

Report to the Task Force on Inventorying Employment Restrictions Act

Current Employment Restrictions

Office of the Comptroller

For each occupation subject to a criminal records-based restriction, the agency shall set forth the following:

- 1) The job title, occupation, job classification, or restricted place of employment, including the range of occupations affected in such places.

Any individual hired by the Comptroller's Office is subject to a background check. (see attached list of titles)

- 2) The statute, regulation, policy, and procedure that authorizes the restriction of applicants for employment and licensure, current employees, and current licenses.

There are no specific restrictions to employment at the Comptroller's Office based on a background check.

- 3) The substance and terms of the restriction, and

No specific restrictions are in place.

- (A) If the statute, regulation, policy or practice enumerates disqualifying offenses, a list of each disqualifying offense, the time limits for each offense, and the point in time when the time limit begins.

See above response.

- (B) If the statute, regulation, policy or practice does not enumerate disqualifying offenses and instead provides for agency discretion in determining disqualifying offenses, the criteria the agency has adopted to apply the disqualification to individual cases. Restrictions based on agency discretion include, but are not limited to, restrictions based on an offense "related to" the practice of a given profession; an offense or act of "moral turpitude"; and an offense evincing a lack of "good moral character".

Background checks indicating criminal offenses are reviewed by senior management to determine if the offense may be disqualifying.

- 4) The procedures used by the agency to identify an individual's criminal history, including but not limited to disclosures on applications and background checks conducted by law enforcement or private entities.

Job application includes language asking individuals to disclose convictions of any criminal offense other than a minor traffic violation. Background checks are run by the Illinois State Police.

- 5) The procedures used by the agency to determine and review whether an individual's criminal history disqualifies that individual.

Background checks are reviewed by senior management.

- 6) The year the restriction was adopted, and its rationale.

The Comptroller's Office began requiring background checks in 2000.

Any exemption, waiver, or review mechanisms available to seek relief from the disqualification based on a showing of rehabilitation or otherwise, including the terms of the mechanism, the nature of the relief it affords, and whether an administrative and judicial appeal is authorized.

N/A

- 7) Any statute, rule, policy and practice that requires an individual convicted of a felony to have his civil rights restored to become qualified for the job; and 9 copies of the following documents:

N/A

- (A) Forms, applications, and instructions provided to applicants and those denied or terminated from jobs or licenses based on their criminal record. **N/A**
- (B) Forms, rules and procedures that the agency employs to provide notice of disqualification, to review applications subject to disqualification, and to provide the exemptions and appeals of disqualification. **N/A**
- (C) Memos, guidance, instructions to staff, scoring criteria and other materials used by the agency to evaluate the criminal histories of applicants, licensees, and employees. **N/A**
- (D) Forms and notices used to explain waiver, exemption and appeals procedures for denial suspensions and terminations of employment or licensure based on criminal history.

N/A

Report to the Task Force on Inventorying Employment Restrictions Act

Impact Review

Comptroller's Office

February 6, 2012

- 1) The total number of people currently employed in the occupation whose employment or licensure required criminal history disclosure, background checks or restrictions.

Background checks are run on all individuals upon offer of employment. Since February 1, 2010, 91 Individuals have been hired by the Comptroller's Office.

- 2) The number and percentage of individuals who underwent a criminal history background check.

100%/91 of our new hires underwent a criminal history background check.

- 3) The number and percentage of individuals who were merely required to disclose their criminal history without a criminal history background checks.

Our job application requires that all applicants indicate if they have ever pled guilty or been found guilty of any offense other than a minor traffic offense. Data is not available regarding the number of individuals who may have filled out a job application but were not hired.

- 4) The number and percentage of individuals who were found disqualified based on criminal history disclosure by the applicant.

No data available.

- 5) The number and percentage of individuals who were found disqualified based on a criminal history background check.

No data available.

- 6) The number and percentage of individuals who sought an exemption or waiver from the disqualification.

N/A

- 7) The number and percentage of individuals who sought an exemption or waiver who were subsequently granted the exemption or waiver at the first level of agency review (if multiple levels of review are available).

N/A

- 8) The number and percentage of individuals who sought an exemption or waiver who were subsequently granted the exemption or waiver at the next level of agency review (if multiple levels of review are available).

