


Illinois
Department of
Corrections

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DATE: November 1, 2011
FROM: S.A. Godinez, Director 
TO: Task Force on Inventorying Employment Restrictions
RE: Report on Inventorying Employment Restrictions Act

Pursuant to PA 97-501, the Department of Corrections is submitting this report to the Task Force that describes the employment restrictions that are based on criminal records of persons wishing to serve the Department. The Department of Corrections conducts two types of background investigations.

- A "computer criminal history check or name check" is a review of the applicant's criminal history through the Law Enforcement Agencies Data System (LEADS) and is conducted on all applicants.
 - A "complete background investigations" includes the above inquiry and review of the applicant's driver's license, Firearms Owner's Identification (FOID), employment reference checks, offender, juvenile, and visitor tracking systems within the Department, Military checks (if applicable). The complete background investigation is conducted on all state employee applicants, employees, contractual employees, student workers, interns, volunteers who regularly work with offenders and consultants who work with offenders.
- 1) All employees, contractors, and volunteers (excluding outside workers who do not work with offender or offender records such as delivery persons, garbage collectors and who are escorted at all times) who serve the Department are subject to criminal record-based restrictions in accordance Administrative Directive 01.02.107 Paragraph I. B.:
- "The Department shall conduct background investigations on persons prior to employment or prior to placement in safety sensitive positions and on person who provide services for the Department. . ."*
- 2) Administrative Directive 01.02.107, Background Investigation, authorizes the Department to conduct background investigations and restrict eligibility to serve the Department

- 3) In accordance with Administrative Directive 03.02.100, Administrative Review of Personnel or Service Issues, Paragraphs II.F.5. and 6.:

"5. An applicant shall not be disqualified on the basis of an arrest record alone. . .

- 6. In determining whether an applicant's criminal history demonstrates unsuitability for employment or service, the following factors shall be considered*

- a. The nature and seriousness of the offense(s) or conduct;*
- b. The time that has passes since the offense(s) or conduct;*
- c. The frequency and pattern of the offenses(s) or conduct; and*
- d. The nature of the prospective job."*

- 4) Administrative Directive 01.07.102, Background Investigations, Paragraph II.G. is used by the Department to identify the applicant and requires completed applications CMS 100, DOC 005, or DOC 0031; applicant information sheet either the DOC 0031 or DOC 0267; release and consent form DOC 0035 or DOC 0108; Employment Reference Check, DOC 0037, for employee or contractual applicants; military information for employee and contractual applicants; and fingerprint cards. The Department then uses the information obtained in the above documentation to conduct the above inquiries.

- 5) Administrative Directive 03.02.100, Administrative Review of Personnel or Service Issues, Paragraph II.G. is used to determine and review an applicant's history disqualifies them for service.

"1. No commitment to any course of action shall be made without the Director's prior approval when hiring new employees or approving volunteers where factors exist which could give rise to a possible conflict of interest or which demonstrate unsuitability for employment or service, including but not limited to:

- a. The applicant has known relatives or close associates who are currently employed by the Department;*
- b. The applicant has been convicted for anything other than a minor traffic violation;*
- c. The applicant has known relatives or close associates who are presently incarcerated within the Department or who are currently on parole or mandatory supervised release;*
- d. The applicant is a former employee of the Department;*
- e. The applicant provided false or misleading information; or*
- f. Documentation reveals negative factors which may make the applicant unsuitable for employment or service within the Department, such as discipline or discharge from previous employment."*

- 6) Administrative Directive 01.02.107, Background Investigations originated in 1988 due to growing concern for background investigations of other individuals who provide on site-services.

Administrative Directive 03.02.100, Administrative Review of Personnel and Service Issues originated in 1987 due to the Director's intent to review personnel matters for possible conflicts of interest.

- 7) In accordance with Administrative Directive 03.02.100, Administrative Review of Personnel and Service Issues, Paragraph II. F.5.c.:

"The applicant must be permitted an opportunity to explain the circumstances of the alleged conduct."

Additionally, denial letters state:

"You may appeal this decision by submitting your explanation and request for reconsideration in writing to the Background Investigations Unit at the above address, or by fax to 217-522-4366."

- 8) The Department requires the possession of weapons and ammunition for positions such as parole agent and security staff. In accordance with 430 ILCS 65 applicants who are prohibited from possessing a firearm or ammunition are not eligible to serve the Department for the above position unless relief is granted in accordance with 430 ILCS 65.

Attachments:

Administrative Directive 01.02.107
Administrative Directive 03.02.100
Application Information Sheet
Employee Release and Consent
Contractual Services Sheet
Volunteer Information Sheet
Volunteer Services Application
Administrative Review
Screening and Release Consent
Employment Reference Check
Administrative Review Denial Template