



Pat Quinn
Governor

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Terry A. Scrogum
Executive Director

DATE: January 20, 2012

TO: Jack Cutrone
Executive Director
Illinois Criminal Justice Information Authority
Task Force Member

Jeffrey A. Shuck
Deputy General Counsel (Personnel)
Central Management Services
Task Force Chair

FROM: Romie Munoz
Director of Administration
Illinois Arts Council

SUBJECT: **Inventorying Employment Restrictions Act
(20 ILCS 5000) Report #1 and Report 2**

Per your memo dated November 8, 2011, Report #1 asking agencies to submit a report describing restrictions for employment within the agency, in facilities licensed, regulated, supervised, or funded by the agency, and in occupations that the agency licenses or provides certifications to practice. The following are answers to the questions found in the statute Public Act 097-0501 for the review of policies and practices that restrict employment of persons with a criminal history effective 8/23/2011 for Report #1 and #2.

REPORT #1:

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

All staff has filled out the Request for Release of Information form:

3 SPSA's, Option 1 – Executive Director, Deputy Director and Chief of Staff
2 PSA's Option 1 – Director of Programs and Director of Administration
1 PSA, Option 2 – Chief Fiscal Officer
1 Private Secretary 2

5 Arts Council Program Coordinators – Directors of: Arts-in-Education; Artstour, Performing Arts & Partners in Excellence; Community Arts Development: Ethnic and Folk Arts, Literature & Presenters; Visual Arts, Media Arts, & Multi-Disciplinary Arts.

1 Arts Council Program Representative – Arts and Foreign Language

1 Accountant Supervisor
1 Accountant
1 Office Associate

All job titles are based out of the James R. Thompson Building, 100 West Randolph 10-500, Chicago, IL 60601.

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

It has been a practice with the Illinois Arts Council (IAC) to submit the required "Request for Release of Information Form" to the Department of Central Management Services Personnel Division before the applicant is hired. In the CMS Transaction Manual under Attachments Required D. CMS-284 – Request for Release of Information:

"Required for all newly appointed employees. A newly appointed employee is interpreted to be an individual who has never been employed under this Merit System or any individual who may have been previously employed under this Merit System but has had more than a four day break in service and, therefore, begins with a new Continuous Service Date. Original CMS-284 is submitted with the appointment documents and a record of each new appointment is forwarded by Central Management Services to the Department of State Police. The Departments of Corrections, Children and Family Services, Professional Regulation, Revenue and State Police are exempt from this requirement due to their statutory authorization to receive confidential information. If the employee refuses to complete and/or sign the CMS-284 shall have no adverse impact upon employment consideration and appointment."

(3) the substance and terms of the restriction, and

NONE

(A) if the statute, regulation, policy or practice enumerates disqualifying offenses, a list of each disqualifying offense, the time limits for each

NONE

(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".

The IAC does not have a policy.

(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;

Applicant discloses on CMS100 Employment Application and fills out Request for Release of Information form prior to being hired. The Illinois State Police conduct a background check.

(5) the procedures used by the agency to determine and review whether an individual's criminal history disqualifies that individual;

There is no procedure however; Executive Director will use his discretion.

(6) the year the restriction was adopted, and its rationale;

NA

(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;

NA

(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; and 9 copies of the following documents:

NA

(A) forms, applications, and instructions provided to applicants and those denied or terminated from jobs or licenses based on their criminal record;

NA

(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;

NA

(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; and

NA

(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.

NA

REPORT #2

Number of applicants

(d) Each State agency shall participate in a review to determine the impact of the employment restrictions based on criminal records and the effectiveness of existing case-by-case review mechanisms. The information required under this subsection (d) shall be limited to the data and information in the possession of the State agency on the effective date of this amendatory Act of the 97th General Assembly. With respect to compliance with the requirements of this subsection (d), a State agency is under no obligation to collect additional data or information. 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 ~~March 1, 2010~~, **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;

2010 - 2012 =4 3 Temporary Appointments and 1 Permanent Employee.

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

4 employees 23%

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

NONE

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

NONE

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

NONE

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

NONE

(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);

NONE

(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);

NONE

(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;

NONE

(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;

NONE

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

NONE

(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

NONE

(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.

NA

If you have any additional questions to this reporting responsibility or need more information, please contact me at (312)-814-8250 or email Romie.Munoz@Illinois.Gov.

cc: Terry A. Scrogum
Executive Director
Illinois Arts Council

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