N/A

- 9) The number and percentage of individuals who were denied an exemption or waiver at the final level of agency review and then sought review through an administrative appeal.

N/A

- 10) The number and percentage of individuals who were denied an exemption or waiver at the final level of agency review, and then sought review through an administrative appeal and were then found qualified after such a review.

N/A

- 11) The number and percentage of individuals who were found disqualified where no waiver or exemption process is available.

N/A

- 12) The number and percentage of individuals who were found disqualified where no waiver or exemption process is viable and who sought administrative review and then were found qualified.

N/A

- 13) If the agency maintains records of active licenses or certification, the executive agency shall provide the total number of employees in occupations subject to criminal history restrictions.

While no specific criminal restrictions are contained within the Office of the Comptroller's Policy and Procedure Manual, the following employees are required to maintain licenses and certifications:

All position requiring a current license to practice law in Illinois - 5 employees

All positions requiring a Certified Public Accountant Certification – 4 employees

IMPACT REVIEW – Illinois Office of the Comptroller – Cemetery Care and Burial Trust Department – February 2012

For each occupation subject to a criminal records-based restriction, the agency shall set forth the following:

- (1) the job title, occupation, job classification, or restricted place of employment, including the range of occupations affected in such places;

Cemetery Care and Burial Trust Department: Background checks are performed on the applicant if an individual; of every member, if a partnership; of every member of the Board of Directors if an association; of every officer or director, if a corporation AND of any party owning 10% or more of the cemetery/funeral/pre-need cemetery sales, or 25% for a crematory authority requesting licensure.

- (2) the statute, regulation, policy, and procedure that authorizes the restriction of applicants for employment and licensure, current employees, and current licenses;

Cemetery Care and Burial Trust: 760 ILCS 100 Sec 9 (2.1); 815 ILCS 390 Sec 6 (3); 225 ILCS 45 Sec 3 (5); 410 ILCS 18 Sec 11

- (3) the substance and terms of the restriction, and **(see above)**
 - (A) if the statute, regulation, policy or practice enumerates disqualifying offenses, a list of each disqualifying offense, the time limits for each offense, and the point in time when the time limit begins; **No**
 - (B) if the statute, regulation, policy or practice does not enumerate disqualifying offenses and instead provides for agency discretion in determining disqualifying offenses, the criteria the agency has adopted to apply the disqualification to individual cases. Restrictions based on agency discretion include, but are not limited to, restrictions based on an offense “related to” the practice of a given profession; an offense or act of “moral turpitude”; and an offense evincing a lack of “good

moral character”. **Yes, offenses found would be subject to Legal scrutiny**

- (4) the procedures used by the agency to identify an individual's criminal history, including but not limited to disclosures on applications and background checks conducted by law enforcement or private entities; **Cemetery Care and Burial Trust: B/G checks are performed through the IDFPR (Funeral Directors/Embalmers); AG (individuals and businesses); SOS (Corporations in good standing); DOR (State Tax ID Number) & ISP (criminal history). On the Questionnaire, form SCO-682, there are relevant questions with regard to convictions, civil litigation with regard to fraud, bankruptcy and prior disciplinary or license suspension/revocation. On the Release forms, SCO-701 & SCO-714 (under FBFA), it clearly states that the information provided is complete accurate and true and that any false information will be grounds for denial and further authorizes/releases any and all law enforcement agencies to complete a criminal background check.**
- (5) the procedures used by the agency to determine and review whether an individual's criminal history disqualifies that individual; **Cemetery Care and Burial Trust : case by case in conjunction with the legal staff.**
- (6) the year the restriction was adopted, and its rationale; **Cemetery Care and Burial Trust: Between 1997 – 2000; the rationale being better to not license a problem entity than to have to revoke a license and procure a receiver.**
- (7) any exemption, waiver, or review mechanisms available to seek relief from the disqualification based on a showing of rehabilitation or otherwise, including the terms of the mechanism, the nature of the relief it affords, and whether an administrative and judicial appeal is authorized; **CCBT: case by case in conjunction with the legal staff.**

- (8) any statute, rule, policy and practice that requires an individual convicted of a felony to have his civil rights restored to become qualified for the job; **unknown**

