

DEPARTMENT OF REVENUE

Government Services/Executive Agency

FY14 Headcount: 1,841

<http://www.revenue.state.il.us/#&panel1-1>

Summary of Agency Operations

The Illinois Department of Revenue (DOR) serves as the tax collection agency for the state and for local governments. The department also regulates the manufacturing, distribution and sale of alcoholic beverages through the Liquor Control Commission, oversees local property tax assessments, administers grant program payments for local officials, and functions as the fiscal agent for the Illinois Housing Development Authority (IHDA).

Internal Hiring

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

All employees, contractual persons or persons from other state agencies who are seeking identification badge authorizing admittance into IDOR facilities will have a criminal background check completed before they are hired and or given identifications badges.

Investigators having powers of peace officers

Statutory, regulatory, restrictions applicable to internal hiring

Civil Administrative Code of Illinois. (Department of Revenue Law) [20 ILCS 2505/2505-305] Investigators. (a) The Department has the power to appoint investigators to conduct all investigations, searches, seizures, arrests, and other duties imposed under the provisions of any law administered by the Department. Except as provided in subsection (c), these investigators have and may exercise all the **powers of peace officers** solely for the purpose of enforcing taxing measures administered by the Department.

See Law Enforcement Training and Standards Board Fact Sheet for restrictions applicable to peace officers.

Agency policy restrictions applicable to internal hiring

Access into DOR facilities requires an identification badge issued only after a criminal history check has been completed. Internal review determines disqualifying offenses, per agency's report to the Task Force.

Restriction Type: Discretionary

Restriction Duration: Individualized assessment

System of personnel administration

Personnel Code [20 ILCS 415]

Department of Revenue

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

2) Background check review procedure

Once the background check has been completed (source of criminal history information was not specified in agency's report to the Task Force), one of the following possibilities would exist.

1. The background check is clear and no further action is required.
2. The applicant failed to include a conviction, including any guilty pleas where the individual received some sort of alternative sentencing, including court supervision. If this occurs the application would be falsified, meaning the application would initially be denied. A letter would be sent to the applicant advising them and giving them the opportunity to contact the Internal Affairs Office of IDOR and request to have the matter reviewed. In many cases the conviction is old and or of a minor nature and the applicant simply forgot to include it, or didn't believe the conviction was on their record.
3. The background check revealed a conviction giving concern as to the applicant's viability. Some examples would include identity theft, gambling, fraud, deceptive practice or any violent crimes. The application would be reviewed and a decision rendered as to the viability of the applicant. Various factors are weighed, such as the time elapsed between the application and when the conviction took place.

It should also be noted that in addition to the criminal background checks completed on all applicants, a tax check is completed as well. If and when an application reveals a tax issue, the applicant is sent a letter indicating same and if the applicant corrects the problem the application will be approved.

Exemption, waiver, or review mechanisms

If the applicant requests the matter be reviewed, a committee made up of the Chief of the Internal Affairs Division, the EEO Officer, an Assistant General Counsel and a member of the Shared Services Unit, will meet and make a determination if the application will go forward or be denied.

Number of job applicants who were subject to a criminal history records check between July 2009 and January 2012:

Total Applications received/processed = 4,613

Total Applications Cleared/Approved = 3,292

Total number of Applicants denied = 1,368 (includes 875 for tax related issues)

Total number of Applications reviewed = 493.

Occupational Licensing, Certification, Regulation

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

Cigarette distributor; Bingo license; License for fund-raising games of chance; Manufacturer's license for pull-tab and jar games

Cigarette Tax Act [35 ILCS 130/4] (Distributor's License)

The following are ineligible to receive a distributor's license under this Act: 1) a person who is not of good character and reputation in the community in which he resides; 2) **a person who has been convicted of a felony under any Federal or State law, if the Department, after investigation and a hearing, if requested by the applicant, determines that such person has not been sufficiently rehabilitated to warrant the public trust.**

Restriction type: Discretionary

Restriction duration: Sufficient time to be deemed rehabilitated

Cigarette Use Tax Act [35 ILCS 135/4] (Distributor's License)

