

Office of the Auditor General
Report Pursuant to Task Force on Inventorying Employment Restrictions Act
(20 ILCS 5000)

Report under 20 ILCS 5000/15 (c)

Section 15 (c) of the Task Force on Inventorying Employment Restrictions Act [20 ILCS 5000/15 (c)] requires each State agency to "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. . .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." The Act goes on to enumerate specific criteria that the agency must set forth for each identified occupation that is subject to a criminal records-based restriction.

The Auditor General's Office's application contains the following question to be answered by each applicant for employment with our Office:

7. HAVE YOU EVER PLED GUILTY TO OR BEEN CONVICTED OF ANY CRIMINAL OFFENSE OTHER THAN A MINOR TRAFFIC VIOLATION? If yes, please explain:

_____ Yes _____ No

(Please note: Under State law, applicants are not obligated to disclose expunged juvenile records of arrest or conviction. Also pursuant to State law, applicants are not obligated to disclose sealed or expunged records of conviction or arrest. Employers may not ask if an applicant has had records expunged or sealed, or if a juvenile record was expunged.)

No potential employee has been rejected for employment with the Auditor General's Office based on his or her response to this question. The Auditor General's Office does not have any specific employment criteria that are based on criminal records and we do not conduct criminal background checks on potential employees or contractors.

Report under 20 ILCS 5000/15 (d)

Section 15 (d) of the Task Force on Inventorying Employment Restrictions Act [20 ILCS 5000/15 (d)] requires each State agency to "provide the Task Force with a report, on or before February 1, 2012, for the previous 2-year period, setting forth" specific information, as follows:

(1) the total number of people currently employed in the occupation whose employment or licensure required criminal history disclosure, background checks or restrictions: *The application question referred to above has been in use for many years. Presumably all current employees, totaling 96 at 1/19/12, responded to this or a similarly-worded question on prior application forms;*

(2) the number and percentage of individuals who underwent a criminal history background check: 0;

(3) the number and percentage of individuals who were merely required to disclose their criminal history without a criminal history background check: *See answer to (1), above. We have hired 28 individuals during the past two years and 100% of them used the application referred to above;*

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

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

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

(7) the number and percentage of individuals who granted the exemption or waiver at the first level of agency review (if multiple levels of review are available): 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): 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: 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: 0;

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

(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: 0.

1/19/12