(9) copies of the following documents:

(A) forms, applications, and instructions provided to applicants and those denied or terminated from jobs or licenses based on their criminal record; **Cemetery Care and Burial Trust : Questionnaire & Release Forms attached.**

(B) forms, rules, and procedures that the agency employs to provide notice of disqualification, to review applications subject to disqualification, and to provide for exemptions and appeals of disqualification; **Cemetery Care and Burial Trust – case by case**

(C) memos, guidance, instructions to staff, scoring criteria and other materials used by the agency to evaluate the criminal histories of applicants, licensees, and employees; **Cemetery Care and Burial Trust – case by case**

(D) forms and notices used to explain waiver, exemption and appeals procedures for denial, suspensions and terminations of employment or licensure based on criminal history. **Cemetery Care and Burial Trust – case by case**

For each occupation under the agency's jurisdiction for which there are employment restrictions based on criminal records, each State agency must provide the Task Force with a report, on or before February 1, 2012, for the previous 2-year period, setting forth:

- (1) the total number of people currently employed in the occupation whose employment or licensure required criminal history disclosure, background checks or restrictions; **Cemetery Care and Burial Trust - unknown as it only applies to new applications**

(2) the number and percentage of individuals who underwent a criminal history background check; **Total for the IOC 1/1/2010 -12/31/2011 – 31 (2010) & 87 (2011) = 118 (100% of CCBT applicants underwent a criminal history background check).**

(3) the number and percentage of individuals who were merely required to disclose their criminal history without a criminal history background check; **CCBT - 0**

(4) the number and percentage of individuals who were found disqualified based on criminal history disclosure by the applicant; **CCBT - 0**

(5) the number and percentage of individuals who were found disqualified based on a criminal history background check; **CCBT - 0**

(6) the number and percentage of individuals who sought an exemption or waiver from the disqualification; **CCBT - 0**

(7) the number and percentage of individuals who sought an exemption or waiver who were subsequently granted the exemption or waiver at the first level of agency review (if multiple levels of review are available); **CCBT - 0**

(8) the number and percentage of individuals who sought an exemption or waiver who were subsequently granted the exemption or waiver at the next level of agency review (if multiple levels of review are available); **CCBT - 0**

(9) the number and percentage of individuals who were denied an exemption or waiver at the final level of agency review, and then sought review through an administrative appeal; **CCBT - 0**

(10) the number and percentage of individuals who were denied an exemption or waiver at the final level of agency review, and then sought review through an administrative appeal and were then found qualified after such a review; **CCBT - 0**

(11) the number and percentage of individuals who were found disqualified where no waiver or exemption process is available; **CCBT - 0**

(12) the number and percentage of individuals who were found disqualified where no waiver or exemption process is available and who sought administrative review and then were found qualified; and

CCBT - 0

(13) if the agency maintains records of active licenses or certifications, the executive agency shall provide the total number of employees in occupations subject to criminal history restrictions. **CCBT - NA**



STATE OF ILLINOIS
COMPTROLLER
JUDY BAAR TOPINKA

RELEASE FORM
Illinois Cemetery Care Act
(760 ILCS 100/1 et seq.)

(Make additional copies if necessary)

Please type or print legibly

I certify that the information I have provided pursuant to the license application process is complete, accurate and true. I understand that any false or misleading information given in my application will be grounds for denial of my application. I also authorize any and all law enforcement agencies, including but not limited to the Illinois State Police, to process a criminal background check. I further authorize such law enforcement agencies to release any information pertaining to me to the Comptroller's Office.

Signature _____ Date _____

State of Illinois
County of _____

I, _____, do solemnly swear that the foregoing answers and statements have been knowingly made by me and the same are true. Given under my hand this _____ day of _____, _____.

Signature

Title

Subscribed and sworn to before me in
_____ County, in the State of Illinois
by the said _____ who
personally appeared before me in the aforesaid
County and State, this _____ day of
_____, _____.

Notary Seal

Notary Public

My commission expires



STATE OF ILLINOIS
COMPTROLLER
JUDY BAAR TOPINKA

QUESTIONNAIRE
Illinois Cemetery Care Act
(760 ILCS 100/1 et seq.)

