

OFFICE OF THE STATE FIRE MARSHAL

Public Safety/Executive Agency

FY14 Headcount: 137

www.sfm.illinois.gov

Summary of Agency Operations

The Office of the Illinois State Fire Marshal (OSFM) improves safety by increasing public awareness about fire hazards, public safety codes and fire prevention, while also enhancing firefighting and emergency response capabilities in local communities. OSFM personnel are committed to protecting the citizens of Illinois and property from fire and explosions through inspections, investigations, training, education and providing assistance to local fire departments. OSFM licenses elevator contractors, pyrotechnic operators and distributors, and arson investigators.

Internal Hiring

Agency positions subject to restrictions based on criminal history, by statute, regulation or agency policy

All candidates for employment within OSFM, per agency policy.

Statutory, regulatory restrictions applicable to internal hiring

None

Agency policy restrictions applicable to internal hiring

Yes

System of personnel administration

Personnel Code [20 ILCS 415]

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

See section IV. of the Final Report for the enumerated criminal history restrictions in the Personnel Code related to being qualified for open competitive examinations and subsequent appointment.

Criminal history record check procedures

1) Self-disclosure on application

Yes (CMS 100), per agency's report to the Task Force

2) How criminal history is obtained

Criminal history checks conducted by Illinois State Police

3) In-house review procedure

Per agency's report to the Task Force, a review policy that enumerates disqualifying offenses and other criteria has not been drawn up because candidates have not had any criminal backgrounds.

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Exemption, waiver, or review mechanisms for applicants

Per agency's report to the Task Force, "there are no formal exemption, waiver or review mechanisms in place for any of the programs/professions discussed herein. Largely, this lack of review mechanisms is driven by a lack of applicants with a criminal history."

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

10

Occupational Licensing, Certification, Regulation

Occupational licenses issued by agency that are subject to criminal history restrictions

Elevator contractor license; Pyrotechnic Distributors and Operators; Arson Investigator, including Arson Investigator Trainee, I and II

Statutory restrictions applicable to occupational licensing

Elevator Safety and Regulation Act [225 ILCS 312/40 (b)(8)] Any person, firm, or company wishing to engage in the business of installing, altering, repairing, servicing, replacing, or maintaining elevators, dumbwaiters, escalators, or moving walks within this State shall make application for a license with the Administrator. (b) All applications shall contain the following information: (8) **any criminal record of convictions.**

Restriction type: Mandatory as to information to be provided, silent as to whether criminal history is a disqualifying criterion. Per agency's report to the Task Force, "OSFM Elevator Safety Division has never received an application disclosing such a history."

Restriction duration: No time limit specified

Pyrotechnic Distributor and Operator Licensing Act. [225 ILCS 227/35] Applicants for a license, who will act as lead operator, must **not be convicted in any jurisdiction of any felony within the prior 5 years.**

Restriction type: Mandatory

Restriction duration: Last 5 years

Administrative code 41 Ill. Adm. Code 230.100 (a)(9),(b)(8),(c)(8) and (d)(9)

b) The pyrotechnic distributor shall submit to OSFM the applications of its employees applying for a lead pyrotechnic operator license; 3) A copy of a **current license or a Letter of Clearance from ATF** for the type of pyrotechnic service or pyrotechnic display provided. Proof that the applicant met the requirements of Section 230.65(a), (b) or (c), whichever is applicable to the respective license.

A current DNR individual explosives license number is required. The conditions of that license are:

Illinois Explosives Act [225 ILCS 210/2005] Qualifications for licensure. (a) No person shall qualify to hold a license who: (2) **has been convicted in any court of a crime punishable by**

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imprisonment for a term exceeding one year; (3) is under indictment for a crime punishable by imprisonment for a term exceeding one year; (4) is a fugitive from justice; (5) is an unlawful user of or addicted to an controlled substance as defined in Section 102 of the federal Controlled Substances Act (21 U.S.C. Sec. 802 et seq.)

Restriction type: Mandatory

Restriction duration: Not specified

Illinois Peace Officer Training Act [50 ILCS 705/6(e)] e. To review and approve applicants to ensure no applicant is admitted to a certified academy unless the applicant is a person of good character and **has not been convicted of a felony offense, any of the misdemeanors in Sections 11-1.50, 11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2, 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of 1961 or the Criminal Code of 2012, subdivision (a)(1) or (a)(2)(C) of Section 11-14.3 of the Criminal Code of 1961 or the Criminal Code of 2012, or subsection (a) of Section 17-32 of the Criminal Code of 1961 or the Criminal Code of 2012, or Section 5 or 5.2 of the Cannabis Control Act, or a crime involving moral turpitude** under the laws of this State or any other state which if committed in this State would be punishable as a felony or a crime of moral turpitude. The [State Police Merit] Board may appoint investigators who shall enforce the duties conferred upon the Board by this Act.

Restriction type: Mandatory

Restriction duration: No limit specified

Criminal history record check procedures for occupational licenses

1) Self-disclosure on application

Yes, on all license applications

2) How criminal history is obtained

Finger-print based criminal history checks conducted by Illinois State Police for Pyrotechnic and Arson Technician licenses

3) In-house review procedure

Reviewed by respective agencies for disqualifying convictions (all felonies; some misdemeanors for peace officer certification)

Exemption, waiver, or review mechanisms for occupational license applicants

Illinois Explosives Act [225 ILCS 210/2005] (b) A person who has been granted a "relief from disabilities" regarding criminal convictions and indictments, pursuant to the federal Safe Explosives Act (18 U.S.C. Sec. 845) may receive a license provided all other qualifications under this Act are met. (Source: P.A. 96-1194, eff. 1-1-11.)

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

838

None found unqualified

None sought waiver

Employment Contracting

Contracting restrictions based on criminal history, by statute or regulation

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

All applicants for positions in the Office of State Fire Marshall (OSFM) are required to complete the CMS 100 and Request for Release of Information form. Public Safety Shared Services submits the forms to the Illinois State Police to obtain criminal history records. OSFM has never had a candidate disqualified due to their criminal background, and as a consequence, has not developed policies defining disqualifying offenses and other criteria. Also, there are no formal review or waiver mechanism at OSFM, largely due to the fact that past job candidates have not had criminal records.

OSFM licenses several occupations, including elevator contractors, Pyrotechnic Operator, Distributor, Arson Investigator and Arson Investigator Trainee I and II. Elevator contractor license applicants answer a question about their prior criminal history, but are not subject to a background check. Pyrotechnic licenses are subject to a fingerprint based criminal history records check through the Illinois State Police. All applicants for Arson Investigator and Trainee must be sworn officers. As police officers, they must be free from felony convictions. OSFM leave the vetting of that to the Illinois State Police as a matter of their certification procedures.