

Agency Report Summaries

Auditor General Report

- The Auditor General's office does not conduct criminal background checks, but the employment application asks applicants to disclose prior criminal history other than minor traffic offenses.

Capital Development Board Report

- The Capital Development Board does not have employment restrictions based on criminal records, and does not conduct criminal background checks on applicants.

Department of Central Management Services Report

- All applicants must complete the CMS 100 Examining/Employment Application form, which includes a section requesting disclosure of any prior criminal history. If the applicant has been convicted of any criminal offense other than a minor traffic violation, he/she must attach a signed detailed explanation.
- CMS does not exclude individuals from examination based on criminal history. Instead, criminal history is only considered once a candidate has been graded and preliminarily selected for a position. To determine eligibility, CMS considers the nature of the offense, the number of offenses, the candidate's completion of sentence, the time elapsed since conviction, whether the offense is related to the nature and duties of the position sought, and the candidate's education or work experience since conviction.
- Automatically disqualifying misdemeanor convictions are listed in the Personnel Code, 20 ILCS 415/8b.1 (Exhibit B in the IERTF report also lists potentially disqualifying misdemeanor convictions). Note also that higher standards are required of applicants for peace officer positions.
- Between 2010 and 2012, 350 individuals underwent background checks after conditional offers of employment. Four were disqualified as a result of the background check, none were disqualified based on criminal history alone. None sought waiver, and CMS has no formal review or appeal process.

Department of Child and Family Services Report

- The Illinois Department of Children and Family Services (DCFS) plans and coordinates children abuse and neglect prevention programs and services.
- The following agency positions are subject to restrictions based on criminal history: Child protection specialist, Child protection advance specialist, Child welfare specialist, Child welfare advance specialist, Public service administrator (direct service only), Police and security force.
- DCFS license child welfare employee (CWEL) which includes all caseworkers, investigators, foster home licensing workers and their supervisors. DCFS is required to conduct criminal background checks on any employee who has access to children and work in: Child welfare agencies (CWA), Group home (GH), Child care institutions (CCI), Day care home (DCH), Day care centers (DCC), Group day care homes (GDCH), Youth transitional housing (YTH), Youth Emergency Shelter (YES) as well as non licensed contract staff from DCFS contract liaisons.

- DCFS (Rule 412) does not authorize waiver or appeals but applicants can seek a review of their case through DCFS Chain of Command: (1) Associate Deputy Director or (2) Deputy Director. A total of 756 individuals underwent a background check within the last 2 years.

Department of Corrections Report

- The DOC conducts Law Enforcement Agencies Data System (LEADS) checks on all applicants, and a more comprehensive check on all state employee applicants, employees, contractual employees, student workers, interns, volunteers who regularly work with offenders and consultants who work with offenders.
- Applicants are not disqualified based on an arrest record alone, rather the DOC considers the nature and seriousness of the offence, the time passed since the offence, the frequency and pattern of the offense, and the nature of the prospective job to determine whether an applicant is or is not disqualified (Administrative Directive 03.02.100 Par. II.F.5 and 6).
- Applicants with prior criminal history are permitted an opportunity to explain the circumstances of the alleged conduct (Administrative Directive 03.02.100 Par. II. F.5.c).

Department of Employment Security Report

- 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). 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 2010, the Department requested 181 criminal background checks, and 2 had convictions disclosed by the applicants. In 2011, the Department requested 159 checks, with one conviction found and disclosed and two where the applicants did not disclose.

Department of Healthcare and Family Services Report

- HFS does not have restrictions for employment and does not request background checks on applicants prior to their start date. However, CMS submits background checks for new hires every two weeks to the Illinois State Police after the applicant's start date.

Department of Human Rights Report

- DHR complies with the Personnel Code, Rules and Regulations with regard to hiring, but does not have Agency-specific employment restrictions based on criminal records.
- The Department did not have any actual applicants who underwent criminal background checks.

Department of Human Services Report

- All candidates are asked to disclose any criminal history and are subject to a State Police background check after employment commences. Candidates with a criminal history go through an administrative review process to determine if employment can begin/continue. Candidates for direct-care and commercial driver's license positions also must pass pre-employment drug screening.

- See Health Care Worker Background Check Act (225 ILCS 46), Dept. of Health Administrative Rules 77 Ill. Admin Code 350.681, 955.160.
- From 7/1/2010 to 6/30/2012, 100 individuals with prior convictions were hired. The majority of the 100 disclosed criminal history prior to employment; it is unknown how many were discharged for falsification.

