

OFFICE OF THE COMPTROLLER
Government Services/Constitutional Office

FY14 Headcount: 257

<http://www.ioc.state.il.us/>

SUMMARY OF AGENCY OPERATIONS:

The Illinois Office of the Comptroller (IOC), as the state's chief fiscal officer, manages the state's central financial accounts. The office records and processes fund and accounting transactions, pre-audits grants, contracts and requests for payment. The office orders payments from state treasury-held funds by issuing warrants and electronic fund transfers, and provides leadership on fiscal issues affecting the State of Illinois and its citizens.

Internal Hiring:

Agency positions subject to restrictions based on criminal history

None

This agency is subject to personnel or non personnel code.

This is a non personnel code agency

Employment Background Information:

15 ILCS 410/5b (General exemptions)

The following positions in the Office of the Comptroller shall be exempt from jurisdictions A, B and C, unless such jurisdictions shall be extended as provided in this Act;

- (1) The Comptroller and Deputy Comptrollers.
- (2) The personal secretaries and administrative assistants to the Comptroller and Deputy Comptrollers.
- (3) Persons exercising substantial executive or administrative functions who have, as their primary responsibility, the operation of an organizational entity in the Office of the Comptroller.
- (4) Licensed attorneys in positions as legal or technical advisors, except in those positions paid from federal funds if such exemption is inconsistent with federal requirements.

Statutory Restrictions Applicable to Internal Hiring:

Statute: 15 ILCS 410/10b.1, from Ch. 15, par. 426

Sec. 10b.1. Competitive examinations. For open competitive examinations to test the relative fitness of applicants for the respective positions. Tests shall be designed to eliminate those who are not qualified for entrance into the Office of the Comptroller and to discover the relative fitness of those who are qualified. The Director may use any one of or any combination of the following examination methods which in his judgment best serves this end: investigation of education and experience; test of cultural knowledge; test of capacity; test of knowledge; test of manual skill; test of linguistic ability; test of character; test of physical skill; test of psychological fitness. No person with a record of misdemeanor convictions except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,

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subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and sub-sections 1, 6 and 8 of Section 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012, or arrested for any cause but not convicted thereon shall be disqualified from taking such examinations or subsequent appointment unless the person is attempting to qualify for a position which entails financial responsibilities, in which case the person's conviction or arrest record may be considered as a factor in determining the person's fitness for the position. All examinations shall be announced publicly at least 2 weeks in advance of the date of examinations and may be advertised through the press, radio or other media.

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed statute

15 ILCS 405/10.13

No person shall be employed in the comptroller's office who, at the same time, is employed by any other State agency, except that a person shall not be disqualified from accepting or continuing employment in the Comptroller's Office because that person at any time is employed in a part-time teaching position at any State college or university.

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed statute

Administrative Code: Title 80, Subtitle B, Chapter III, Part 500, Sub part C, Section 500.210 Application and Examination

q. Removal of Names From Eligible Lists:

2) The Director may remove names from an eligible list for any of the following reasons. Eligibles shall be notified of such removal.

L. Conviction of an eligible of a felony;

Year restriction was adopted

2000

Background Check Procedures:

(1) Self-disclosure on application

Yes

(2) background check review procedure

Senior management reviews background checks to determine if offenses may be disqualifying

Exemption, waiver, or review mechanisms

None

Total number of people who underwent a background check

91

AGENCY occupational licensing restrictions based on criminal history:

225 ILCS 45/3 (Licensing)(Illinois Funeral or Burial Funds Funds Act)

a) No person, firm, partnership, association or corporation may act as seller without first securing from the State Comptroller a license to so act. Application for such license shall be in writing, signed by the applicant and duly verified on forms furnished by the Comptroller. Each application shall contain at least the following:

