



OFFICE OF THE GOVERNOR

JRTC, 100 W. RANDOLPH, SUITE 16-100
CHICAGO, ILLINOIS 60601

PAT QUINN
GOVERNOR

**Administrative Order
Number 1 (2013)
October 3, 2013**

DIRECTIVE TO STATE AGENCIES TO “BAN THE BOX” FOR STATE HIRING

Employment is one of the most effective tools to reduce recidivism, resulting in safer communities and lower cost to taxpayers across Illinois. This Administration is committed to creating a more level playing field by not considering an applicant’s criminal history before beginning to evaluate an applicant’s knowledge, skills and abilities.

As part of the Administration’s commitment, I am issuing this Administrative Order to amend the State of Illinois’ employment applications and processes for evaluating, interviewing and selecting candidates for employment in all agencies, boards and commissions under the jurisdiction of the Office of the Governor.

This Order (i) provides guidance and clarification with respect to certain aspects of employment applications and (ii) announces new guidelines and procedures relating to the interview process for candidates for positions within State government. This Order does not limit the authority of agencies, boards, and commissions, as appropriate, based on the actual duties and potential risks of the position, to impose job-related requirements and procedures (including, but not limited to, background checks, drug testing, residency requirements, and job-related driver's license requirements), in addition to those set forth below, prior to making an offer of employment, so long as they are consistent with applicable laws and any policies or procedures described herein.

I. Scope

This Order shall apply to all positions in State agencies, boards, and commissions under the jurisdiction of the Office of the Governor (“OOG”).

In the event of a conflict between this Order and the requirements of a collective bargaining agreement, the collective bargaining agreement shall govern. In the event of a conflict between this Order and any policies or procedures relating to employment positions or personnel transactions that are set by statute or administrative rule, the policies and procedures set by statute or administrative rule shall govern.

II. State Employment Applications

A. Application for Positions Subject to the Personnel Code

1. The Bureau of Personnel in the Department of Central Management Services ("CMS") has served and shall continue to serve as the central point of intake for all employment applications under the jurisdiction of the Personnel Code and Rules ("coded classifications").
2. CMS Bureau of Personnel shall modify the Application for State Employment in positions under the Personnel Code, also known as the "CMS 100," to remove any questions about the applicant's criminal history.

B. Applications for Non-Code Positions

1. Each employing agency, board or commission shall continue to conduct its evaluation and selection processes as it had prior to this Administrative Order except as specifically directed herein.
2. Each employing agency, board or commission shall modify its employment applications to remove any questions about an applicant's criminal history.

III. Authorization for Release

A. Criminal Background Check

1. To the extent a criminal background check is to be conducted for the specific position being filled, each agency, board and commission shall use an Authorization for Release form that requests an applicant's permission to obtain information relating to the applicant's criminal history. This document shall clearly inform the applicant that it is the policy of the State of Illinois not to base employment decisions on the criminal history of an applicant for state employment unless: (1) federal or state law prohibits hiring an individual with certain criminal convictions for the position that an applicant is seeking; or (2) the applicant has been convicted of an infraction that is reasonably related to the position sought, and denial of employment based on that criminal history is consistent with business necessity and the State's duty to serve and protect its citizens.
2. As soon as practicable, CMS shall develop an Authorization for Release of Criminal History Information form that complies with the provisions of this Administrative Order. Other agencies, boards and commissions may utilize this Authorization as a template.
3. As soon as practicable, CMS shall develop a new Self-Disclosure of Criminal History form that may be used by agencies, boards and commissions to require applicants who have been deemed eligible and are being considered for a specific position to self-disclose their criminal

history. Use of the existing CMS284 form shall be discontinued once the Authorization for Release and Self-Disclosure of Criminal History forms have been released. Other agencies, boards and commissions may utilize this Self-Disclosure of Criminal History form as a template.

4. If criminal history background checks are conducted, unless otherwise specified under statute or administrative rule, the Illinois State Police statutory and administrative procedures for conducting Uniform Conviction Information Act (UCIA) checks shall be followed by state agencies, boards and commissions to ensure that an applicant's permission is received for that background check.
5. An agency, board, or commission may request permission to research a candidate's criminal history only after the candidate has been deemed eligible and is being considered for a specific position.
6. In considering an applicant's criminal history, in addition to any other limitations contained in this Order, an agency, board or commission may only consider current convictions and may not consider arrests or convictions that have been subsequently pardoned, expunged, or sealed, except as otherwise permitted by law. However, an agency, board or commission may consider information indicating that a person engaged in acts that may impact their suitability for the position of employment under consideration.
7. An agency, board or commission shall refuse to consider further any candidate who refuses to complete and sign the Authorization for Release of Criminal History Information form.

B. Interview Process

1. Nothing in this Order shall be construed to prevent or prohibit a candidate for employment from voluntarily disclosing the existence of criminal history information. In the event a candidate for employment voluntarily discloses prior criminal history during an interview, he or she should be advised that such information will be considered, as appropriate, at a separate point in the process.

C. Consideration of an Applicant's Criminal History

Each agency, board and commission shall establish a documented review process for the evaluation of a candidate's criminal history. The review process shall only exclude a candidate relative to his/her criminal history where it is determined that exclusion is job-related and consistent with business necessity, including consideration of at least the following factors:

1. The nature and gravity of the offense;

2. The time that has elapsed since the conviction and/or completion of sentence; and
3. The nature of the job being sought.

IV. Employee Transfers, Promotions and Other Position Movement

Potential employee movements to a different State position may justify an employing agency, board or commission to request an Authorization for Release of Criminal History Information relating to that potential new position. The employing agency may also elect to require such an employee to complete a Self-Disclosure of Criminal History form. If, subject to the prohibitions contained in this Order and other law, an employee being considered for movement to a different position is found to have a criminal history that prevents him or her from being considered for the new position, said movement must be denied. The employee should remain in the most recently held position unless the newly-discovered criminal history, as applied to the employee's current position, warrants action by the employing agency, board or commission.

V. No New Rights Created

Nothing in this Order is intended to create any new right or benefit, substantive or procedural, enforceable at law by a party against the State of Illinois, its agencies, boards, commissions, officers, or employees, or any person.

VI. Severability

If any provision of this Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

VII. Effective Date

This Order shall become effective immediately.

Unless otherwise noted, to the extent any new requirements in this Order are not already fully in place, the responsible State agencies, boards, and commissions under the jurisdiction of the OOG shall become fully compliant as soon as practicable, but no later than 90 days from this order.



Pat Quinn
Governor