

IMPACT REVIEW – Illinois Office of the Comptroller – Cemetery Care and Burial Trust Department – February 2012

For each occupation subject to a criminal records-based restriction, the agency shall set forth the following:

- (1) the job title, occupation, job classification, or restricted place of employment, including the range of occupations affected in such places;

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.

- (2) the statute, regulation, policy, and procedure that authorizes the restriction of applicants for employment and licensure, current employees, and current licenses;

Cemetery Care and Burial Trust: 760 ILCS 100 Sec 9 (2.1); 815 ILCS 390 Sec 6 (3); 225 ILCS 45 Sec 3 (5); 410 ILCS 18 Sec 11

- (3) the substance and terms of the restriction, and **(see above)**
 - (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; **No**
 - (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”. **Yes, offenses found would be subject to Legal scrutiny**

- (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; **Cemetery Care and Burial Trust: B/G checks are performed through the IDFP (Funeral Directors/Embalmers); AG (individuals and businesses); SOS (Corporations in good standing); DOR (State Tax ID Number) & ISP (criminal history). On the Questionnaire, form SCO-682, there are relevant questions with regard to convictions, civil litigation with regard to fraud, bankruptcy and prior disciplinary or license suspension/revocation. On the Release forms, SCO-701 & SCO-714 (under FBFA), it clearly states that the information provided is complete accurate and true and that any false information will be grounds for denial and further authorizes/releases any and all law enforcement agencies to complete a criminal background check.**
- (5) the procedures used by the agency to determine and review whether an individual's criminal history disqualifies that individual; **Cemetery Care and Burial Trust : case by case in conjunction with the legal staff.**
- (6) the year the restriction was adopted, and its rationale; **Cemetery Care and Burial Trust: Between 1997 – 2000; the rationale being better to not license a problem entity than to have to revoke a license and procure a receiver.**
- (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; **CCBT: case by case in conjunction with the legal staff.**

- (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; **unknown**

(9) copies of the following documents:

(A) forms, applications, and instructions provided to applicants and those denied or terminated from jobs or licenses based on their criminal record; **Cemetery Care and Burial Trust : Questionnaire & Release Forms attached.**

(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; **Cemetery Care and Burial Trust – case by case**

(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; **Cemetery Care and Burial Trust – case by case**

(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. **Cemetery Care and Burial Trust – case by case**

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; **Cemetery Care and Burial Trust - unknown as it only applies to new applications**

(2) the number and percentage of individuals who underwent a criminal history background check; **Total for the IOC 1/1/2010 -12/31/2011 – 31 (2010) & 87 (2011) = 118 (100% of CCBT applicants underwent a criminal history background check).**

(3) the number and percentage of individuals who were merely required to disclose their criminal history without a criminal history background check; **CCBT - 0**

(4) the number and percentage of individuals who were found disqualified based on criminal history disclosure by the applicant; **CCBT - 0**

(5) the number and percentage of individuals who were found disqualified based on a criminal history background check; **CCBT - 0**

(6) the number and percentage of individuals who sought an exemption or waiver from the disqualification; **CCBT - 0**

(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); **CCBT - 0**

(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); **CCBT - 0**

(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; **CCBT - 0**

(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; **CCBT - 0**

(11) the number and percentage of individuals who were found disqualified where no waiver or exemption process is available; **CCBT - 0**

(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

CCBT - 0

(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. **CCBT - NA**