Department of Juvenile Justice Report

- Most policies are consistent with the Department of Corrections. All applicants are subject to LEADS checks, and many are also subject to a more complete background investigation, including review of the applicants driver's license, Military checks, etc. Positions subject to this complete investigation are listed in the report.
- See Administrative Directives 01.02.107 Paragraph I. B, and 03.02.100 Paragraph II. F.5.c.

Department of Labor Report

- The Department of Labor does not have an established policy with respect to restricting employment of employees who may have a criminal history. The Department has not submitted applicants for employment to criminal background checks, and has not denied employment to any person as a result of a criminal background check conducted by the Department.

Department of Military Affairs Report

- Employees in the listed job titles are required to pass a federal government National Agency Check, which includes a criminal background check.
- During the past two years, 22 applicants underwent NACs, and none were found disqualified.

Department of Natural Resources Report

- The agency position "Conservation Police" is subject to restrictions based on criminal history. Criminal histories are obtained through self-disclosure on applications and through a background check review procedure. All occupations were subject to criminal history restrictions in 2011.

Department of Public Health Report

- Certified Nurse Assistants: subject to restrictions in the Healthcare Worker Background Check Act (225 ILCS 46). Illinois State Police sends rap sheets to IDPH, each sheet with a hit determined by a staff member based on the Disqualifying Offense sheet. For 2010-2012, 238,131 individuals underwent checks, 2905 sought waiver (2285 were granted).
- Division of EMS Response: subject to restrictions in 210 ILCS 50, the EMS Systems Act, EMS Act, and Trauma Center Code. Individuals with a criminal history, particularly with felony convictions, are evaluated on a case-by-case basis to determine if the individual poses a risk to patients. Since 2010, two individuals have been disqualified based on criminal history disclosure. After September 2012, all individuals renewing their license must disclose any felony convictions.

Department of Revenue Report

- Due to the confidential and sensitive nature of tax records and because disclosure of tax information is prohibited, IDOR must investigate all criminal records for new employees, contractual persons, or persons from other state of Illinois agencies requesting an identification badge authorizing admittance to Illinois Department of Revenue facilities.
- All persons requesting an Illinois Lottery Retailers License are also required to submit to a criminal background check, see 20 ILCS 1605/10.1.
- If an applicant failed to include a conviction, including any guilty pleas where the individual received some sort of alternative sentencing, including court supervision, the application would be Falsified, meaning the application would initially be denied. A letter would be sent to the applicant advising them and giving them the opportunity to contact the Internal Affairs Office of IDOR and request to have the matter reviewed. If the applicant requests the matter be reviewed, a committee made up of the Chief of the Internal Affairs Division, the EEO Officer, an Assistant General Counsel and a member of the Shared Services Unit, will meet and make a determination if the application will go forward or be denied.
- If the background check revealed a conviction giving concern as to the applicant's viability, such as identity theft, gambling, fraud, deceptive practice or any violent crimes, the application would be reviewed and a decision rendered as to the viability of the applicant. Various factors are weighed, such as the time elapsed between the application and when the conviction took place.
- In addition to the criminal background checks completed on all applicants, a tax check is completed as well. If and when an application reveals a tax issue, the applicant is sent a letter indicating same and if the applicant corrects the problem the application will be approved.
- Between July of 2009 and January 2012, 9768 applications received/processed (5155 were Lottery Retailer Applications or renewals, 4613 were all other applications); 8400 (5108 were Lottery Retailer Applications or Renewals, 3292 were all other applications) applications cleared/approved; 1368 (includes 875 for tax related issues) applications denied; 493 applications reviewed.

Department of Transportation Report

- CMS requests background checks, on behalf of IDOT, from ISP for all applicants for seasonal positions. Additionally, IDOT's Bureau of Personnel Management maintains a list of individuals not recommended for rehire, which is compiled of IDOT employees that have been discharged for cause.
- IDOT does not keep data on the total number of background checks requested because CMS requests the checks on IDOT's behalf. Records indicate IDOT denied 78 snowbird applicants due to criminal background in the 2010-2011 and 2011-2012 seasons.

