2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB383)

Received:	08/23/2005				Received By: rcha	ampag	
Wanted: 1	Coday	and the second second			Identical to LRB:		
For: Steve Kestell (608) 266-8530					By/Representing: Susan Crawford		
This file n	nay be shown	to any legislato	r: NO		Drafter: rchampag		
May Cont	act:				Addl. Drafters:		
Subject:	Employ	Pub - civil ser	vice		Extra Copies:	СМН	
Submit vi	a email: YES	Rep.Kestell	@legis.state	e.wi.us		Thouse	2AC
Carbon copy (CC:) to: Susan.Crawford@oser.state.wi.us				austronal services	(B)		
Pre Topic	c:						
No specif	ic pre topic giv	ven					
Topic:		A-44-0					
Criminal 1	background ch	necks for state e	mployment				
Instructions:							
See Attac	hed						
Drafting	History:						
Vers.	Drafted	Reviewed	<u>Typed</u>	Proofed	Submitted	<u>Jacketed</u>	Required
/? /1	rchampag 08/23/2005	wjackson 08/23/2005	pgreensl 08/23/200	5	lemery 08/23/2005 mbarman 08/30/2005	lemery 08/23/2005	
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2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB383)

FE Sent For:

Received: 08/23/2005				Received By: rchampag				
Wanted: Today				Identical to LRB: By/Representing: Susan Crawford Drafter: rchampag Addl. Drafters:				
For: Employment Relations Dept. This file may be shown to any legislator: NO								
								May Contact:
Subject: Employ Pub - civil service								Extra Copies:
Submit vi	ia email: YES							
Requester's email: Susan.Crawford@oser.state.wi.us								
Carbon co	opy (CC:) to:							
Pre Topi	ic:							
No specif	fic pre topic gi	ven						
Topic:								
Criminal	background ch	necks for state e	employment					
Instructi	ions:		,					
See Attac	ched							
Drafting	History:							
Vers.	<u>Drafted</u>	Reviewed	<u>Typed</u>	Proofed	<u>Submitted</u>	<u>Jacketed</u>	Required	
/? /1	rchampag 08/23/2005	wjackson 08/23/2005	pgreensl 08/23/200	5	lemery 08/23/2005	lemery 08/23/2005		

<END>

2005 DRAFTING REQUEST

Assembly	Substitute	Amendment	(ASA-AB383)
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Received: 08/23/2005

Wanted: **Today**

For: Employment Relations Dept.

This file may be shown to any legislator: NO

May Contact:

Subject:

Employ Pub - civil service

Received By: rchampag

Identical to LRB:

By/Representing: Susan Crawford

Drafter: rchampag

Addl. Drafters:

Extra Copies:

CMH

Submit via email: YES

Requester's email:

Susan.Crawford@oser.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Criminal background checks for state employment

Instructions:

See Attached

Drafting History:

Drafted Vers.

Reviewed

Proofed

Submitted

Jacketed

Required

/?

rchampag

FE Sent For:

<END>

Champagne, Rick

From:

Crawford, Susan - OSER

Sent:

Monday, August 22, 2005 2:44 PM

To:

Champagne, Rick

Subject:

AB 383

Rick.

We have a couple of additional requests for AB 383, as follows. I left you a voice mail that covered part of this last Friday thought it might be easier to digest in writing.

- (1) We would like you to look at inserting the new language in s. 230.17(3), which alraeady uses the term fiduciary responsibility in a related context. That way ch. 230 would just have one subsection dealing with positions involving fiduciary responsibility. It seems a bit more streamlined, with all of the requirements for fiducial positions in one place.
- (2) We would like to change the wording from "investigation" to "check." "Check" seems more descriptive of an inquiry through DOJ, consistent with current practices among agencies that conduct background checks. "Investigation" may imply a broader search.
- (3) Take out the reference to "funds" -- proposed amendment to 0897/1 retains that word. Use the language in 230.17(3) -- "involves fiduciary responsibility." We think including "funds" is a bit narrower than what is needed. Fiduciary responsibilty may extend to individuals who are responsible for negotiable assets or other valuable/fungible property that is not "funds," strictly speaking.
- (4) The references to the ch. 111 sections imply that this procedure is inconsistent in some way w/ WFEA protections. I think this proposal is completely consistent with WFEA. We could be conducting these background checks under current law (and we are, at some agencies). Additionally, we don't want agencies to think that this new law confers broader authority to decline to hire people with conviction records than is currently allowed under WFEA. Can we delete those cross references?

Here's some suggested language. It's a little awkward to insert it into the existing sentence structure of 230.17(3), so this is just illustrative:

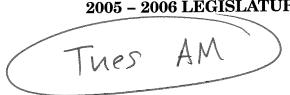
When any position to be filled involves fiduciary responsibility, the appointing authority shall conduct a criminal history background check before offering employment to any individual. Where otherwise permitted by law, the appointing authority may require the appointee to furnish bond or other security, and shall notify the administrator of the amount and other details thereof. Any surety company authorized to do business in this state shall be a sufficient security on any such bond.

Thanks Susan

Susan Crawford **Executive Assistant** Office of State Employment Relations 608-266-9672







LRBs0184/1 RAC:..i:...

ASSEMBLY SUBSTITUTE AMENDMENT, TO 2005 ASSEMBLY BILL 383

du cog.

AN ACT ...; relating to: requiring criminal history background checks of applicants for certain state government positions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 230.17 (3) of the statutes is amended to read:

230.17 (3) When any position to be filled involves fiduciary responsibility, the appointing authority, where shall conduct a criminal history background check before offering employment to an applicant for the position. If otherwise permitted by law, the appointing authority may require the appointee to furnish bond or other security, and shall notify the administrator of the amount and other details thereof. Any surety company authorized to do business in this state shall be a sufficient security on any such bond.

History: 1971 c. 270; 1977 c. 196 ss. 42, 130 (5); Stats. 1977 s. 230.17; 1983 a. 453; 1995 a. 27 s. 9126 (19); 1999 a. 87.

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