



Illinois Department of Corrections

Administrative Directive

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| Number: 03.02.100 | Title: Administrative Review of Personnel or Service Issues | Effective: 1/1/2021 |
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| Authorized by: | <i>[Original Authorized Copy on File]</i> Rob Jeffreys Acting Director |
| Supersedes: | 03.02.100 effective 10/1/2016 |

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| Authority: 730 ILCS 5/3-2-2 20 IAC 120 Title 42 USC Sections 15601-15609 | Related ACA Standards: 5-ACI-1A-11, 5-ACI-1B-16, 5-ACI-1C-01-17, 5-ACI-1C-20, 5-ACI-1D-11, 5-ACI-3D-14, 5-ACI-7B-07, 5-ACI-7C-02. |
| Referenced Policies: 03.02.105, 03.02.106, 04.01.122 | Referenced Forms: DOC 0039 – Administrative Review |

I. POLICY

Personnel transactions, contractual service and service of volunteers are subject to prior approval by the Director in accordance with this directive.

II. PROCEDURE

A. Purpose

The purpose of this directive is to establish responsibilities of staff for obtaining administrative approval prior to making employment, personnel, or contractual or volunteer service decisions.

B. Applicability

This directive is applicable to all correctional facilities, offices, program and parole services within the Department.

C. Facility Reviews

A facility review of this directive shall be conducted at least annually.

D. Designees

Individuals specified in this directive may delegate stated responsibilities to another person or persons unless otherwise directed.

E. Definitions

For purposes of this directive only, the following terms are defined.

Applicant – any individual who is seeking employment, promotion or transfer within the Department; a contractual employee; or a volunteer who will provide regular on-going service to the Department.

Close associate – any person other than a relative with whom the individual is currently residing or has previously resided, or with whom the individual has or has had a close personal relationship.

Contractual employee – any person with whom the Department has contracted with to provide on-site services on a regular, on-going basis or any person who is employed by an entity that is under contract with the Department to provide on-site services on a regular, on-going basis, for example, nurses, physicians, educators, employees of contractual Transitional Security facilities, etc. This does not include outside workers who are contractors or employees of contractors.

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Employee – any person who is employed by the Department and who is on the State payroll.

Immediate family – spouse, parents, siblings and children.

Relative – spouse, parent, sibling, child, grandchild, grandparent, aunt, uncle, niece, nephew and cousin, including first-line blood, step, half, foster or in-law relations.

Volunteer – any person who individually or through an organization provides services to the Department on a volunteer basis; it does not include unpaid interns.

F. General Provisions

1. Applicants shall be screened and approved for hire or service in accordance with applicable collective bargaining agreements, personnel rules, Administrative and Executive Orders and Administrative Directives 03.02.105, 03.02.106 and 04.01.122.
2. Employees who have responsibility for initial hiring, promotions, transfers, demotions or any other personnel transaction shall disqualify themselves from any decision-making if any of the persons being considered are their relatives or close associates.
3. Ex-offenders who have completed their sentence, including any period of probation or parole, may be considered for employment or service with other eligible applicants.
4. An applicant who is under court supervision, excluding court supervision for minor traffic violations, shall not be considered for employment or service until the applicant has successfully completed the court supervision.
5. An applicant shall not be disqualified on the basis of an arrest record alone. If the applicant would otherwise be recommended for employment and it is determined that the alleged conduct underlying the arrest may jeopardize the applicant's ability to perform the required job or service duties:
 - a. Additional inquiry must be made to determine whether the applicant is likely to have committed the alleged conduct.
 - b. Corroboration must be obtained including, but not limited to, interviews, review of testimony or signed complaints. Ordinarily, police reports alone are insufficient corroboration.
 - c. The applicant must be permitted an opportunity to explain the circumstances of the alleged conduct.
 - d. Documentation shall be maintained of the results of the inquiry and the applicant's explanation.
6. In determining whether an applicant's criminal history demonstrates unsuitability for employment or service, the following factors shall be considered:
 - a. The nature and seriousness of the offense(s) or conduct;
 - b. The time that has passed since the offense(s) or conduct;
 - c. The frequency and pattern of the offenses(s) or conduct; and
 - d. The nature of the prospective job.

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7. The Department shall not hire, promote or enlist the services of any employee, contractual or otherwise, who may have contact with offenders and:
 - a. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution as defined in 42 U.S.C 1997;
 - b. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats or force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
 - c. Has been civilly or administratively adjudicated to have engaged in the activity described above.
8. The Department shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractual employee, who may have contact with offenders.
9. Employment and service decisions are subject to the review and approval of the Director in accordance with this directive.

G. Requirements

1. No commitment to any course of action shall be made without the Director's prior approval when hiring new employees or approving volunteers where factors exist that could give rise to a possible conflict of interest or demonstrates unsuitability for employment or service, including but not limited to:
 - a. The applicant has been convicted for anything other than a minor traffic violation;
 - b. The applicant has known relatives or close associates who are presently incarcerated within the Department or who are currently on parole or mandatory supervised release;
 - c. The applicant is a former employee of the Department;
 - d. The applicant provided false or misleading information; or
 - e. Documentation reveals negative factors that may make the applicant unsuitable for employment or service within the Department, such as discipline or discharge from previous employment.
2. Administrative Reviews may be conducted on post-hiring personnel transactions (i.e., promotions, transfers, demotions, etc.) or contractual employee transactions where the transaction could give rise to a possible conflict of interest, where there may be a question of suitability based on past performance or arrest record, or as otherwise directed by the Director. Examples of proposed transactions that shall be reviewed include, but shall not be limited to, a relative or close associate supervising a relative or close associate; a relative or close associate incarcerated in the employing facility or service area facility; the employee or contractual employee will have access to offender records or will review offender transfers and the employee or contractual employee has a relative or close associate incarcerated in the Department; or the employee or contractual employee is a relative or close associate of a top administrative official of the Department. Any such transaction shall be reported to the Background Investigations Unit, including all pertinent information.
3. Where the prior approval of the Director is required:

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- a. The Background Investigations Unit shall review the facts and develop and submit a written report detailing the facts and circumstances to the Chief of Operations, Manager of Staff Development and Training or to the Manager of Central Personnel, as appropriate, on the Administrative Review form, DOC 0039.
 - b. An Administrative Review shall be conducted by the Director and either the Chief of Operations or the Manager of Staff Development and Training. For issues concerning current or former employees, an Administrative Review shall also be conducted by the Manager of Central Personnel.
 - c. The Chief of Operations or the Manager of Staff Development and Training and, if applicable, the Manager of Central Personnel shall review the facts submitted by the Background Investigations Unit and recommend approval or disapproval. Written justification shall be included for any recommended disapproval.
 - d. The Director shall review the recommendation of the Chief of Operations or the Manager of Staff Development and Training and, if applicable, the Central Office Hiring Process Manager and shall make the final decision on the personnel transaction.
4. All other personnel transactions that would not appear to give rise to a possible conflict of interest shall be processed in the normal manner.
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