

**REQUEST FOR RELEASE
OF INFORMATION**

TO: Director
Illinois State Police

I, _____, do hereby authorize the Illinois State Police to release information relative to the existence or nonexistence of any conviction which it might have concerning me to any Department of the State of Illinois solely to determine my suitability for employment or continued employment with the State of Illinois. I further authorize any agency which maintains records relating to me to provide same on request to the Illinois State Police for the purpose of this investigation.

I certify that the Illinois State Police, and its officers or employees who furnish this information concerning me, and any agency and its officers and employees which provides these records to the Illinois State Police, shall not be held accountable for giving this information. I do hereby release and save harmless the Illinois State Police, its officers and employees, and any other agency and its officers and employees which provides records concerning me for the purpose of this investigation, from any and all liability which may be incurred as a result of releasing such information.

A photocopy of this release form will be valid as an original thereof, even though the said photocopy does not contain an original writing of my signature.

I have read and understand the contents of this Request for Release of Information.

Witness

Signature (include maiden name)

Address

City, State

Zip Code

Date of Birth

Social Security Number

Drivers License Number

APPLICANT INFORMATION

It is the policy of the State of Illinois not to consider the criminal history of an applicant for state employment unless:

Federal or state law prohibits hiring individuals with certain criminal convictions for the position that applicant is seeking. Or,

For certain convictions that are related to the position sought, when denial of employment is based on that criminal record is consistent with a business necessity.

Have you ever been convicted of a criminal offense other than a minor traffic violation?

Yes

No

Please use the space below to provide additional information regarding the circumstances of any conviction(s) [optional]:

I, _____, certify that the information on this application is true and accurate and understand that misrepresentation of any material fact may be grounds for ineligibility or termination of employment. If you are denied a position or removed from the applicant pool because of a criminal record, you will have an opportunity to provide additional information to be considered before a final decision is made.

Signature

Date

DATE: May 1, 2013
TO: Inventorying Employment Restrictions Task Force
FROM: State Hiring Assessment Workgroup
SUBJECT: State Hiring Assessment Recommendations

After thorough review of the state's employment application, guidelines, and policies regarding criminal backgrounds, we recommend the following actions be taken.

1. CMS Bureau of Personnel shall modify the Application for State Employment in positions under the Personnel Code, also known as the "CMS 100", to remove any inquiry into the applicant's criminal history.

Agencies that do not use the "CMS 100" shall remove any inquiry into the applicant's criminal history on employment applications.

2. CMS Bureau of Personnel shall modify the Application for State Employment to include an email contact section on the Application.
3. Each agency, board and commission shall adhere to a statewide policy that will permit criminal background checks only after an applicant has been interviewed for a position and/or has been conditionally offered a position.
4. Each agency, board and commission shall adopt the revised Authorization for Release form that requests an applicant's permission to obtain information relating to the applicant's criminal history

Administrative Review Process

All State Agencies, boards, and commissions should establish and document processes for evaluating criminal record information. When the agency, board or commission is assessing whether to hire a candidate with a prior criminal history, consideration shall be afforded to:

1. The nature and seriousness of the crime in relation to the position being sought;
2. The age of the individual at the time of conviction;
3. The extent of the candidate's rehabilitation;
4. The time that has elapsed since the conviction; and
5. The circumstances under which the offense was committed.
6. State of Illinois statutory restrictions

Appeal Process

All State Agencies, boards, and commissions must develop a process by which the applicant is informed that she/he may be excluded due to their past criminal convictions. The applicant must be provided an opportunity to demonstrate that the exclusion should not apply to her/him.

To ensure the efficient consideration of appeals, applicants – after receiving notice of their right to appeal – can respond by providing records or documents that will impact the hiring decision.

1. Train all agency human resources department staff and hiring managers on the new state policy on hiring people with criminal records.
2. Develop a statewide unit/department to oversee and maintain the statutory bars database – mandatory and discretionary. This unit will serve as a resource providing assistance when necessary.
3. Establish a workgroup that will develop the guidelines and procedures recommended above.