Department of Veteran Affairs Report

- All hires are subject to name-based criminal background checks. The Department considers criminal history in the hiring process but there is no policy specifying any disqualifying offenses.
- Direct-care workers are subject to UCIA fingerprint checks and Illinois Department of Public Health (IDPH) Health Care Worker Registry Checks, registry checks with the Health and Human Services Office of Inspector General; Illinois Sex Offenders Registration; Illinois Department of Corrections Sex Registrant, Inmate Search, and Wanted Fugitives databases; and the National Sex Offender Public Registry.
- See the Health Care Workers Background Check Act and Code, 225 ILCS 46 and 77 Ill. Admin. Code 955 § 955.160, respectively. See also the Illinois Veterans' Homes Code, 77 Ill. Admin. Code 340, specifically Section 1337: Health Care Workers Background Check.
- In 2010 and 2011, 424 name-based checks were submitted to ISP. The Department does not track data regarding individuals disqualified based on criminal history disclosure or background checks. The Department also does not track individuals seeking waiver for background checks, as this is handled through the Illinois Department of Public Health.

Guardianship and Advocacy Commission Report

- 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 staff, rather most job postings are filled laterally by existing State employees already working at other agencies, so the background check is waived.

Historic Preservation Agency Report

- Agency does not have any specific employment restrictions based on criminal history.
- IHPA requires applicants to complete a CMS 100 Employment Application in which the applicant must disclose whether or not he/she has "ever pled guilty to or ever been convicted of any criminal offense other than a minor traffic violation".
- IHPA does not perform/request background checks prior to start date. CMS submits background checks for new hires every two weeks to the Illinois State Police after applicant's start date.
- For calendar year 2010 and 2022, no applicant has been disqualified or denied employment based on a background check.

Illinois Arts Council Report

- Applicants disclose any criminal history on the CMS100 Employment Application and are subject to the CMS-284 Request for Release of Information form, but if the employee refuses to complete and/or sign the form it shall have no adverse impact upon employment consideration and appointment. The Illinois State Police conduct the background check. Deeming an applicant disqualified for employment is at the discretion of the Executive Director.
- In the past two years, four applicants underwent a criminal history background check. None were deemed disqualified and none sought waiver.

Illinois Board of Higher Education Report

- The IBHE does not have any employment restrictions based on criminal records for (1) employment within the agency; (2) employment pursuant to contracts with the agency; and (3) employment in occupations that the agency licenses or provides certifications to practice.
- The IBHE is responsible for administering a statutory restriction at facilities it regulates. Pursuant to Section 35 of the Private Business and Vocational Schools Act of 2012 [105 ILCS 426] the IBHE must consider the qualifications of governing board members, owners, and senior administrators. "At at minimum, these individuals must be of good moral character and have no felony criminal record."
- The IBHE currently employs 34 individuals and has requested three background checks during the two years prior to February 1, 2012.

Illinois Civil Service Commission Report

- The Civil service Commission does not have any restrictions for employment within the agency based on criminal records. The Commission has not caused any applicant to undergo a criminal background check.

Illinois Commerce Commission Report

- Agency had 14 applicants who underwent criminal background checks from January 1, 2010 to December, 31, 2011. None were disqualified, none sought waiver, and none were denied waiver. No other information on agency employment restrictions reported to the Task Force.

Illinois Community College Board Report

- Agency does not have specific policies or job titles excluding individuals with a criminal record from employment on the Board
- The job application does ask if the applicant has a criminal record. Any applicant with a criminal record will have a criminal history background check submitted to the Illinois State Police. The background check is reviewed by the Director of Human Resources and one other member of the Executive Staff and a decision is made and given to the applicant in writing. The President/CEO has the option to review the decision made by Human Resources. The Board Committee on Finance, Personnel, and Ethics will review appeals and make a final determination.
- Agency did not have any applicants with a criminal history apply for a position from February 1, 2010 to February 1, 2012.

Illinois Council on Developmental Disabilities Report

- The Illinois Council on Developmental Disability does not have any restrictions for employment on persons with criminal records. The Council seeks the routine background checks performed by the State Police for new state employees. This information is not used to restrict employment.

Illinois Criminal Justice Information Authority Report

- Applicants are subject to LEADS, NCIC, and CCH checks, and hired employees are fingerprinted in order to verify existence or non-existence of a criminal history record. Employment decisions made on the basis of a conviction history requires consultation with human resources, who then consults with legal counsel and the executive director.

Illinois Deaf and Hard of Hearing Commission Report

- IDHHC has the authority to conduct background investigations for employment purposes but at this time does not enforce.

