency allegedly was not supplying proper water at the West Suburban office. The Agency visited the office, took photographs and videos and submitted a response and it was successful in proving that the allegation was unfounded. The Agency is required to provide cups to allow employees of the office access to drinking water, which includes sinks, water fountains and a vending machine that sells water.

She then presented a short list of findings from the Agency's audit report:

- Insufficient number of members on the Commission and quorum meetings

- Director Milano mentioned in her remarks that the Commission has been actively pursuing appointments over several years and will continue to work with the Governor's office to bring the Commission to its full compliment of 11 members, which will allow more flexibility in achieving quorum and conducting official meetings.
- Commission did not exercise adequate internal control over conducting performance evaluations for its employees.
 - The Agency is in the process of working with its management team to ensure that all evaluations are completed in a timely manner.

The new audit period begins July 1, 2019. Director Milano stated that due to the absence of fiscal personnel, there will probably be additional findings for the next audit period, based on the inability to comply with reports, etc.

In an update on the case of Richard Jacklin, a priest that assaulted an Office of State Guardian (OSG) ward, Counsel Jenkins-Wright stated that she has been persistent in seeking information from the State's Attorney but has yet to receive many if any responses. Through her own research she discovered there's an upcoming status hearing and the case is set for setting. She and Director Lowy interpret that to mean the case is setting for trial. Since she has not heard from The State's Attorney, she may reach out to a State Police contact who may be more responsive and get some information on how the case is progressing.

In a continuing an effort to improve efficiency and compliance, the Agency has drafted a new employee and 75-day or volunteer checklist to ensure that all who work or volunteer with the Agency has submitted all their paperwork and received training where applicable.

FISCAL REPORT

Kenya Jenkins-Wright

Since the resignation of CFO Gloria Lasley, the Agency has hired an Accounting Supervisor, Ms. Tracy Kaecker, who started on February 1, 2019, as well as a temporary employee, Mr. Atul Chokshi, who has been helping through the ISL process. Through the work of an entire team, led by Mr. Chokshi with assistance from Ms. Lasley on the forms, everyone's input and gathering of information for the narrative portion, as well as reaching out to GOMB to make sure numbers are correct, we believe we have all the documentation needed to complete the ISL. The Agency was granted an extension because it is missing primary staff, but we are on track to mail the completed by the scheduled date and on par in time for our hearing in March.

In addition, a large part of the ISL process was the calculating of pay owed to AFSCME employees who have not received their contracted step increases for 3 years. This information was calculated and completed by Constance Umbles-Sailers and Bobbie Fox.

Ms. Umbles-Sailers stated it was a 2-month process of recalculations and discussion with OMB and CMS, with each entity having their specific way they wanted the numbers to be expressed. Back pay calculations began with FY16 through FY20 and thirty-nine employees were affected. The total amount to be paid out for FY19 is approximately \$130K over the Agency's budget ask and for FY20, an additional \$50K, both sums will come from a supplemental request.

Counsel Jenkins-Wright also mentioned that the Agency is moving forward with the Enterprise Resource Project (ERP) and SAP transition, which was also hampered by the loss of the CFO/CIO;

however, through a team effort comprised of Mr. Chokshi, Jeff Derrick in the Springfield office, Ms. Umbles-Sailers with procurement information and now Ms. Kaecker who is training on ERP/SAP system which will be utilized by accounting, fiscal and eventually human resources.

At this point in the meeting Director Milano asked Chairman Rothert that, due to time restraints and while a quorum was present, there be an approval of previous meeting's minutes and then enter closed session to vote on other matters. Chairman Rothert agreed.

ACTION ITEM – Approval of Minutes

Motion was made by Commissioner Schleifer to approve the minutes from the February 20, 2018 meeting. Motion was seconded by Commissioner Davis. Motion passed, and the minutes were approved.

CLOSED SESSION

Motion was made to enter closed session to discuss personnel and other matters by Commissioner Schleifer. Motion was seconded by Chairman Rothert. Motion passed, and closed session began at 2:00 pm.

Open session resumed at 2:20 pm.

MANAGEMENT INITIATIVES Gia Orr, Director, Community Rights, Relationships & Resources

Director Orr contributed to several of the areas already discussed. One of the immaterial audit findings was the Agency's workforce report, which is data collection. Prior to the finding there'd been work on data collection and integrity of data which is very important. The Agency has been putting systems in place to improve in these areas, but the audit finding led to a more intensive approach that ensures timely reporting from subgroups consisting of the Executive team, middle management team, all GAC employees for some data and all bilingual needs and bilingual pay data.

A second important management initiative is the Agency's intent to open another satellite office. There was discussion for a year about the possibility of opening on the campus of Governors State University; however, the University met their goals of having more students on campus, which led to less available space so that was no longer a viable option. With Representative/Commissioner Davis' support, she approached Chicago State University so now instead of being called a South Suburban satellite, it will be known as a South Chicagoland satellite. The President of Chicago State approved, Director Orr has met with their General Counsel, Government Relations, events and engineering and maintenance and is now waiting for approval of the spaces they'd like to show to herself and Director Milano.

