

DEPARTMENT OF EMPLOYMENT SECURITY

Economic Development and Infrastructure/Executive Agency

FY14 Headcount: 1,285

<http://www.ides.illinois.gov/>

Summary of Agency Operations

The Department of Employment Security (IDES) administers three major programs: Unemployment Insurance (UI), Employment Service (ES) and Labor Market Information (LMI). UI pays temporary benefits to unemployed workers and collects UI taxes from employers. ES connects employers with job seekers, including through Illinois JobLink, the federally funded labor-exchange system. LMI collects, analyzes and disseminates economic and workforce data in cooperation with the U.S. Department of Labor.

Internal Hiring

Agency positions subject to restrictions based on criminal history

The Department has restrictions on hiring for those law titles/options that require an Attorney Registration and Disciplinary Committee (ARDC) card including Hearings Referee, Hearings Referee-Intermittent, Public Service Administrators (Opt. 8L), or Senior Public Service Administrators (Opt. 8L).

All prospective employees (including temporary and contractual) who are seeking employment with IDES will have a criminal background check completed before they are hired.

Statutory, regulatory restrictions applicable to internal hiring

705 ILCS 205/1

No person shall be permitted to practice as an attorney or counselor at law within this State without having previously obtained a license for that purpose from the Supreme Court of this State.

Supreme Court of Illinois, Rules on Admission and Discipline of Attorneys, Article VII, Part A Admission to the Bar, Rule 701 General Qualifications

(a) Subject to the requirements contained in these rules, persons may be admitted or conditionally admitted to practice law in this State by the Supreme Court if they are at least 21 years of age, **of good moral character** and general fitness to practice law, and have satisfactorily completed examinations on academic qualification and professional responsibility as prescribed by the Board of Admissions to the Bar or have been licensed to practice law in another jurisdiction and have met the requirements of Rule 705.

Agency policy restrictions applicable to internal hiring

IDES Procedure 2034 (described below) and CMS-284, the Request for Release of Information. No disqualifying offenses except falsification on the CMS 284 and prior Unemployment Insurance fraud enumerated in state agency report.

System of personnel administration

Personnel Code [20 ILCS 415]

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

See Chapter IV of the Final Report for the enumerated criminal history restrictions in the Personnel Code, administered by CMS Bureau of Personnel, related to being qualified for open competitive examinations and subsequent appointment.

Background Check Procedures

(1) Self-disclosure on application

Yes (CMS 100 and CMS 284)

Human Resource Management performs Illinois criminal history checks on all new and reinstated State employees by request to the Illinois State Police. Employees promoted to certain positions deemed to perform confidential duties may also require a criminal history check.

The following procedures identify the responsible parties and describe the steps in a criminal history check. The results of the criminal history check must be known before the individual is given an effective date of employment. (Summer workers are not included.):

1. Upon selection of an applicant, refers to the criminal history check log to assign the next chronological criminal history check number, (e.g., 04-CH-###). Prepares a fax cover memorandum to the Illinois State Police (ISP), Division of Internal Investigation. **Note:** The information needed to conduct this check is full name (including middle initial), Social Security number, date of birth, race, and sex.
2. Faxes cover memorandum, Employment Application (CMS-100) front page only, and signed Request for Release of Information (CMS 284) to ISP (217) 557-3767. Places documents in the file pending response from the ISP.
3. Illinois State Police conducts a computerized criminal history check; faxes results to Human Resource Management.

(2) Background check review procedure

Human Resource Management receives and reviews report. Records response date and results in the criminal history check log. One of the following scenarios would be present in finalizing the hiring decision:

First, the background check is clear and no further action is required. The Agency can proceed to hire the individual.

Second, 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 be denied, and the Agency would ask CMS to remove the candidate from the eligible list and move on to the next candidate.

Third, the background check revealed a conviction giving concern as to the applicant's viability (i.e. Unemployment Insurance Fraud). In this case, the application would be reviewed at HRM

level and possibly include the Deputy Director of Administration and a decision rendered as to the viability of the applicant.

Exemption, waiver, or review mechanisms

None, per state agency report to the Task Force

Total number of people who underwent a background check

In 2010, the Illinois Department of Employment Security requested a total of 181 criminal background checks to be conducted. Out of the 181 background checks conducted, 2 had convictions found that were disclosed by the prospective applicants. In 2011, the Illinois Department of Employment Security requested a total of 159 criminal background checks to be conducted. Out of the 159 background checks conducted 1 conviction was found and disclosed by the candidate, and 2 convictions found where the two (2) applicants did not disclose the information at the time of application.

Occupational Licensing, Certification, Regulation

N/A

Employment Contracting

Contracting restrictions based on criminal history

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

The Department has restrictions on hiring for those law titles/options that require an ARDC card including Hearings Referee, Public Service Administrators (Opt. 8L), or Senior Public Service Administrators (Opt. 8L). The Department requires background checks done on all new employees including new hire probationary, exempt, transfers from other state agencies under the Governor's Personnel Code., using the CMS 284 process. There are no disqualifying offenses enumerated by agency policy, other than falsification on the CMS 284.

Out of 181 background checks conducted in 2010, 2 had convictions found that were disclosed by the prospective applicants. In 2011, Out of 159 background checks conducted in 2011, 1 conviction was found and disclosed by the candidate, and 2 convictions found where the two (2) applicants did not disclose the information at the time of application.