

ILLINOIS EMERGENCY MANAGEMENT AGENCY

Public Safety/Executive Agency

FY14 Headcount: 228

<http://www.state.il.us/iema/>

Summary of Agency Operations

The Illinois Emergency Management Agency (IEMA) prepares, protects and assists the citizens of the State of Illinois through planning, prevention, training, mitigation, response and recovery to all hazards, natural or manmade. IEMA coordinates the state's disaster response, ensures state resilience to disasters through an all hazards approach, leads Illinois homeland security strategy and administers dozens of programs to protect the state from the potentially harmful effects of ionizing radiation.

Internal Hiring

Agency positions subject to restrictions based on criminal history

Radon Measurement Professional/Technician

Radon Mitigation Professional/Technician

Medical Radiation Technologist

Industrial Radiographer

Persons that possess radioactive material

This agency is subject to personnel or non-personnel code.

Personnel code agency

Statutory Restrictions Applicable to Internal Hiring:

N/A

Year restriction was adopted

N/A

Background Check Procedures:

(1) Self-disclosure on application

Yes

(2) Background check review procedure:

Radon Measurement Professional Technician, Radon Mitigation Professional/Technician, Medical Radiation Technologist:

The Agency evaluates all qualifications for licensure including criminal history. The Agency focuses on the nature of the offense and the applicant's progress toward rehabilitation to warrant the public trust. A demonstration by the applicant of no further criminal history since the initial conviction and they are pursuing change and stability in their life gives a strong indication of rehabilitation. Time lapsed does not necessarily mean rehabilitation, it is upon the applicant to demonstrate that they no longer engage in conduct detrimental to themselves and others and that they have the ability to follow the regulations and standards established by the Agency for the

Illinois Emergency Management Agency

licensed activity. The Agency does not grant licensure for anyone still on parole/probation as rehabilitation to warrant the public trust cannot be established while still under supervision of the courts.

All applicants are required to check on the agency application whether they have ever been convicted of a felony. In addition, the Agency is currently using Westlaw's Clear to search each applicant's profile to determine whether an applicant has a conviction that was not revealed on the application.

If an applicant indicates they were convicted of a felony or if a search of Clear shows a conviction, the applicant is asked to provide further information concerning the conviction. If the applicant failed to reveal the conviction on the application, the applicant will be denied licensure for causing a material misstatement or misrepresentation to be made in the application since it impaired the Agency's ability to assess and evaluate the applicant's qualifications for a license. Once further information is obtained from the applicant, the information provided by the applicant and any further information independently by the Agency is reviewed by the Agency's legal office to determine whether the applicant has been sufficiently rehabilitated to warrant the public trust.

Industrial Radiographer Certification:

Includes the same requirements of the above roles (Radon Measurement Professional Technician, Radon Mitigation Professional/Technician, Medical Radiation Technologist). In addition, the employer must determine whether their employees are trustworthy and reliable in order to allow the individual to perform industrial radiography. This process involves a background check and fingerprinting. The Agency is not involved in this process except during an inspection of the employer to ensure that the determination was made prior to giving the individual access to radioactive material.

Radioactive material licenses:

The agency uses a system of background checks which can be considered security checks to ensure the applicant for this license is trustworthy to possess the material. The Agency does not want an individual to obtain a license to possess radioactive material that may use that material for unsavory purposes. The Agency requires all applicants to provide security related information during the application process. If the Agency is not familiar with an applicant, the Agency will conduct a due diligence investigation, which may include a background check, and criminal activity may be reviewed to determine whether public health and safety may be affected. This is done on a case by case basis and issuance of a license will only be given to those individuals/facilities that do not pose a risk to security or pose a risk for theft per 32.Ill.Adm. Code 330.300.

In addition, pursuant to a US Nuclear Regulatory Commission order and license conditions placed on Agency licensees per 32 Ill. Adm. Code 330, the licensee must conduct background checks on employees (e.g., industrial radiographers). The licensee employers must determine that the employee is "trustworthy and reliable" to handle radioactive material which includes a criminal history check and fingerprinting.