The following are ineligible to receive a distributor's license under this Act: 1) a person who is not of good character and reputation in the community in which he resides; 2) a person who has been convicted of a felony under any Federal or State law, if the Department, after investigation and a hearing, if requested by the applicant, determines that such person has not been sufficiently rehabilitated to warrant the public trust;

Restriction type: Discretionary

Restriction duration: Sufficient time to be deemed rehabilitated

Cigarette Use Tax Act [35 ILCS 135/7] (Distributor's Permits)

The following are ineligible to receive a distributor's license under this Act: 1) a person who is not of good character and reputation in the community in which he resides; 2) a person who has been convicted of a felony under any Federal or State law, if the Department, after investigation and a hearing, if requested by the applicant, determines that such person has not been sufficiently rehabilitated to warrant the public trust;

Restriction type: Discretionary

Restriction duration: Sufficient time to be deemed rehabilitated

Administrative Code: Title 86, Chapter I, Part 440, Section 440.50. Cigarette Tax Stamps—When and by Whom Affixed: License or Permit Required

f. The following are ineligible to receive a [cigarette] distributor's license or permit under this Act:

- 1) A person who is not of good character and reputation in the community in which he resides;
- 2) A person who has been convicted of a felony under any Federal or State law, if the Department, after investigation and a hearing, if requested by the applicant, determines that such person has not been sufficiently rehabilitated to warrant the public trust;

Restriction type: Discretionary

Restriction duration: Sufficient time to be deemed rehabilitated

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Bingo License and Tax Act [230 ILCS 25/1.2] (Ineligibility for Bingo licensure)

The following are ineligible for any [Bingo] license under this Act: 1) any person who has been convicted of a felony within the last 10 years prior to the date of the application. 2) Any person who has been convicted of a violation of Article 28 (Gambling and related acts) of the Criminal Code of 1961 or the Criminal Code of 2012.

Restriction Type: Mandatory

Restriction Duration: Not specified

Administrative Code: Title 86, Chapter I, Part 430, Section 430.150. Ineligibility for [Bingo] License. a. The following are ineligible for any license under the Act: 1) Any person who has been convicted of a felony; 2) Any person who has been convicted of a violation of Article 28 (Gambling and related acts) of the "Criminal Code of 1961" or the Criminal Code of 2012.

Restriction Type: Mandatory

Restriction Duration: Not specified

Charitable Games Act [230 ILCS 30/7] License for fund-raising games of chance

Sec. 7. Ineligible Persons. The following are ineligible for any license under this Act: (a) any person who has been **convicted of a felony within the last 10 years before the date of the application**; (b) **any person who has been convicted of a violation of Article 28 (Gambling) of the Criminal Code of 1961 or the Criminal Code of 2012**

Restriction Type: Mandatory

Restriction Duration: 10 years prior to the application date

Administrative Code: Title 86, Chapter I, Part 432, Section 432.130. Manufacturer's License for pull-tab and jar games

4. The application form shall include the following information: k. Has the applicant or any officer, director, partner, or employee of the applicant **been convicted of a felony within the last 10 years, or convicted of a violation of Article 28 (gambling) of the Criminal Code of 1961?**

Restriction Type: Mandatory

Restriction Duration: 10 years prior to the application date

Occupational 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)

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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 employees, contractual persons or persons from other state agencies who are seeking identification badge authorizing admittance into Illinois Department of Revenue (IDOR) facilities will have a criminal background check completed before they are hired and or given identifications badges, per the IDR-147 application, due to the confidential nature of the work IDOR performs and the integrity of the Illinois Liquor Control Commission within the IDOR. A review of any criminal history is performed.

If an application is initially denied, If the applicant requests the matter be reviewed, a committee made up of the Chief of the Internal Affairs Division, the EEO Officer, an Assistant General Counsel and a member of the Shared Services Unit, will meet and make a determination if the application will go forward or be denied. Conviction giving concern as to the applicant's viability would include identity theft, gambling, fraud, deceptive practice or any violent crimes.

As in the situation above, the application would be reviewed and a decision rendered as to the viability of the applicant. Various factors are weighed, such as the time elapsed between the application and when the conviction took place.

Between July of 2009 and January 2012:

Total Applications received/processed = 4,613

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