

GUARDIANSHIP AND ADVOCACY COMMISSION

Human Services/Executive Agency

FY14 Headcount: 107

<http://gac.state.il.us/>

Summary of Agency Operations

The Illinois Guardianship and Advocacy Commission (GAC) safeguards the rights of people with disabilities. Today, GAC carries out its mission through the implementation of three programs: the Human Rights Authority (HRA), which investigates complaints of rights violations for disabled individuals and children residing in institutional or in community care; the Legal Advocacy Service (LAS), which provides legal advice to people with disabilities when private legal counsel is unavailable; and the Office of State Guardian (OSG), which serves as the guardian of last resort for adults with disabilities.

Internal Hiring

Agency positions subject to restrictions based on criminal history

“Front-line” staff who serve as public guardians for incapacitated adults (statutory restrictions)
All other Commission staff (agency policy)

Statutory restrictions applicable to internal hiring

Probate Act of 1975 [755 ILCS 5/11/5(a)(5)]

11a-5 Who may act as guardian. (5) **has not been convicted of a felony**, unless the court finds appointment of the person convicted of a felony to be in the disabled person’s best interest, and as part of the best interest determination, the court has considered the nature of the offense, the date of the offense, and the evidence of the proposed guardian’s rehabilitation. **No person shall be appointed who has been convicted of a felony involving harm or threat to an elderly or disabled person, including a felony sexual offense.**

Restriction type: Mandatory (discretionary when positions filled laterally by other State employees, per agency’s report to the Task Force)

Restriction duration: Not specified

Commission policy regarding employee background checks (3.103)

No disqualifying offenses enumerated.

System of personnel administration

Personnel Code [20 ILCS 415]

Title 80, Ill Admin Code, Section 302.130 Removal of names from eligible list

See Chapter IV of the Final Report for the enumerated criminal history restrictions in the Personnel Code, administered by CMS Bureau of Personnel, related to being qualified for open competitive examinations and subsequent appointment.

Guardianship and Advocacy Commission

Criminal history record check procedures

1) Self-disclosure on application

Yes (CMS 100, Release of Information forms)

2) Background check review procedure

UCIA fingerprint-based criminal history check is conducted by State Police. Per agency's report to the Task Force, criminal history results are reviewed by Chicago office and sent on the Springfield to be included in employee's permanent personnel file.

Exemption, waiver, or review mechanisms

None referenced in agency's report to the Task Force

Number of job applicants who were subject to a criminal history records check in 2010-2011

No data available, per agency's report to the Task Force

Occupational Licensing, Certification, Regulation

N/A

Employment Contracting

Contracting restrictions based on criminal history

Illinois Procurement Code (30 ILCS 500/)

30 ILCS 500/50-2 (Continuing disclosure; false certification)

30 ILCS 500/50-5 (Bribery)

30 ILCS 500/50-5 (c) (Conduct on behalf of business)

30 ILCS 500/50-10 (Felons)

30 ILCS 500/50-10.5 (Prohibited bidders and contractors)

See section IV. of this report for a discussion of criminal history-based restrictions on contracting with the State in the Illinois Procurement Code.

Summary of Employment Restrictions from Agency Report

The Illinois Guardianship and Advocacy Commission (IGAC) applicants are subject to a background check pursuant to the Probate Act of 1975, 755 ILCS 5/11a-5(a)(5), which outlines who may serve as a guardian for an incapacitated adult.

In practice, IGAC conducts very few background checks. Few IGAC hires are new hires, since most job postings are filled laterally with existing State employees already working at other agencies. In this hiring situation, the background check is waived.