

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

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Joanne E. Maitland
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Ms. Idetta Phillips
Illinois Criminal Justice Information Authority
300 W. Adams St. Suite 200
Chicago, IL 60606

Dear Idetta:

Thank you for taking the time to speak with me about the requirements under the Task Force on Inventorying Employment Restrictions Act.

Our office, the State Universities Civil Service System, has a small office of 13 employees. These employees consist, generally, of our Executive Director, clerical positions, an attorney, an IT manager, and other administrative employees. All of our employees, except for our Executive Director, are civil service employees.

The regulations governing university system civil service employees, which are the regulations we are tasked to enforce, allow for the following discretionary restriction on employment:

Rejection or Disqualification of Applicants. The employer may reject any applicant, or, after examination, the Director may refuse to certify any candidate who, in addition to requirements specified in Section 36f of AN ACT to create the State Universities Civil Service System (Ill. Rev. Stat. 1987, ch. 25 1/2, par. 38b5) and subsection (b), fails to pass a physical examination given to determine his physical qualifications for employment, uses intoxicating beverages to excess, uses narcotics, has been dismissed from either private or public service for a cause detrimental to his employment by an employer under the State Universities Civil Service System (System), has maintained an unsatisfactory employment record, has practiced deception or fraud in his application, examination, or material pertaining to these, or has committed an offense which in the judgment of the Director disqualifies him for employment. (80 IL Admin. Code 250.50(c). Emphasis added.)

Therefore, an applicant for a civil service position within our office would be subject to the above restriction. Our procedures manual, which is a guide for employers on how to practically apply our rules and which is published on our website, further states:

Factors Justifying Rejection/Disqualification

The [Designated Employer Representative] may consider the following factors to refuse to examine an applicant or after examination to disqualify an applicant from employment. Please note that any provision of this procedure or the application thereof, must be considered in conjunction with other federal or state laws, rules or regulations and shall not be deemed to nullify or modify any additional responsibilities required of an employer when considering whether to reject or disqualify an applicant.

- *The applicant has committed an offense, which in the judgment of the [Designated Employer Representative], disqualifies him or her for employment. For example the applicant has a documented felony or misdemeanor conviction and the DER finds that a relationship exists between the given bona fide occupational qualifications and the grounds for conviction. A criminal record does not necessarily disqualify an applicant from employment. Each applicant's conviction record must be evaluated on a case by case basis considering the type and seriousness of the crime, how much time has elapsed since the conviction, and the nature of the new employment position. Pursuant to Public Act 93-0211, effective January 1, 2004, (20 ILCS 2630/12 (a)) and Public Act 93-0912, effective August 12, 2004, (705 ILCS 405/5-915 (8a)), respectively, applicants seeking employment are not obligated to disclose an arrest or conviction record that has been expunged or sealed, nor an expunged juvenile record. Employers may not ask if an applicant has had records expunged or sealed. These Public Acts do not apply to law enforcement agencies, the Department of Corrections, State's Attorneys or other prosecutors.*

(See http://www.sucss.state.il.us/pm_manuals_results.asp?ID=111&kw=)

In our conversation today, we discussed criminal background checks. There is not an incident in our office's recent history where an applicant applied for a position, civil service or otherwise, but was turned down due to criminal history.

Finally, you asked me about 110 ILCS 70/46. This is a section of our statute, formally called the State Universities Civil Service Act. This section discusses punitive

consequences for those who violate the provisions of this statute. An applicant, for example, is capable of violating the statute. Example: An applicant pays a human resource professional \$100 in order to "guarantee" he gets the job. This would be a violation of 110 ILCS 70/42. While 110 ILCS 70/46 discusses possible punishment for the violation of the statute, this section does not explicitly place any restriction on employment due to such criminal behavior. Therefore, 110 ILCS 70/46 does not appear to relate to the information needed under the Task Force on Inventorying Employment Restrictions Act.

If you have any questions or comments, feel free to contact me at 217/278-3150, ext. 226 or Teresa Rademacher at ext. 229.

Sincerely,


Abby K. Daniels
Legal Counsel Manager