Illinois Emergency Management Agency

Exemption, waiver, or review mechanisms

Upon determination that the applicant does not meet the standard for certification, the Agency sends a denial letter. The letter provides information regarding the basis for the denial and provides the opportunity for an administrative hearing. Procedures for requesting a hearing are contained in the Agency's rules entitled "Administrative Hearing" 32 Ill. Adm. Code 200. An individual may appeal a Department hiring decision by submitting a written request for hearing within thirty days of the date of receiving the hiring decision letter.

Total number of people who underwent a background check

The total number of people currently employed in the occupation whose licensure required criminal history disclosure, background checks, or restrictions:

Medical Radiation Technologist: 14,117

Industrial Radiographer: 1,300

Radon: 382

No individual underwent a criminal history background check within the time frame of the Task Force requirement. The Agency did not do specific background checks but relied on the disclosure of the individual.

All individuals (100%) were merely required to disclose their criminal history without a criminal history background check.

The number of individuals who were found disqualified based on criminal history disclosure by the applicant: 2-3 for industrial radiographers, 0 for medical radiation technologists, and 1 for radon.

No individuals were found disqualified based on a criminal history background check.

No individuals sought or were denied a waiver or exemption process.

3-4 individuals were found disqualified where no waiver or exemption process is available.

1 individual was found disqualified where no waiver or exemption process was available and who sought administrative review and found qualified.

AGENCY occupational licensing restrictions based on criminal history:

Licensing for Radioactive Material

420 ILCS 44/45 (Grounds for disciplinary action)

Administrative Code: Title 32, Chapter II, Subchapter B, Part 330, Section 330.500. Modification and Revocation of Licenses

b. In accordance with 32 Ill. Adm. Code 200, any license may be revoked, suspended, or modified, in whole or in part, for any material false statement in the application or any statement of fact required under provisions of the Act, or because of conditions revealed by such application or statement of fact or any report, record, or inspection or other means that would warrant the Agency to refuse to grant a license on an original application, or for violation of, or failure to observe any of the terms and conditions of the Act, or of the license, or of any rule, regulation, or order of the Agency.

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed administrative code

Illinois Emergency Management Agency

Accrediting Persons in the Practice of Medical Radiation Technology

Administrative Code: Title 32, Chapter II, Subchapter B, Part 401, Section 401.120. Suspension, Revocation and Denial of Accreditation

a. The Agency may act to suspend or revoke an individual's accreditation, or refuse to issue or renew accreditation, for any one or a combination of the following causes:

5) Having been convicted of a crime that is a felony under the laws of this State or conviction of a felony in a federal court, unless such individual demonstrates to the Agency that he/she has been sufficiently rehabilitated to warrant the public trust

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed administrative code

Certification of Individuals to Perform Individual Radiography

Administrative Code: Title 32, Chapter II, Subchapter B, Part 405, Section 405.140. Suspension, Revocation and Denial of Certification

a. The Agency may act to suspend or revoke an individual's certification or refuse to issue or renew certification, for any one or a combination of the following causes:

7. Having been convicted of a crime which is a felony under the laws of this State or conviction of a felony in a federal court, unless the individual demonstrates to the Agency that he/she has been sufficiently rehabilitated to warrant the public trust

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed administrative code

Regulations for Radon Service Providers

Administrative Code: Title 32, Chapter II, Subchapter B, Part 422, Section 422.120. Disciplinary Action by the Agency

a. The Agency may act to suspend or revoke a person's license, may issue a civil penalty, or may issue a civil penalty in addition to suspending or revoking a person's license for any one or a combination of the following causes:

3. Having been convicted in any state of a crime that is a felony under the laws of this State or having been convicted of a felony in a federal court, unless such individual demonstrates to the Agency that he/she has been sufficiently rehabilitated to warrant the public trust

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed administrative code

Employment Contracting Restrictions

None

Summary of Employment Restrictions from Agency Report:

The Agency follows the employment requirements of Central Management Services and does not have any Agency-specific restrictions for employment. All candidates must meet the position's qualifications and pass a criminal background check due to the fact that our Agency personnel deal with matters of Homeland Security and handle retroactive material. There are

Illinois Emergency Management Agency

three attorneys who must also possess a current valid Illinois law license and be in good standing with the Illinois Attorney Registration and Disciplinary Commission.