



Pat Quinn
Governor

Jay Rowell
Director

January 25, 2012

Via Email to CJA.EmplRestrictions@Illinois.gov

Jeffrey A. Shuck
Deputy General Counsel (Personnel)
Central Management Services
Task Force Chair

Jack Cutrone
Executive Director
Illinois Criminal Justice Information Authority
Task Force Member

Gentlemen:

In response to your letter of January 11, 2012 to IDES Director Jay Rowell requesting "a report describing restrictions for employment within the agency, in facilities licensed, regulated, supervised or funded by the agency, and in occupations that the agency licensees or provides certifications to practice," our response is as follows:

The Department has restrictions on hiring for those law titles/options that require an ARDC card including Hearings Referee, Public Service Administrators (Opt. 8L), or Senior Public Service Administrators (Opt. 8L).

In response to your request for "the number of actual applicants who underwent criminal background checks, the number of applicants who were deemed disqualified, the number who sought waiver, and the number who were denied waiver" over the past two years, our response is as follows:

The Department requires background checks done on all new employees including new hire probationary, exempt, transfers from other state agencies under the Governor's Personnel Code.

In the year 2010, the Illinois Department of Employment Security requested a total of 181 criminal background checks to be conducted. Out of the 181 background checks conducted, 179 had no convictions found, and 2 had convictions found that were disclosed by the applicants.

In the year 2011, the Illinois Department of Employment Security requested a total of 159 criminal background checks to be conducted. Out of the 159 background checks conducted, 156 had no convictions found, 1 conviction found and disclosed by the candidate, and 2 convictions found where the (2) applicants did not disclose the information.

If you have further questions, please don't hesitate to contact me at Barbara.Piwowski2@Illinois.gov.

Sincerely,

Barbara Piwowski
Executive Deputy Director - Administration

Task Force on Inventorying Employment Restrictions Report by the Illinois Department of Employment Security

The Department has restrictions on hiring for those law titles/options that require an Attorney Registration and Disciplinary Committee (ARDC) card including Hearings Referee, Hearings Referee-Intermittent, Public Service Administrators (Opt. 8L), or Senior Public Service Administrators (Opt. 8L).

All prospective employees (including temporary and contractual) who are seeking employment with IDES will have a criminal background check completed before they are hired, see attached IDES Procedure 2034 and CMS-284, the Request for Release of Information form.

Once the background check has been completed and returned to the Department, one of the following scenarios would be present:

First, the background check is clear and no further action is required. The Agency can proceed to hire the individual.

Second, the applicant failed to include a conviction, including any guilty pleas where the individual received some sort of alternative sentencing, including court supervision. If this occurs the application would be falsified, meaning the application would be denied, and the Agency would ask CMS to remove the candidate from the eligible list and move on to the next candidate.

Third, the background check revealed a conviction giving concern as to the applicant's viability (i.e. Unemployment Insurance Fraud). In this case, the application would be reviewed at HRM level and possibly include the Deputy Director of Administration and a decision rendered as to the viability of the applicant.

The following statistics on background checks done in calendar years 2010 and 2011 are as follows:

In 2010, the Illinois Department of Employment Security requested a total of 181 criminal background checks to be conducted. Out of the 181 background checks conducted, 2 had convictions found that were disclosed by the prospective applicants.

In 2011, the Illinois Department of Employment Security requested a total of 159 criminal background checks to be conducted. Out of the 159 background checks conducted 1 conviction was found and disclosed by the candidate, and 2 convictions found where the two (2) applicants did not disclose the information at the time of application.

2034 CRIMINAL HISTORY CHECKS

.10 BACKGROUND

Human Resource Management performs Illinois criminal history checks on all new and reinstated State employees by request to the Illinois State Police. Employees promoted to certain positions deemed to perform confidential duties may also require a criminal history check.

.20 PROCEDURES

The following procedures identify the responsible parties and describe the steps in a criminal history check. The results of the criminal history check must be known before the individual is given an effective date of employment. (Summer workers are not included.)

Human Resource Management

1. Upon selection of an applicant, refers to the criminal history check log to assign the next chronological criminal history check number, (e.g., 04-CH-###). Prepares a fax cover memorandum to the Illinois State Police (ISP), Division of Internal Investigation. **Note:** The information needed to conduct this check is full name (including middle initial), Social Security number, date of birth, race, and sex.
2. Faxes cover memorandum, Employment Application (CMS-100) front page only, and signed Request for Release of Information (CMS 284) to ISP (217) 557-3767. Places documents in the file pending response from the ISP.

Illinois State Police

3. Conducts a computerized criminal history check. Faxes results to HRM.

Human Resource Management

4. Receives and reviews report. Records response date and results in the criminal history check log.
5. Finalizes hiring decision.

**REQUEST FOR RELEASE
OF INFORMATION**

TO: Director
Illinois State Police

I, _____, do hereby authorize the Illinois State Police to release information relative to the existence or nonexistence of any criminal record which it might have concerning me to any Department of the State of Illinois solely to determine my suitability for employment or continued employment with the State of Illinois. I further authorize any agency which maintains records relating to me to provide same on request to the Illinois State Police for the purpose of this investigation.

I certify that the Illinois State Police, and its officers or employees who furnish this information concerning me, and any agency and its officers and employees which provides these records to the Illinois State Police, shall not be held accountable for giving this information. I do hereby release and save harmless the Illinois State Police, its officers and employees, and any other agency and its officers and employees which provides records concerning me for the purpose of this investigation, from any and all liability which may be incurred as a result of releasing such information.

A photocopy of this release form will be valid as an original thereof, even though the said photocopy does not contain an original writing of my signature.

I have read and understand the contents of this Request for Release of Information.

Witness

Signature (include maiden name)

Address

City, State

Zip Code

Date of Birth

Social Security Number

Drivers License Number

COMPLETE AND SIGN BOTH SIDES OF THIS FORM

APPLICANT BACKGROUND INFORMATION

Please complete the following question:

Have you ever been convicted of a criminal offense other than a minor traffic violation?

Yes

No

1

If your answer to the foregoing question is "yes," please provide a detailed statement for each such occurrence.

[illegible]

Signature

Date _____

COMPLETE AND SIGN BOTH SIDES OF THIS FORM