Illinois Department of Agriculture Report

- IDOA conducts background checks for all full time positions.
- In the past two years, 28 employees underwent criminal background checks. None were deemed disqualified and none sought waiver.

Illinois Department of Commerce and Economic Development Report

- The restriction process was adopted in 1998. All new employees are required to sign a release of criminal information by the State Police. CMS administers the background check.
- Restrictions are in place for personal services contractors only. Disqualifying offenses include felony convictions, five years after completion of sentence. A review of the executed contract is made by the agency to determine whether an individual's criminal history disqualifies them.
- 21 personal service contractors were required to disclose their criminal history without a criminal history background check.

Illinois Department of Financial and Professional Regulations Report

- All applicants must disclose their criminal history upon application, and the Department evaluates the circumstances and renders a decision on whether the information disqualifies the individual from licensure, registration, or practice. In a minority of examples, there are crimes that may act as an absolute bar to licensing, but for most every profession, the Department evaluates each case on an individual basis.

Illinois Department on Aging Report

- Per the agency's report to the Task Force, the agency 'does not handle employment restrictions'.

Illinois Educational Labor Relations Board Report

- The Board follows employment requirements of Central Management Services and has no Agency-specific restrictions for employment. All applicants must pass a criminal background check conducted by the Illinois State Police.

- In the past two years, one applicant underwent a background check, none were disqualified and none sought waiver.

Illinois Emergency Management Agency Report

- The Agency follows the employment requirements of Central Management Services and does not have any Agency-specific restrictions for employment. All candidates must meet the position's qualifications and pass a criminal background check due to the fact that our Agency personnel deal with matters of Homeland Security and handle retroactive material. There are three attorneys who must also possess a current valid Illinois law license and be in good standing with the Illinois Attorney Registration and Disciplinary Commission.

Illinois Environmental Protection Agency Report

- The Illinois EPA does not have employment restrictions based on criminal records.
- All potential employees are required to sign CMS-284, Request for Release of Information, which authorizes an Illinois State Police background report. The application for employment also asks for disclosure of convictions other than traffic violations. If yes, a detailed statement for each occurrence must be provided.

Illinois Finance Authority Report

- The Authority application asks for disclosure of any suspensions and revocations of his/her license, DUI and DWI convictions and convictions of a felony within the last seven years. Neither the Authority nor the human resources manager has a procedure to determine and review whether an individual's criminal history disqualifies that individual from employment. The Authority ensures through its Equal Employment Opportunity and Affirmative Action plan the absence of any artificial barriers, including but not limited to, discrimination based on unfavorable military discharge and/or arrest record, to equal employment at the Authority.

Illinois Gaming Board Report

- All Gaming Board applicants are subject to background investigation, fingerprint screening (state and federal), and drug testing (hair and urine). Any conviction of a felony or crime involving dishonesty/moral turpitude, failed drug test, or any falsification in the background process precludes an applicant from being hired. Multiple misdemeanor convictions or arrests, failure to disclose information on background forms, failure to be truthful during background interviews, debt obligations, and criminal history of family members **may** preclude an individual from being hired.
- Since July 1, 2009, IGB conducted 65 pre-employment screenings. 18 were deemed disqualified and the IGB has no waiver process.

Illinois Housing Development Authority Report

- The Authority utilizes a private professional investigator who specializes in background checks to run criminal background reports on applicants and provide the results to the human resources department. All applicants are asked to disclose any felony convictions on the application. The

Authority confers with the legal counsel to examine whether there is a reasonable relationship between any convictions and the job duties, and to determine if such conviction reasonably disqualifies the applicant from employment.

- In 2010 and 2011, 111 individuals underwent a criminal background check. None were disqualified and none sought waiver.

Illinois Human Rights Commission Report

- Agency “does not” have rules, policies, and practices, including licensing and contracting, that restrict employment of individuals with a criminal history.
- To that end, the agency is governed by the personnel code of the State of Illinois when establishing rules and policies that pertain to practice of human resources for the HRC to which also provides no restrictions at this time.

Illinois Labor Relations Board Report

- All candidates for employment must meet the qualifications for the position and pass a criminal background check by the Illinois State Police.
- Seven applicants underwent criminal background checks in the last two years. None were disqualified and none sought waiver.

Illinois Law Enforcement Training and Standards Board Report

- The Illinois Law Enforcement Training and Standards Board stated that it has no restrictions for employment within the agency.

