

Inventory and Employment Restrictions Task Force

Data Report

Period: 7/1/2010-6/30/2012

1242 Total Criminal Reviews conducted following conditional offer of employment

100 Hires w/Convictions in Background Check

Note: Via the CMS100 conviction question and policy, the preponderance of the 100 above was known to have convictions prior to the offer of employment and went through administrative review. We don't know how many of that 100 were discharged because they falsified, but it would be just a few.

Pre-Employment Criminal Administrative Reviews per DHS Policy:

681 Total Mental Health Techs Hired

258 Mental Health Techs Reviewed w/Convictions

90 Disqualified, 168 Approved

80 Hired w/Conviction(s)

222 Total Direct Care BRS Hires

3 BRS Direct Care Reviewed w/Convictions

2 Disqualified, 1 Approved

1 Hired w/Conviction(s)

339 Non-BRS Direct Care Hires

Reviewed Data not Known

19 Hired w/Conviction(s)

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Employment Restrictions Report

The following are pertinent excerpts from DHS Policy:

01.02.01.040 Hiring and Interview Process

If a candidate indicates he or she has a criminal history and if the offense(s) is more than a routine traffic violation, the candidate will go through an administrative review process by administrative staff to determine whether an employment offer can be made. If, after employment commences, the State Police criminal background check reveals that the employee has a criminal history more serious than a routine traffic citation, a review will be conducted by the Bureau of Employee Services to determine whether employment will be continued.

01.02.01.070 Pre-Employment Drug Testing for Positions at Departmentally Operated Residential Facilities and Schools

It is the policy of the Department of Human Services (DHS) to select only candidates who are drug free and to conduct urinalysis/toxicology drug screening of all candidates for direct care positions at departmentally operated residential facilities and schools. The use of unauthorized, banned substances by employees who hold direct care positions poses a significant danger to the health and safety of the employee, staff members, customers, students, and the public. It undermines public trust, adversely affects productivity, and is, therefore, prohibited. Prospective DHS employees, applying for positions at residential facilities and schools with direct care or treatment responsibilities for adults or children with mental illness and/or developmental disabilities, will be required to submit to and pass a pre-employment drug test as a condition of employment. This Directive also covers other persons who would regularly or temporarily have access to living quarters, such as janitorial and maintenance staff, and staff who would handle financial, medical and personal records of customers.

Definitions

"Applicants Subject to Testing." Persons selected for employment with DHS who will regularly or temporarily work in a position with direct care of, or with treatment responsibilities for, persons with mental illness and/or a developmental disability and who reside in a mental health or developmental center or attend a DHS operated school or residential facility. Applicants subject to testing also includes other persons who would regularly or temporarily have access to living quarters, such as janitorial and maintenance staff, and staff who would handle financial, medical and personal records of customers.

DHS Titles and Position Codes Considered "Direct Care" for Drug Testing and Fingerprint Purposes

Titles	Position Codes
Account Clerk I/II *	00111-00112
Account Technician I/II/Trainee *	00115-00116-00118
Accountant/Advanced *	00130-00133
Activity Program Aide I/II	00151-00152
Activity Therapist	00157
Activity Therapist Coordinator	00160

Titles	Position Codes
Activity Therapist Supervisor	00163
App/Dry goods Specialist I/II *	01231-01232
Baker*	04100
Barber	04250
Beautician	04350
Behavior Analyst I/II/Associate	04351-04352-04355
Chaplain I/II *	06901-06902
Clinical Lab. Associate	08200
Clinical Lab. Phlebotomist	08213
Clinical Lab Technician I/II	08215-08216
Clinical Lab Technologist I/II/Trainee	08220-08221-08229
Clinical Pharmacist	08235
Clinical Psychologist	08250
Cook I/II *	09601-09602
Dental Assistant	11650
Dental Hygienist	11700
Dentist I/II	11751-11752
Dietary Manager I/II *	12501-12502
Dietitian*	12510
Educational Program Media Specialist*	12980
Educator/Aide	13100-13130
Graphic Arts Designer/Technician*	17366-17400
Guard I/II/III *	17681-17682-17683
Habilitation Program Coord	17960
Hearing and Speech Adv. Specialist	18227
Hearing and Speech Associate	18231
Hearing and Speech Technician I/II	18261-18262
Human Services Sign Lang. Interpreter *	19810
Inhalation Therapist	21259
Institutional Helper*	21460
Librarian I *	23401
Library Associate*	23430
Library Technical Assistant*	23450
Licensed Practical Nurse I/II	23551-23552
Mental Health Administrator I/II (opt C/D)	26811-26812
Mental Health Specialist I/II/III/Trainee	26924-26925-26926-26928
Mental Health Technician I/II/III/IV/V/VI	27011-27012-27013-27014-27015-27016