(5) For each individual listed under item (1) above, a detailed statement of the individual's business experience for the 10 years immediately preceding the application; any present or prior connection between the individual and any other person engaged in pre-need sales; any felony or misdemeanor conviction for which fraud was an essential element; any charges or complaints lodged against the individual of which fraud was an essential element and which resulted in civil or criminal litigation; any failure of the individual to satisfy an enforceable judgment entered against him based upon fraud; and any other information requested by the Comptroller relating to past business practices of the individual. Since the information required by this item (5) may be confidential or contain proprietary information, this information shall not be available to other licensees or the general public and shall be used only for the lawful purposes of the Comptroller in enforcing this Act;

Restriction Type: Mandatory

Restriction Duration: Individual's business experience for the 10 years immediately preceding the application

225 ILCS 45/3a (Denial, suspension, or revocation of license)

(a) The Comptroller may refuse to issue or may suspend or revoke a license on any of the following grounds:

(9) As to any individual required to be listed in the license application, the individual has conducted or is about to conduct any business on behalf of the applicant in a fraudulent manner; as been convicted of any felony or misdemeanor, an essential element of which is fraud; has had a judgment rendered against him or her based on fraud in any civil litigation; has failed to satisfy any enforceable judgment or decree rendered against him or her by any court of competent jurisdiction; or has been convicted of any felony or any theft-related offense.

Restriction Type: Discretionary

Restriction Duration: Not mentioned in statute

410 ILCS 18/7 (Powers and duties of the Comptroller)(Crematory Regulation Act)

Subject to the provisions of this Act, the Comptroller may exercise any of the following powers and duties:

(4) Conduct hearings on proceedings to refuse to issue license or to revoke, suspend, place on probation, reprimand, or otherwise discipline licensees and to refuse to issue licenses or to revoke, suspend, place on probation, reprimand, or otherwise discipline licensees.

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410 ILCS 18/11 (Grounds for denial or discipline)

(b) The Comptroller may refuse to issue a license, place on probation, reprimand, or take other disciplinary action that the Comptroller may deem appropriate, including imposing fines not to exceed \$5,000 for each violation, with regard to any license under this Act, or may suspend or revoke a license issued under this Act, on any of the following grounds:

(5) As to any individual listed in the license application as required under Section 10, that individual has conducted or is about to conduct any cremation business on behalf of the applicant in a fraudulent manner or has been convicted of any felony or misdemeanor an essential element of which is fraud.

Restriction Type: Discretionary

Restriction Duration: Not mentioned in statute

760 ILCS 100/9 (Application for license) (Trust and Fiduciaries)

(b) Applications for license shall be filed with the Comptroller. Applications shall be in writing under oath, signed by the applicant, and in the form furnished by the Comptroller. The form furnished by the Comptroller shall enable a cemetery authority to apply for license of multiple cemetery locations within a single license application. A check or money order in the amount of \$25 per license seeking to be issued under the application, payable to: Comptroller, State of Illinois, shall be included. Each application shall contain the following:

(3) as to the name of each individual person listed under (1) above, a detailed statement of each person's business experience for the 10 years immediately preceding the application; the present and previous connection, if any, of each person with any other cemetery or cemetery authority; whether each person has ever been convicted of any felony or has ever been convicted of any misdemeanor of which an essential element is fraud or has been involved in any civil litigation in which a judgment has been entered against him or her based on fraud; whether each person is currently a defendant in any lawsuit in which the complaint against the person is based upon fraud; whether such person has failed to satisfy any enforceable judgment entered by a court of competent jurisdiction in any civil proceedings against such individual;

Restriction Type: Mandatory

Restriction Duration: Not mentioned in statute

760 ILCS 100/10 (Upon receipt of such application for license)

The Comptroller shall issue a license to the applicant unless the Comptroller determines that:

(h) The applicant or any individual listed in the license application has conducted or is about to conduct any business on behalf of the applicant in a fraudulent manner; or has been convicted of a felony or any misdemeanor of which an essential element is fraud; or has been involved in any civil litigation in which a judgment has been entered against him or her based on fraud; or has failed to satisfy any enforceable judgment entered by the circuit court in any civil proceedings against such individual; or has been convicted of any felony of which fraud is an essential element; or has been convicted of any theft-related offense; or has failed to comply with the requirements of this Act; or has demonstrated a pattern of improperly failing to honor a contract with a consumer;