Illinois Liquor Control Commission Report *(under the jurisdiction of the Department of Revenue, which reported on behalf of the Liquor Commission as well)*

- Due to the confidential and sensitive nature of tax records and because disclosure of tax information is prohibited, IDOR must investigate all criminal records for new employees, contractual persons, or persons from other state of Illinois agencies requesting an identification badge authorizing admittance to Illinois Department of Revenue facilities.
- All persons requesting an Illinois Lottery Retailers License are also required to submit to a criminal background check, see 20 ILCS 1605/10.1.
- If an applicant failed to include a conviction, including any guilty pleas where the individual received some sort of alternative sentencing, including court supervision, the application would be Falsified, meaning the application would initially be denied. A letter would be sent to the applicant advising them and giving them the opportunity to contact the Internal Affairs Office of IDOR and request to have the matter reviewed. If the applicant requests the matter be reviewed, a committee made up of the Chief of the Internal Affairs Division, the EEO Officer, an Assistant General Counsel and a member of the Shared Services Unit, will meet and make a determination if the application will go forward or be denied.
- If the background check revealed a conviction giving concern as to the applicant’s viability, such as identity theft, gambling, fraud, deceptive practice or any violent crimes, the application

would be reviewed and a decision rendered as to the viability of the applicant. Various factors are weighed, such as the time elapsed between the application and when the conviction took place.

- In addition to the criminal background checks completed on all applicants, a tax check is completed as well. If and when an application reveals a tax issue, the applicant is sent a letter indicating same and if the applicant corrects the problem the application will be approved.
- Between July of 2009 and January 2012, 9768 applications received/processed (5155 were Lottery Retailer Applications or renewals, 4613 were all other applications); 8400 (5108 were Lottery Retailer Applications or Renewals, 3292 were all other applications) applications cleared/approved; 1368 (includes 875 for tax related issues) applications denied; 493 applications reviewed.

Illinois Lottery Report *(until Sept 2011, was under the jurisdiction of the Department of Revenue, which reported on behalf of the Liquor Commission as well)*

- Due to the confidential and sensitive nature of tax records and because disclosure of tax information is prohibited, IDOR must investigate all criminal records for new employees, contractual persons, or persons from other state of Illinois agencies requesting an identification badge authorizing admittance to Illinois Department of Revenue facilities.
- All persons requesting an Illinois Lottery Retailers License are also required to submit to a criminal background check, see 20 ILCS 1605/10.1.
- If an applicant failed to include a conviction, including any guilty pleas where the individual received some sort of alternative sentencing, including court supervision, the application would be Falsified, meaning the application would initially be denied. A letter would be sent to the applicant advising them and giving them the opportunity to contact the Internal Affairs Office of IDOR and request to have the matter reviewed. If the applicant requests the matter be reviewed, a committee made up of the Chief of the Internal Affairs Division, the EEO Officer, an Assistant General Counsel and a member of the Shared Services Unit, will meet and make a determination if the application will go forward or be denied.
- If the background check revealed a conviction giving concern as to the applicant's viability, such as identity theft, gambling, fraud, deceptive practice or any violent crimes, the application would be reviewed and a decision rendered as to the viability of the applicant. Various factors are weighed, such as the time elapsed between the application and when the conviction took place.
- In addition to the criminal background checks completed on all applicants, a tax check is completed as well. If and when an application reveals a tax issue, the applicant is sent a letter indicating same and if the applicant corrects the problem the application will be approved.
- Between July of 2009 and January 2012, 9768 applications received/processed (5155 were Lottery Retailer Applications or renewals, 4613 were all other applications); 8400 (5108 were Lottery Retailer Applications or Renewals, 3292 were all other applications) applications cleared/approved; 1368 (includes 875 for tax related issues) applications denied; 493 applications reviewed.

Illinois Medical District Commission Report

- The Illinois Medical District Commission did not submit a report to the Task Force.

Illinois Prisoner Review Board Report

- The Prisoner Review Board (PRB) does not have any restrictions outside those mentioned in CMS personnel code. The PRB does not perform background checks.

