

# DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## Economic Development and Infrastructure/Executive Agency

FY14 Headcount: 408

<http://www.commerce.state.il.us/dceo/>

### **Summary of Agency Operations:**

The Department of Commerce and Economic Opportunity (DCEO) seeks to enhance the economic well-being for the state. DCEO focuses on expanding access to global market opportunities; promoting Illinois as a worldwide business locale; supporting companies that are creating jobs and investing in Illinois; connecting start-ups and entrepreneurs with opportunities for capital and expertise; developing our skilled, competitive workforce; and marketing Illinois to attract visitors and business development to the state.

### **Internal Hiring**

#### **Agency positions subject to restrictions based on criminal history**

Personal services contractors only.

#### **This agency is subject to personnel or non-personnel code.**

This is a personnel code agency

### **Statutory Restrictions Applicable to Internal Hiring**

#### **Restrictions based on criminal history:**

#### **30 ILCS 500/50-5 (Bribery)**

##### **a. Prohibition**

No person or business shall be awarded a contract or subcontract under this Code who:

1) Has been convicted under the laws of Illinois or any other state of bribery or attempting to bribe an officer or employee of the State of Illinois or any other state in that officer's or employee's official capacity; or

2) Has made an admission of guilt of that conduct that is a matter of record but has not been prosecuted for that conduct.

**Restriction Type:** Mandatory

**Restriction Duration:** Five years after completion of sentence

#### **Administrative Code: Title 14, Subtitle C, Chapter I, Part 640, Sub part A, Section 640.130. Applicant Certifications.**

Each loan applicant for program financing will be required to satisfy the following certifications:

h. Bidding on State Contracts – Applicant certifies that it has not been barred from bidding on or entering into State contracts as a result of a violation of the Criminal Code of 1961 (Ill. Rev. Stat. 1989, ch. 38, pars. 33E-3 and 33E-4).

**Restriction Type:** Mandatory

**Restriction Duration:** Not mentioned in the above listed administrative code

## Department of Commerce and Economic Opportunity

### **Administrative Code: Title 14, Subtitle C, Chapter I, Part 640, Section 640.330. Applicant Certifications.**

Each applicant for program financing will be required to satisfy the following certifications, when applicable:

g. Bidding on State Contracts – Applicant certifies that it has not been barred from bidding on or entering into State contracts as a result of a violation of the Criminal Code of 1961 (Ill. Rev. Stat. 1989, ch. 38, par. 1-1 et seq.).

**Restriction Type:** Mandatory

**Restriction Duration:** Not mentioned in the above listed administrative code

**Year restriction was adopted**

1998

### **Background Check Procedures:**

#### **(1) Self-disclosure on application**

Yes

#### **(2) Background check review procedure**

Certification by contractor in personal services contract and review of executed contract

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.

#### **Exemption, waiver, or review mechanisms**

N/A

#### **Total number of people who underwent a background check**

21 individuals were merely required to disclose their criminal history without a criminal history background check. This applied to personal services contractors only.

### **Occupational Licensing, Certification, Regulation**

None

## **Employment Contracting**

### **Restrictions based on criminal history:**

#### **30 ILCS 500/50-5 (Bribery)**

##### **a. Prohibition**

No person or business shall be awarded a contract or subcontract under this Code who:

1) Has been convicted under the laws of Illinois or any other state of bribery or attempting to bribe an officer or employee of the State of Illinois or any other state in that officer's or employee's official capacity; or

2) Has made an admission of guilt of that conduct that is a matter of record but has not been prosecuted for that conduct.

**Restriction Type:** Mandatory

**Restriction Duration:** Five years after completion of sentence

#### **30 ILCS 500/50-10 (Felons)**

A. Unless otherwise provided, no person or business convicted of a felony shall do business with the State of Illinois or any State agency, or enter into a subcontract, from the date of conviction until 5 years after the date of completion of the sentence for that felony, unless no person held responsible by a prosecutorial office for the facts upon which the conviction was based continues to have any involvement with the business.

**Restriction Type:** Mandatory

**Restriction Duration:** Not mentioned in the above listed statute

### **Summary of Employment Restrictions from Agency Report:**

See attached chart

- 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.