**Section 535.100 Background Checks**

a) *Before hiring*, promoting, or transferring *an employee to perform work on facilities used for the distribution of natural gas to customers, a public utility shall require* each employee or potential employee *to complete a certificate listing violations of pertinent safety or environmental laws* by the employee or *potential employee*. Exempt from this requirement are current employees of public utilities who were in positions with the public utilities that involved work on facilities used for the distribution of natural gas to customers of these public utilities on November 1, 2004. Also exempt are employees who are being transferred or promoted from a position requiring a certificate to another position requiring a certificate. [220 ILCS 5/8-501.5]

b) *Before hiring an independent contractor to perform work involving facilities used for the distribution of natural gas to customers, a public utility shall require* an owner or officer of *the independent contractor* to provide certificates *listing violations of pertinent safety or environmental laws by the independent contractor*. [220 ILCS 5/8-501.5]

c) A certificate of violations of pertinent safety and environmental laws violations completed by a potential public utility employee or current public utility employees who receive a promotion or transfer to a position described in subsection (a) shall contain the following information:

1) The name of applicant or employee;

2) The applicant or employee’s declaration of violations of pertinent safety and environmental laws, including the date of the violation and the amount of any penalty or fine assessed because of the violation;

3) A verified statement that the applicant or employee is providing truthful information;

4) Notice to the applicant or employee that willful omissions of information from this certificate are grounds for employment termination; and

5) The applicant or employee’s dated signature.

d) A certificate of violations of pertinent safety and environmental laws completed by an owner or officer of the independent contractor shall contain the following information:

1) Identification of the specific public utility contract being sought by the independent contractor;

2) The name and address of the independent contractor;

3) The name and position held in the independent contractor by the person completing the certificate;

4) The independent contractor's declaration of violations of pertinent safety and environmental laws, including the date of the violation and the amount of any penalty or fine, if any, assessed because of the violation;

5) A verified statement that the representative of the independent contractor is providing truthful information;

6) Notice to the independent contractor that willful omissions of information from this certificate are grounds for contract termination; and

7) The dated signature of the independent contractor owner or officer completing the certificate.

e) A public utility shall retain completed certificates of violations of pertinent safety and environmental laws and shall make these records available for inspection by the Commission.

1) A public utility shall keep a certificate completed by an independent contractor hired by the public utility for five years after the creation of the certificate;

2) A public utility shall keep certificates completed by its own employees for five years after employment termination.

f) Information provided in the certificates referred to in subsections (c) and (d) shall be considered by these public utilities in making employment decisions regarding those individuals or entities furnishing these certificates to these public utilities.

g) Independent contractors hired by the public utility shall provide new certificates annually.