Illinois Racing Board Report

- No person shall be a member of the board who has been convicted or is under indictment of a felony under the laws of Illinois or any other state, or the US. (230 ILCS 5/6(b)).
- All applicants must submit two sets of fingerprints for FBI criminal background check. The Board may refuse an occupation license to any person who has been convicted of a crime (includes felonies and misdemeanors). If a new applicant has been convicted within four years of filing a first-time application, the Board will review the nature of the crime as well as letters of reference from the applicant to determine applicant's eligibility for a license. (230 ILCS 5/15(c)).
- No license shall be granted to any person while on conditional discharge, parole, probation or supervision for a crime relating to horse racing, gambling, drugs, firearms, violence, or dishonesty (forgery, deceptive practices, or theft) unless the Board finds that the applicant has complied with the conditions and terms of his court-ordered disposition. (Rule 502.76)
- The Board may issue an occupation license without submission of fingerprints if an applicant has been licensed in another recognized jurisdiction after submitting fingerprints for FBI criminal background check.
- In 2011, 1089 applicants underwent criminal background checks. One was disqualified and none sought waiver.

Illinois State Board of Education Report

- All applicants for employment with public school districts must submit to a fingerprint-based check with the Illinois State Police and FBI. 105 ILCS 5/21B-80 lists all criminal offenses that automatically prohibit an individual from obtaining or holding a certificate, or being employed in the public or ISBE-recognized nonpublic school.
- In the past two years no applicants have been disqualified, nor have any employees been terminated as a result of criminal history background checks.

Illinois State Board of Investment Report

- All ISBI employees are subject to a criminal records-based restriction. Criminal history is obtained through self-disclosure on applications and through a background check review procedure. There are no exemptions, waivers, or review mechanisms. From 2/1/2010 through 1/31/2012, 11 people were employed in the occupation whose employment or licensure required criminal history disclosure, background checks, or restrictions. Three newly hired employees (100% of the newly hired employees) underwent a criminal history background check.

Illinois State Police Report

- All Illinois State Police employees are subject to a criminal history check and are prohibited from employment if their criminal record includes any felony convictions. Sworn and code employees are also prohibited from employment if convicted of a reportable misdemeanor as listed in 20 ILCS 2630/5. Applicants for other positions who have been convicted of a misdemeanor may appeal to the Director for relief.
- In calendar years 2010-2011, 6497 employees underwent criminal history background checks. None sought waiver, and five were found disqualified by the results of the check.

Illinois State Toll Highway Authority Report

- Tollway Policy and Procedures allow applicants who self-identify criminal background or whose criminal histories are disclosed through the fingerprinting process to submit a written statement or appear before the Tollway Criminal Background Review Committee. The Committee identifies the accuracy of the criminal history disclosed and has the opportunity to question the applicant regarding the criminal background. The Committee then forwards the information gathered, along with a recommendation, to the Administrative Review Board, which considers the information and recommendation to determine whether an applicant is suitable for employment.
- In calendar years 2010-2011, 170 applicants underwent criminal background checks, with eight deemed disqualified. None sought waiver.

Illinois Student Assistance Commission Report

- Applicants can receive a conditional offer to hire based on criminal background checks, which ISAC obtains through the Illinois State Police. Current employees must annually certify whether or not they have been convicted with a misdemeanor or felony within the past year.
- The existence of a conviction is not an automatic disqualifier. The internal review committee (IRC) considers the nature and gravity of the conviction and its relationship to the person's duties and responsibilities, the number of convictions, and the time elapsed since the conviction/incarceration. Applicants and employees are given instructions on how to contest a criminal background check, and current employees can contest the IRC determination via written letter to the Deputy Executive Officer within two calendar days of being notified of the eligibility results.

Illinois Teachers Retirement System Report

- The TRS Employment Application asks applicants to disclose whether they have been convicted of any offense other than a minor traffic violation, excluding sealed or expunged records of convictions or arrests. Criminal background checks are conducted on all job candidates prior to being hired by TRS. There is no policy enumerating disqualifying offenses, rather it is discretionary whether a conviction is related to the position for which an individual is applying, and whether the offense was an act of moral turpitude or indicates a lack of good moral character.

- In calendar years 2010 and 2011, TRS administered criminal background checks on 14 candidates, and none were disqualified based on criminal history disclosure.

Illinois Worker Compensation Commission Report

- There are no Commission specific employment restriction policies based on past criminal history for anyone in the department.
- From January 1, 2010 until January 5, 2012, eighty-one people have become Commission employees and have had criminal background checks conducted on them. None were disqualified or sought waiver.