Required of Each Applicant, Member, Officer or Director and of any party owning 10% or more of the Cemetery or Funeral Home (make additional copies if necessary)

Please type or print legibly

Application of _____
Name of Cemetery or Funeral Home

1. Your Name Mr. Ms. Mrs. _____
(Circle one) First Name Middle Name Last Name

2. Date of Birth _____ Place of Birth _____
Month/Day/Year City State County

3. Social Security Number _____/_____/_____

4. Driver's License Number _____ State of Issue _____

5. Business Address _____
Street City State County Zip Code
Business Telephone (include area code) _____

6. Home Address _____
Street City State County Zip Code
Home Telephone (include area code) _____

7. Occupation or Profession _____

8. Provide employment history for the past ten (10) years

| From: Day/Month/Yr. | To: Day/Month/Yr. | Name & Address of Employer | Position/Title | Reason for Leaving |
|------------------------|----------------------|----------------------------|----------------|--------------------|
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| | | | | |

9. Approximately how much time do or will you devote to the cemetery or funeral home applying for a license?

QUESTIONNAIRE

10. List any present and previous connection, if any, with any other cemetery or funeral home?

| | | | | | | |
|-------------------------------|-----------------|------|-------|--------|----------|------------------|
| Name of Cemetery/Funeral Home | Street & Number | City | State | County | Zip Code | Telephone Number |
|-------------------------------|-----------------|------|-------|--------|----------|------------------|

| | | | | | | |
|-------------------------------|-----------------|------|-------|--------|----------|------------------|
| Name of Cemetery/Funeral Home | Street & Number | City | State | County | Zip Code | Telephone Number |
|-------------------------------|-----------------|------|-------|--------|----------|------------------|

11. If any such cemetery or funeral home discontinued business, give reasons for such discontinuance.

12. Have you ever been convicted of any crime, except minor traffic offenses? ____ No ____ Yes If yes, provide

Name and Address of Court _____

Case Name and Number _____

Charge or Crime upon which conviction was entered _____

Date of Conviction _____ Sentence Imposed _____

13. Have you ever been or are you currently involved in any civil litigation in which a judgment or decree based on fraud has been rendered against you? ____ No ____ Yes If yes, explain _____

14. Have you ever failed to satisfy an enforceable judgement or decree rendered against you in any civil proceedings by a court of competent jurisdiction? ____ No ____ Yes If yes, explain _____

15. Have you ever been a defendant in any civil action, other than domestic matters? ____ No ____ Yes If yes, provide, Name and Address of Court _____

Case Name and Number _____

Nature of Case _____

Final Disposition _____

16. Have you ever filed for bankruptcy? ____ No ____ Yes If yes, provide

Name and Address of Court _____

Date of Insolvency _____

17. Have you ever had a license involving any cemetery or funeral home revoked, suspended or denied in Illinois or any other state? ____ No ____ Yes If yes, explain _____

18. Have you ever been the subject of any type or form of disciplinary action regarding a professional or business license? ____ No ____ Yes If yes, explain _____

19. Pursuant to the Illinois Administrative Procedure Act (5 ILCS 100/10-65(c)) complete the following:

I, _____, certify under penalty of perjury that I am not more than 30 days delinquent in complying with any child support order. I understand that making a false statement may subject me to contempt of court.

QUESTIONNAIRE

Privacy Act Notice

The Illinois Administrative Procedure Act (5 ILCS 100/10-65) requires license applications, of which this Questionnaire is a part, to include the applicant's social security number. The Office of the Comptroller uses this information in administration of its responsibilities under the Cemetery Care Act, the Pre-Need Cemetery Sales Act, and the Funeral or Burial Funds Act (collectively, the "Acts"). The Office of the Comptroller does not give, sell, or transfer this information to third parties uninvolved with the administration of the Acts unless required or otherwise authorized by law.

State of Illinois
County of _____

I, _____, do solemnly swear that the foregoing answers and statements have been knowingly made by me and the same are true. Given under my hand this _____ day of _____, _____.

Signature

Title

Subscribed and sworn to before me in
_____ County, in the State of Illinois
by the said _____ who
personally appeared before me in the aforesaid
County and State, this _____ day of
_____, _____.

Notary Seal

Notary Public

My commission expires