
Health Care Worker Waiver

Health care waivers will help you if you want to work in an unlicensed position in the health care industry, such as:

- Certified Nursing Assistant
- Dietary Aid
- Cook or Custodian in a Nursing Home or Hospital
- Phlebotomy Technician
- Home Health Care Aid

And have been convicted of...

- “Crimes of Violence” such as battery or assault
- Property crimes, such as theft, retail theft, or forgery
- A full list of convictions that prohibit you from working in healthcare can be found at www.state.il.us/nar

There are wait periods to apply for Health Care Waivers, depending on the number and type of “disqualifying” convictions. The period is counted from your date of conviction.

#	Misdemeanor	Felony
1	1 year	3 years
2-3	3 years	5 years
4+	5 years	10 years

Certificate of Good Conduct or Certificate of Relief from Disabilities

Certificates will help you if you want to work for:

- A public school in any position: lunch aid, teacher, safe passage guard, coach, security guard, maintenance, etc.
- The Chicago Transit Authority
- The Chicago Park District

Or work in fields that require licensure through the Illinois Department of Professional Regulation such as:

- Security Guard
- Insurance Producer
- Registered Nurse
- Real Estate Broker
- Barber or Cosmetologist
- Licensed Clinical Social Worker
- Massage Therapist

To qualify for a certificate:

- You cannot be convicted of arson, aggravated arson, kidnapping, aggravated kidnapping, aggravated DUI, aggravated domestic battery, or any offense or attempted offense that requires registration.
- You have a sealable felony that still poses a barrier to your career path
- It’s been two years since the completion of your felony sentence or one year from a misdemeanor.

How do I apply for a waiver or certificate?

Health care waivers are granted by the Illinois Department of Public Health, the Health Care Worker Registry. It requires a written application explaining your conviction and providing proof of the positive things you have done in your life since that time.

Certificates are granted by the circuit court where the conviction occurred. It requires a written motion explaining your conviction and providing proof of rehabilitation and that it is in the public’s interest to allow you to enter your chosen field of employment.

What’s the benefit of a waiver or certificate?

Health care waivers allow you to be hired in an unlicensed position at a health care agency. State law prohibits these employers from hiring men and women with certain criminal convictions, unless they have a waiver.

Certificates also remove legal barriers to employment and provide employers proof of rehabilitation and protection from negligent hiring.

For more information, visit Illinois Legal Aid Online at www.illinoislegalaid.org or call Cabrini Green Legal aid at 312-738-2452.

Petitions for Executive Clemency

If a person cannot seal their record due to an unsealable misdemeanor conviction or unsealable felony conviction, the only option to clearing the record is a pardon from the Governor. This is called Executive Clemency. If the Governor grants a pardon authorizing expungement, a person may petition to expunge that conviction in circuit court.

Information can be found at www.state.il.us/prb

Why do I need a pardon from the Governor?

Only certain convictions can be sealed through the Court, removing criminal records from public view so employers and landlords conducting background checks have no access. The only way to clear all other convictions is to have a pardon from the Governor authorizing expungement.

What does a pardon do?

If a pardon is granted, with authorization to expunge, you can expunge a conviction. The expungement portion happens through the court and removes records from public view. Only law enforcement will have access to the record after the record is expunged.

Do I have to wait before I file?

There are no time frames for filing a Petition for Executive Clemency. However, it is best to wait a minimum of five years from the conviction with no criminal history to have the greatest chance of success. The majority of pardons are given to those whose convictions are greater than 10 years.

What's the process?

A person files a written petition explaining their conviction, their life history and accomplishments since the criminal record. Petitions are filed with the Prisoner Review Board (PRB), an agency in Illinois with members appointed by the Governor.

The PRB holds hearings four times per year, split between Chicago and Springfield (January, April, July, & October.) Hearing dates are on the PRB's website. After the hearing, a recommendation is forwarded to the Governor who makes the ultimate decision.

How long does it take for an answer?

The Governor is under no time frame to make a decision. There is approximately a 4 year wait to receive a decision due to the backlog of petitions.



ALTERNATE FORMS OF RELIEF

You may not be eligible for expungement or sealing, but you still have options!