Office of the State Appellate Defender Report

- "The hiring of employees shall be based upon the requirements for the position and the applicant's qualifications and ability to perform the duties for the required position. In the hiring of attorneys, consideration shall be given to the applicant's professional qualifications including legal and writing ability, as well as the ability to deal professionally with clients, other employees, court personnel and the public. The Office of the State Appellate Defender shall not discriminate or base employment upon race, sex, age, creed, religion, color, marital or parental status, sexual orientation, age, national origin, political affiliation or beliefs, mental or physical handicap, or any other non-merit factor."
- None of the employees of the Office of the State Appellate Defender have undergone criminal background checks.

Office of the State Appellate Prosecutor Report

- All attorneys must be licensed to practice law in Illinois. All employees must be in compliance with the Department of Homeland Security by verifying eligibility through Form I-9.
- There are no criminal records-based restrictions for employees.

Office of Management and Budget Report

- Standard traffic, criminal and credit checks are done for new employees at GOMB.
- In the past two years 12 such checks have been performed, with none disqualified.

Office of the Attorney General Report

- Any individual hired is subject to a background check, reviewed on a case-by-case basis by senior management. This requirement began June 1, 2000. Applications ask for disclosure of convictions, and the Investigations Bureau runs background checks. 192 individuals have been hired since 02/01/2010, all of whom underwent a criminal history background check. Data is not available regarding individuals who applied but were not hired.

Office of the Comptroller 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

Office of the Governor Report

- The Governor's Office reported one restricted place of employment, the Governor's Mansion. Service workers in that setting are subject to criminal background checks, under the authorization of Executive Protection. Criminal history checks are conducted by the State Police. Executive Protection makes final determinations of credible threats against elected officials, with no recourse upon denial of candidate's application.

Office of the Lt. Governor Report

- All board, commission, or subcommittee appointments made by the Lt. Governor are subject to criminal-records based background checks. This is based on office policy, which does not enumerate any disqualifying offenses; instead, disqualifying offenses are determined on a case-by-case basis. The Illinois State Police conducts the background check, and the Chief of Staff and General Counsel review the information to determine qualification. This procedure was adopted in 2011, and no applicants have been disqualified as a result.

Office of the Secretary of State Report

- All job titles within the Secretary of State's Office are subject to criminal background checks. The statutory employment restrictions and authority for conducting such background checks and taking the resulting actions is section 10 b.1.(a) & (b) of the Secretary of State Merit Employment Code. Other violations of the law are considered on a case by case basis as it relates to the crime and the position the person is seeking.
- Criminal history information is gathered through the application process and upon an offer of conditional employment, through a finger print based background search.
- Based on the finger print background search, reports are generated by the Illinois Bureau of Investigation (IBI) and the Federal Bureau of Investigation (FBI). Once received, the reports are reviewed by the staff to determine if there is any negative criminal history, further research is conducted to determine the nature of the crime, including a review of the employment application. Once all the information is gathered it is reviewed by the Director of the Department of Personnel, or a designee and a decision is made as to how to proceed.

- The basic review process was adopted after Secretary White took office in 1999, to make sure no employee has criminal convictions which could be relevant to the performance of his or her duties.
- Once a determination is made that an applicant may be bypassed for the position he or she is seeking, and notice is sent to the applicant, an applicant can submit a rebuttal or statement of explanation to the Director of Personnel seeking to appeal the decision to by-pass. A review of the rebuttal or statement is conducted and a final determination is made as to whether the original decision shall stand. There is no administrative or judicial appeal process that exists at this time.
- 3547 employees are currently employed. All of the employees hired since 1999 were subject to a criminal background check.
1 applicant in 2010 was disqualified, which is .04% of the total backgrounds conducted.
5 applicants in 2011 were disqualified which is 1.5% of the total backgrounds conducted.
- Driver Services: Driving School Owner and Driver Training Instructor, School and Charter Bus Drivers, Commercial Motor Vehicle Drivers with a Hazardous Materials
The statutes and regulations that authorize the restrictions of applicants were enumerated. There are no time limits for any of the disqualifying offenses. All initial applicants are required to participate in finger-print based background check through both the Illinois State Police and FBI. Applicants that are denied have the right to appeal the determination with the Secretary of State Department of Administrative Hearings.
School Bus Drivers who were subject to background check:
25,566 in 2010; 24,783 in 2011
The number of bus drivers found disqualified:
262 (2 percent) in 2010; 299 (3 percent) in 2011