Licensing Subcommittee Recommendation and Comments

4/23/2013

The Illinois Legislative Task Force on Inventorying Employment Restrictions was created to review the statutes, administrative rules, policies, and practices that may restrict employment of individuals with a criminal history, and to report those employment restrictions and their impact on employment opportunities to the Governor and the General Assembly. While employers routinely evaluate criminal background history to assess potential risks in making employment and licensure decisions, it is essential that the determinations be tailored and based on job-related criteria consonant with business necessity. Hiring and licensure policies/procedures which unnecessarily restrict employment opportunities not only hinder the re-integration of ex-offenders into the job market, they could adversely impact the larger society: ex-offenders who work are less likely to re-offend and are in a better position to be self-supporting and supportive of their children and families. As a result, licensure and employment restrictions must be designed and carefully scrutinized to both further public safety and preserve employment opportunities, which goals are not mutually exclusive.

1. Notice of Administrative Review

All state agencies create, implement, and publish their internal administrative review process available to applicants who have received adverse licensure and employment decisions on the basis of criminal history to the extent feasible. The administrative review decisions should be made by committees comprised of no less than three staff members.

2. Illinois Re-Entry Employment Resource Center

A permanent Office should be created within state government, which would serve as a resource for all state agencies for matters pertaining to licensure and employment Re-entry issues and assist applicants with a criminal history. Each state agency would designate liaisons to work with the Office to resolve agency-specific hiring and licensure inquiries. The Office should be comprised of legal and human resources staff who could

provide guidance to ex-offenders to request pertinent information from agencies and answer procedural questions.¹

3. General Public Awareness

The State shall create a website or webpage accessible to the public which clearly identifies all positions requiring licensure, licensure requirements, and any licensure restrictions. Each state agency should also be required to post the same information relative to their individual agencies, including administrative review rights, in their human resources offices and on the agency's and the Department of Central Management Services' websites.

4. Agency "Nexus" Review

Within 90 days after the Task Force Final Report is issued, all State agencies be required to initiate an internal review of all licensure requirements and determine whether existing licensure restrictions are job-related criteria consonant with business necessity. Each agency shall report back to the ~~Task Force~~ General Assembly all existing restrictions and corrective measures within 90 days after completing its internal review.

Comment [SN1]:

Question: Difference between agency nexus review (#4) inventorying and current work of Task Force?

Answer: Agency role is larger than Task Force's (who only looks at criminal history)

Any other differences in their roles?

5. Employee Training

Agency staff members who are responsible for hiring and licensure decisions should receive annual training on the legal requirements for considering criminal history in the employment and licensure processes.

6. Fidelity Insurance Bonds

Fidelity insurance bonds which shield employer's from losses involving employee dishonesty may be an option for applicants whose criminal background history is comprised of convictions involving any type of theft. At one point, the U.S. Department of Labor funded such fidelity bonds at no cost to the employer or worker but the status of this funding is unclear and should be further investigated.

¹ An alternative option is for the Illinois Employment Re-Entry Resource Center ("IERRC") to serve as the Central Office responsible for the receipt, processing, and tracking of requests for hiring and licensure administrative reviews.

Draft 5/22/2013

The Human Rights Workgroup of the Inventorying Employment Restrictions Task Force met to examine what, if any, impact conviction related questions on the State employment application have on human rights in Illinois.

We began by reviewing the Illinois Human Rights Act, specifically 775 ILCS 5/2-103, which specifically addresses arrest records. The Committee also examined the EEOC's guidelines on Consideration of Arrest and Conviction Records in Employment Decisions.

Among the many protections of the Illinois Human Rights Act is the protection against discrimination based on race. As it relates to arrests and convictions, the Illinois Human Rights Act forbids employers from inquiring into or using the fact of an arrest or criminal history record information ordered expunged, sealed or impounded.

Because African Americans and Hispanics are incarcerated at rates disproportionate to their numbers in the general population, we agree with the EEOC in determining that this creates a disparate impact on employment.

Currently, an individual seeking employment with the State of Illinois must complete the CMS100 application in order to request a qualifying grade for a position. This position is typically a "generic" one that may apply to several different agencies, each with different conditions where a previous conviction may not have an adverse effect. It is the opinion of this committee that a conviction inquiry on the initial application creates a disparate impact.

It is our recommendation that the State of Illinois should go further than what is currently in the Act, and adopt the EEOC recommendation that "employers not ask about convictions on job applications and that, if and when they make such inquiries, the inquiries be limited to convictions for which exclusion would be job related for the position in question and consistent with business necessity." We recommend the removal of question 9 from the current CMS100 application.

Any conviction inquiries should be made immediately prior to an offer of employment by a state agency, and these inquiries should be limited to convictions relevant to the position.

This committee also urges the support of legislation such as HB 3061, which removes barriers to employment and protects civil rights for people with criminal records.