Titles	Position Codes
Mental Health Technician Trainee I	27021
Occupational Therapist	29900
Occupational Therapy Program Coordinator	29908
Office Assistant*	30010
Office Associate*	30015
Office Coordinator*	30025
Optometrist	30300
Pharmacy Lead Technician	32007
Pharmacist Technician	32008
Pharmacy Services Coordinator	32010
Physician	32200
Physical Therapist	32145
Physical Therapy Aide I/II/III	32191-32192-32193
Physical Therapy Prog. Coord.	32153
Physician/Specialist A,B,C,D,E	32221-32222-32223-32224-32225
Podiatrist	32960
Psychologist Associate	35626
Psychologist I/II/III	35611-35612-35613
Psychology Intern	35660
Public Administration Intern*	35700
Public Serv. Admin (Principal) *	37015
Radiologic Technologist	37500
Radiologic Tech Chief	37505
Radiologic Tech Program Coord.	37507
Recreation Worker I/II	38001-38002
Registered Nurse I/II	38131-38132
Rehabilitation Counselor *	38145
Rehabilitation Counselor Aide I/II	38155-38156
Rehabilitation Counselor Sr. *	38158
Rehabilitation Counselor Tr. *	38159
Rehabilitation Mobility Instructor/Trainee *	38163-38167
Rehabilitation Services Advisor I	38176
Rehabilitation Wkshop Inst. I/II	38192-38193
Rehabilitation Wkshop Supv. I/II/III	38194-38195-38196
Residential Care Prog. Supv. I	38271
Residential Care Worker/Trainee	38277-38279
Residential Serv. Supv.	38280

Titles	Position Codes
School Psychologist	39200
Security Officer Chief/Lt./Sgt.*	39870-39875-39876-39877
Sec. Therapy Aide Trainee	39905
Sec. Therapy Aide I/II/III/IV	39901-39902-39903-39904
Senior Public Service Admin (Opt. 6/8)*	40070
Social Worker I/II/III/IV/Intern	41411-41412-41413-41414-41430
Staff Pharmacist	41787
Student Worker*	43200
Support Serv. Coordinator I/II/Lead	44221-44222-44225
Support Service Worker	44238
Switchboard Operator I/II/III*	44411-44412-44413
Vocational Assessment Specialist	48160
Vocational Instructor	48200

01.02.01.060 Employment Background Reports

The Bureau of Recruitment and Selection (BRS) or Interviewing Officer shall verify and evaluate all prospective new employees' previous employment history prior to accepting the applicant for employment. Employment references or Employment Background Reports are done only on candidates recommended for hire. A minimum of three previous/current employers will be contacted to obtain the applicant's employment history. Completion of Employment Background Reports is required for all prospective permanent employees, including employees who are being considered for probationary appointments.

- I. **National Practitioner Data Bank**
DHS State-Operated Mental Health and Developmental Centers/Programs are required to review the professional conduct of physicians, dentists, and other health care practitioners to ensure quality of care. This includes requesting information from the National Practitioner Data Bank (NPDB) prior to employment. DHS policies and procedures on this matter should also be considered when physicians, dentists, or other health care practitioners apply for employment. Questions should be directed to the Office of Clinical Services within the appropriate division.
- II. **Commercial Driver's Licenses (CDLs)**
Federal Motor Carrier Safety Regulations require employers to inquire into the driving records of a prospective employee whose job requirements indicate a requirement for a Commercial Driver's License (CDL). The inquiry must include the driving record during the preceding three years. The inquiry must be directed to the appropriate agency of every state in which the driver held an operator's license or permit. The regulations also require an inquiry into the driver's employment and record of drug testing for the preceding three years.
- III. **Illinois Department of Public Health Nurse Aide Registry**
All DHS-operated facilities and schools are required to make a telephone inquiry into the background of new DHS employees, utilizing the Illinois Department of Public Health Nurse Aide Registry (See Attachment A), prior to the hire date. The Registry maintains records of substantiated findings of abuse or neglect by health care workers in Illinois. All new facility/school-based employees, including contractual employees, are subject to this requirement, not only direct care staff. Individuals who provide general purpose services for the

Department are not covered by this requirement (i.e. architects, exterminators, plumbers). In those cases where the (BRS) conducts interviews, they are responsible for the Nurse Aide Registry inquiry. When the hiring process does not include BRS, the facility/school personnel staff is responsible to make the inquiry. Even candidates from outside the work location, with bargaining unit rights to a position, are subject to the inquiry. DHS-operated facilities/schools are responsible for maintaining a log of all inquiries, dates of inquiry, and findings, if any. Specific instructions regarding the inquiry process are attached to this policy

01.02.01.020 Drug Testing for Holders of Commercial Driver's Licenses

It is the policy of the Department of Human Services (DHS) that employees who hold commercial driver's licenses (CDL) not use unauthorized banned substances which pose a significant danger to the health and safety of the employee, staff members, clients, and the public. It undermines public trust, adversely affects productivity, and is, therefore, prohibited. This directive establishes written procedures for conducting urinalysis/toxicology tests for all DHS employees who hold CDLs as a position requirement. Any such employee will be tested when there is a reasonable suspicion that the employee is under the influence of alcohol or using an unauthorized banned substance (i.e., controlled over-the-counter prescription medicines and illicit drugs). Employees shall also be subject to pre-employment, random, post-accident, follow-up, and return-to-work drug and alcohol testing.

01.02.03.060 Falsification of Records

The Department of Human Services (DHS) will not tolerate written or oral falsification by any current or prospective employee. Falsification of records or statements includes, but is not limited to, an act of misrepresentation, falsification or omission of any fact.

Any other form or submission of information which is or may be used by DHS as a basis for determining an individual's eligibility for an appointment, reassignment, promotion, leave or other employment decisions.

Other References (from Legal):

1. Health Care Worker Background Check Act (225 ILCS 46) – copy attached to this email.
2. Department of Public Health Administrative Rule 77 Ill. Adm. Code 350.681 “Health Care Worker Background Check” as applicable to Intermediate Care for the Developmentally Disabled Facilities.
3. Department of Public Health Administrative Rule 77 Ill. Adm. Code 955. In particular Section 955.160 which lists the disqualifying offenses (not just the sections of the Criminal Code)