Restriction Type: Mandatory

Restriction Duration: Not mentioned in statute

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815 ILCS 390/6 (License application)(Business Transactions)

(a) An application for a license shall be made in writing to the Comptroller on forms prescribed by him or her, signed by the applicant under oath verified by a notary public, and accompanied by a non-returnable \$125 application fee, \$100 of which shall be deposited into the Comptroller's Administrative Fund. The Comptroller may prescribe abbreviated application forms for persons holding a license under the Cemetery Care Act. Applications (except abbreviated applications) must include at least the following information:

(3) For each individual listed under (1) above, a detailed statement of the individual's business experience for the 10 years immediately preceding the application; any present or prior connection between the individual and any other person engaged in pre-need sales; any felony or misdemeanor conviction for which fraud was an essential element; any charges or complaints lodged against the individual for which fraud was an essential element and which resulted in civil or criminal litigation; any failure of the individual to satisfy an enforceable judgment entered against him or her based upon fraud; and any other information requested by the Comptroller relating to the past business practices of the individual. Since the information required by this paragraph may be confidential or contain proprietary information, this information shall not be available to other licensees or the general public and shall be used only for the lawful purposes of the Comptroller in enforcing this Act;

Restriction Type: Mandatory

Restriction Duration: Individual's business experience for the 10 years immediately preceding the application

815 ILCS 390/7 (The Comptroller may refuse to issue or may suspend or revoke a license on any of the following grounds)

(j) As to any individual listed in the license application as required pursuant to Section 6, that individual has conducted or is about to conduct any business on behalf of the applicant in a fraudulent manner, has been convicted of any felony or misdemeanor an essential element of which is fraud, has had a judgment rendered against him or her based on fraud in any civil litigation, has failed to satisfy any enforceable judgment or decree rendered against him by any court of competent jurisdiction, or has been convicted of any felony or any theft-related offense;

Restriction Type: Discretionary

Restriction Duration: Not mentioned in statute

EMPLOYMENT contracting restrictions based on criminal history:

15 ILCS 405/23.9 (Minority Contractor Opportunity Initiative)

Minority Contractor Opportunity Initiative. The State Comptroller Minority Contractor Opportunity Initiative is created to provide greater opportunities for minority-owned businesses, female-owned businesses, businesses owned by persons with disabilities, and small businesses with 20 or fewer employees in this State to participate in the State procurement process. The initiative shall be administered by the Comptroller.

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15 ILCS 410/6a (Director - powers and duties)

The Director shall have the following duties and responsibilities:

4) Subject to such exemptions or modifications as may be necessary to assure the continuity of federal contributions for positions paid from federal funds, to make appointments to vacancies; to approve all written charges seeking discharge, demotion, or other disciplinary measures provided in this Act and to approve transfers of employees from one geographical area to another in the State.

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed statute

15 ILCS 410/8c (Duties and powers of the Commission)

The Merit Commission, in addition to any other duties prescribed in this Act, shall have the following duties and powers:

9) To appoint such employees, experts and special assistants as may be necessary to carry out the powers and duties of the commission under this Act. Employees, experts and special assistants so appointed by the Commission shall be subject to jurisdictions A, B and C of this Act.

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed statute

SUMMARY OF EMPLOYMENT RESTRICTIONS FROM AGENCY REPORT:

Any individual hired is subject to a background check. Job applications ask for disclosure of criminal history, and Illinois State Police run background checks. There are no specific restrictions to employment based on such a check, but senior management reviews background checks to determine if offenses may be disqualifying. Since 02/01/2010, 91 individuals have been hired and all underwent criminal history background checks. No data is available as to the number of individuals not hired based on prior criminal history.

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 (pursuant to 760 ILCS 100/9 (2.1); 815 ILCS 390/6 (3); 225 ILCS 45/3 (5); 410 ILCS 18/11). The Illinois Department of Financial and Professional Regulation, Attorney General, Secretary of State, Department of Revenue, and State Police perform the background checks. In the past two years 118 individuals have had background checks with zero disqualified