**Section 955.290 Recovery of Back Pay**

a) *A health care employer shall not be liable for the failure to hire or to retain an applicant or* health care *employee who has been convicted of committing or attempting to commit one or more of the offenses enumerated in the* *Act* or this Part. (Section 55 of the Act)

b) *If a health care worker is suspended from employment based on the results of a criminal background check conducted under the* *Act* and this Part *and the results prompting the suspension are subsequently found to be inaccurate, the health care worker is entitled to recover back pay from his or her health care employer for the suspension period provided that the employer is the cause of the inaccuracy*. (Section 55 of the Act)

c) *No health care employer shall be chargeable for any benefit charges that result from the payment of unemployment benefits to any claimant when the claimant's separation from that employer occurred because the claimant's criminal background included an offense enumerated in the* Act or this Part*, or the claimant's separation from that health care employer occurred as a result of the claimant violating a policy that the employer was required to maintain pursuant to the Drug Free Workplace Act*. (Section 55 of the Act)

d) *The Department of Public Health is not liable for any hiring decisions, suspensions, or terminations.* (Section 55 of the Act)

(Source: Amended at 43 Ill. Reg. 3665, effective March 1, 2019)