

2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB383)

Received: 08/23/2005

Received By: rchampag

Wanted: Today

Identical to LRB:

For: Steve Kestell (608) 266-8530

By/Representing: Susan Crawford

This file may be shown to any legislator: NO

Drafter: rchampag

May Contact:

Addl. Drafters:

Subject: **Employ Pub - civil service**

Extra Copies: **CMH**

Submit via email: YES

Requester's email: **Rep.Kestell@legis.state.wi.us**

Carbon copy (CC:) to: **Susan.Crawford@oser.state.wi.us**

changed per RAC

Pre Topic:

No specific pre topic given

Topic:

Criminal background checks for state employment

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1	rchampag 08/23/2005	wjackson 08/23/2005	pgreensl 08/23/2005	_____	lemery 08/23/2005	lemery 08/23/2005	
				_____	mbarman 08/30/2005		

FE Sent For:

<END>

e-mailed to Kestell

per RAC

"Jacket" sent to Kestell's office

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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 already 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 responsibility 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



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBs0184/1
RAC:l:....
Wlj

Tues AM

ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2005 ASSEMBLY BILL 383

- gen. cat.

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

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

3 SECTION 1. 230.17 (3) of the statutes is amended to read:
4 230.17 (3) When any position to be filled involves fiduciary responsibility, the
5 appointing authority, where shall conduct a criminal history background check
6 before offering employment to an applicant for the position. If otherwise permitted
7 by law, the appointing authority may require the appointee to furnish bond or other
8 security, and shall notify the administrator of the amount and other details thereof.
9 Any surety company authorized to do business in this state shall be a sufficient
10 security on any such bond.