Office of the State Treasurer Report

- New employees will be subject to criminal background screening. The Director of Human Resources will initiate discretionary background screenings for applicants under consideration for full-time, part-time, contractual, or temporary employment. Background screening may be conducted by the Illinois State Police or the Executive Inspector General. The Director of Human Resources will review background reports and may refer them to the General Counsel for legal interpretation.
Number of actual applicants who underwent criminal background checks: 54
Number of actual applicants who were deemed disqualified: 1
Number of applicants seeking waiver: 0
Number of applicants denied waiver: N/A

Pollution Control Board Report

- The Pollution Control Board is under the jurisdiction of the Governor and Dept. of Central Management Services. Its hiring practice follows CMS rules and policies, and the Board has no policies, rules, or practices of its own regarding employment restriction.
- Newly-appointed employees submit a request for release of information (Form CMS-284), which CMS forwards to the Illinois State Police. Note that CMS policy states “refusal by a new employee to complete and/or sign the CMS-284 shall have no adverse impact upon employment consideration and appointment.”

Property Tax Appeal Board Report

- Individuals’ criminal histories are identified using the Department of Central Management Services Examining/Employment Application (CMS100) and the Illinois State Police Request for Release of Information.
- The Property Tax Appeal board has not had an occasion to review any criminal record provided by an applicant or by the Illinois State Police.

State Board of Elections Report

- Since January 1, 2010, the State Board of Elections has requested criminal background checks on thirteen applicants; all were deemed qualified and none sought waiver.

State Fire Marshal Report

- Potential OSFM employees must complete CMS Examining/Employment Application, which requires disclosure of whether or not s/he has ever pled guilty to or convicted of any criminal offense other than a minor traffic violation; required to sign CMS request for release of information form. Also subject to computer criminal background check by Public Safety Shared Services; Shared Services Public Safety Center sends authorization form to Ill. State Police, which completes background check. No employee ever disqualified as result, but will investigate further and develop criteria to determine disqualification.
- Applicants for elevator contractor license required to disclose criminal history w/o need for background check. Cites 225 ILCS 312/40(b)(8): “ (b) All applications shall contain the following information: . . . (8) any criminal record of convictions.” - OSFM has never received app with criminal history, would have to evaluate on case-by-case basis.
- Applicants for Pyrotechnic Distributor, Production Company or Operator undergo a criminal history background check (By ISP) prior to licensure (41 IL. Admin. Code 230.100(a)(9),(b)(8), (c)(8), and (d)(9); 225 ILCS 227/40: all refer to filing fingerprint card in form required by ISP and fee for processing through criminal history and FBI record files). Pyrotechnic distributors cannot be convicted “in any jurisdiction of any felony within the prior 5 years.” 225 ILCS 227/35.
- All applicants for the position of Arson Investigator, including Arson Investigator Trainee, I and II are subjected to a background check (by ISP) owing to their status as sworn peace officers. Illinois Peace Officer Training Act, 50 ILCS 705/6(e), precludes individuals with prior felony convictions from becoming police officers.

- Applications for Fire Equipment Distributor do not require disclosure of prior convictions, but licenses subject to revocation if licensee has prior convictions of crimes with a substantial relationship to his or her practice (unless demonstration of sufficient rehabilitation to warrant public trust) or habitual drunkenness or drug addiction. (225 ILCS 217/75 (1), (6)). There are no criteria or procedures to screen for crimes with a “substantial relationship” to the practice, nor to evaluate “sufficient rehabilitation.”

State of Illinois Comprehensive Health Insurance Plan Report

- No restrictions on employee hiring, including with regard to criminal records.

State Police Merit Board Report

- The Illinois State Police Merit Board does not conduct backgrounds checks and has no restrictions.

State Retirement System Report

- No restrictions

State Universities Civil Service System Report

- Having a criminal record does not necessarily disqualify an applicant from employment, but may be used as a factor in considering eligibility. In the recent past, no applicant has been rejected due to criminal history.
- The Director may refuse to certify any candidate who 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 detrimental conduct 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. See also 110 ILCS 70, the State University Civil Service Act, and 80 Ill. Admin. Code 250, State Universities Civil Service System.
- Applicants are not required to disclose an arrest or conviction record, or a juvenile record, that has been sealed or expunged. 20 ILCS 2630/12(a), entry of order and effect of expungement or sealing records; 705 ILCS 405/5-915(8a), Expungement of juvenile law enforcement and court records.

State University Retirement System of Illinois Report

- All new employees receive criminal background checks (21 from January 1, 2010 – Dec 31, 2011). None of the hires sought waiver from or were disqualified by the criminal background check.