



Illinois
Department of Commerce
& Economic Opportunity

Pat Quinn, Governor

September 25, 2012

Mark Myrent
Illinois Criminal Justice Information Authority
300 W. Adams St., Suite 200
Chicago, IL 60606

Re: Task Force on Inventorying Employment Restrictions/Agency report

Dear Mr. Myrent,

Following is our report of employment restrictions based on criminal records for the Department of Commerce and Economic Opportunity. See responses in the right-hand column. Responses reflect information currently available to agency.

I apologize for the delay in sending this information. If you have any questions, please contact me at 312-814-5279.

Sincerely,

A handwritten signature in black ink, appearing to read "Emily Monk".

Emily Monk
Chief Operating Officer

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(20 ILCS 5000/15)

Sec. 15. Task Force.

c) On or before November 1, 2011, all State agencies shall produce a report for the Task Force that describes the employment restrictions that are based on criminal records for each occupation under the agency's jurisdiction and that of its boards, if any, including, but not limited to, employment within the agency; employment in facilities licensed, regulated, supervised, or funded by the agency; employment pursuant to contracts with the agency; and employment in occupations that the agency licenses or provides certifications to practice. For each occupation subject to a criminal records-based restriction, the agency shall set forth the following:

Employment Restrictions Survey		Agency Response
(1) the job title, occupation, job classification, or restricted place of employment, including the range of occupations affected in such places		Personal services contractors only
(2) the statute, regulation, policy, and procedure that authorizes the restriction of applicants for employment and licensure, current employees, and current licenses		30 ILCS 500/50-5
(3) the substance and terms of the restriction, and		
	(A) if the statute, regulation, policy or practice enumerates disqualifying offenses, a list of each disqualifying offense, the time limits for each offense, and the point in time when the time limit begins;	Felony conviction, five years after completion of sentence
	(B) if the statute, regulation, policy or practice does not enumerate disqualifying offenses and instead provides for agency discretion in determining disqualifying offenses, the criteria the agency has adopted to apply the disqualification to individual cases. Restrictions based on agency discretion include, but are not limited to restrictions based on an offense "related to" the practice of a given profession; an offense or act of "moral turpitude"; and an offense evincing a lack of "good moral character"	n/a
(4) the procedures used by the agency to identify an individual's criminal history, including but not limited to disclosures on applications and background checks conducted by law enforcement or private entities		Certification by contractor in personal services contract

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(5) the procedures used by the agency to determine and review whether an individual's criminal history disqualifies that individual		Review of executed contract
(6) the year the restriction was adopted, and its rationale		1998
(7) any exemption, waiver, or review mechanisms available to seek relief from the disqualification based on a showing of rehabilitation or otherwise, including the terms of the mechanism, the nature of the relief it affords, and whether an administrative and judicial appeal is authorized		n/a
(8) any statute, rule, policy and practice that requires an individual convicted of a felony to have his civil rights restored to become qualified for the job; and 9 copies of the following documents:		n/a
	(A) forms, applications, and instructions provided to applicants and those denied or terminated from jobs or licenses based on their criminal record;	n/a
	(B) forms, rules, and procedures that the agency employs to provide notice of disqualification, to review applications subject to disqualification, and to provide for exemptions and appeals of disqualification	n/a
	(C) memos, guidance, instructions to staff scoring criteria and other materials used by the agency to evaluate the criminal histories of applicants, licensees, and employees; and	n/a
	(D) forms and notices used to explain waiver, exemption and appeals procedures for denial, suspensions and terminations of employment or licensure based on criminal history	n/a

(d) Each State agency shall participate in a review to determine the impact of the employment restrictions based on criminal records and the effectiveness of existing case-by-case review mechanisms. The information required under this subsection (d) shall be limited to the data and information in the possession of the State agency on the effective date of this amendatory Act of the 97th General Assembly. With respect to compliance with the requirements of this subsection (d), a State agency is under no obligation to collect

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additional data or information. For each occupation under the agency's jurisdiction for which there are employment restrictions based on criminal records, each State agency must provide the Task Force with a report, on or before February 1, 2012, for the previous 2-year period, setting forth:

(1) the total number of people currently employed in the occupation whose employment or licensure required criminal history disclosure, background checks or restrictions		All new employees are required to sign a release of criminal information by the State Police. CMS administers the check of such information. See immediately below.
(2) the number and percentage of individuals who underwent a criminal history background check		Unknown. Each new employee must sign a CMS release of information form, which authorizes the State Police to release criminal record information. However, CMS reports that it randomly selects individuals for such background checks.
(3) the number and percentage of individuals who were merely required to disclose their criminal history without a criminal history background check		21, personal services contractors only
(4) the number and percentage of individuals who were found disqualified based on criminal history disclosure by the applicant		n/a
(5) the number and percentage of individuals who were found disqualified based on a criminal history background check		n/a
(6) the number and percentage of individuals who sought an exemption or waiver from the disqualification		n/a
(7) the number and percentage of individuals who sought an exemption or waiver who were subsequently granted the exemption or waiver at the first level of agency review (if multiple levels of review are available)		n/a

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(8) the number and percentage of individuals who sought an exemption or waiver who were subsequently granted the exemption or waiver at the next level of agency review (if multiple levels of review are available)		n/a
(9) the number and percentage of individuals who were denied an exemption or waiver at the final level of agency review, and then sought review through an administrative appeal;		n/a
(10) the number and percentage of individuals who were denied an exemption or waiver at the final level of agency review, and then sought review through an administrative appeal and were then found qualified after such a review		n/a
(11) the number and percentage of individuals who were found disqualified where no waiver or exemption process is available		n/a
(12) the number and percentage of individuals who were found disqualified where no waiver or exemption process is available and who sought administrative review and then were found qualified; and		n/a
(13) if the agency maintains records of active licenses or certifications, the executive agency shall provide the total number of employees in occupations subject to criminal history restrictions		n/a

(e) (Blank)

(f) The Task Force shall report to the Governor and the General Assembly its findings, including recommendations as to any employment restrictions that are not reasonably related to public safety, by September 1, 2012.

END OF REPORT

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