Another initiative that Director Milano mentioned earlier is the Special Education Advocacy collaborative. Director Orr is serving as project manager under Directors Baker and Parks. They're using the Volunteer Advocacy Program (VAP) that was created by an Associate Professor at the University of Illinois-Urbana Champaign. It is being used in 3 other states: North and South Carolina and Tennessee. We did not receive the monetary grant so the 8 colleagues that have volunteered to become trainers nor those that they train will not receive a stipend for their work, they will receive material support, up to and including manuals that contain 150 pages of information. The University

will do all the printing and copying, and our Agency will provide them with data support. Our framework is now we are trained to train persons on how to advocate in special needs advocacy for student's families. We will eventually include students on college campuses because students are able to receive Individual Education Plan (IEP) services until age 21, but legally a campus is supposed to provide services beyond the IEP age. The pilot will be in Peoria, in conjunction with the already established Peoria Human Rights Authority panel and based on research from HRA reports. We will train them in advocacy, use their data and roll it out to the next region, utilizing all the existing HRA panels as the next set of trainers. The pilot group must be rolled out by the end of Summer 2019 and a report will be given at the next Commission meeting.

PROGRAM REPORTS

Office of State Guardian (OSG)

Barry Lowy, Director

In addition to his submitted written report, Director Lowy gave an update regarding LIGAS. He reported that there are 128 out of 310 wards that are in process of being evaluated for placement. There are 4 in placements and 10 with award letters and are through the discovery process with the Individual Service Coordination (ISC) agency and it is a time-consuming process, to remove wards from privatized immediate care facilities. On June 17, 2018 the Agency opened a satellite office at Shapiro Developmental Center and started a State Operated Developmental Center (SODC) project to begin to get OSG wards removed from SODCs to community placement. There was a target of 25 and a total of 28 individuals have been moved.

He went on to say that the Agency is in desperate need of a new case management system. The current system is DOS based system with many constraints. An RFP has been written; however, the departure of the CFO/CIO has placed an impact on it moving forward. The Agency is working with the Department of Innovation & Technology (DoIT); they've asked for and the Agency has submitted a confidentiality, but they've not responded. The Agency is asking them to help to obtain a Project Manager to help move forward.

The Treasurer's office has changed its rules and OSG may now open an account through Achieving a Better Life Experience (ABLE) as Guardians of the Person to help protect individuals from spend down. Internal controls had to be developed because the fiscal control process that was being used had to be modified to maintain separation of signatures.

Lastly Director Lowy expressed that the Agency continues to be challenged by staff turnovers and interviews were currently being conducted in the Metro East Regional Office.

Human Rights Authority (HRA)

Teresa Parks, Director

Since the Commission last met, the Peoria HRA coordinator was promoted to the position of HRA Managing Administrator. He supervises the downstate HRAs and is also doing some much-needed public awareness/community outreach. The HRA coordinator position was filled by Erin Nowlan who was an OSG Guardianship Representative. This is the first time since 2002 that the HRA has been fully staffed.

Staff training was held in November and among the agencies that Director Parks arranged to present were the State Board of Education, the Department of Human Services and the Department of

Corrections that talked about jail standards because the Authority has been receiving cases involving persons in jail with mental illness.

HRA members, who are volunteers, are now required to take the same Ethics and Sexual Harassment trainings as staff members. Effective October 1, newly appointed members also have fingerprint and background checks.

HRA statistics reflect that most complaints originate directly from persons with disabilities, private guardians and family members. Most complaints involve mental health providers: State operated facilities and hospital emergency rooms—those are typically cases involving individuals with mental illness and how they're treated in the emergency room. There has been a large upturn in complaints involving Community Integrated Living Arrangements (CILAs), these are residential sites for people with developmental disabilities.

The HRA continues to work on macro systemic issues with the Veterans Administration (VA) hospitals; the Authority periodically receives complaints and has experienced some pushback throughout the years. There was some success in the past year with the local VA hospital with the assistance of General Counsel Jenkins-Wright. There's hope that there will be better interactions with them in the future perhaps with a memorandum of understanding.

There has also been dialog with the Illinois State Board of Education (ISBE) over a Chicago Public Schools case and there's hopefully some final resolution with the current Special Education Director at ISBE. Director Parks also noted that information about the HRA was, for an unknown reason, removed from the ISBE website, but they have agreed to making that information available.

Legal Advocacy Service (LAS)

Veronique Baker, Director

Director Baker reported that since the Commission last met, LAS was able to expand the number of counties where they provide service and are now present in Peoria, LaSalle, McLean and Champaign counties. New attorneys have been hired: Matthew Davison was the AOT attorney and is now a LAS attorney and a new contract attorney has been hired for the AOT project.

The previously discussed Special Education project will not require additional work for the existing LAS attorneys. A different attorney will be hired for the Special Education division because it is anticipated that the workload would be so much that it could not be placed on the current staff and a different type of expertise is needed.

She stated that 3 LAS attorneys are participating in VAP training: one in both the Egyptian and Champaign areas as well Matthew Davison and herself in Cook County. They would serve as support or back-up or other resources; however, the plan is to use headcount to hire all new staff for Special Education training.

Motion to adjourn was made by Commissioner Schleifer and seconded by Commissioner McAuliffe.

The meeting was adjourned at 2:54 pm.

The next scheduled meeting is June 25, 2019.