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🔍 Details: Legislative Audit Bureau Letter Report (June 2006): Employment of Felons by the Wisconsin Technical College System

(FORM UPDATED: 08/11/2010)

# WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

## 2005-06

(session year)

## Joint

(Assembly, Senate or Joint)

## Committee on Audit...

### COMMITTEE NOTICES ...

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### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

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  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)
  - (**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Letter Report

**Employment of Felons by  
the Wisconsin Technical  
College System**

*June 2006*



**Legislative Audit Bureau**

22 E. Mifflin St., Ste. 500, Madison, Wisconsin 53703-4225 • (608) 266-2818

Fax: (608) 267-0410 • Web site: [www.legis.state.wi.us/lab](http://www.legis.state.wi.us/lab)



STATE OF WISCONSIN

Legislative Audit Bureau

22 E. Mifflin St., Ste. 500  
Madison, Wisconsin 53703  
(608) 266-2818  
Fax (608) 267-0410  
Leg.Audit.Info@legis.state.wi.us

Janice Mueller  
State Auditor

June 22, 2006

Senator Carol A. Roessler and  
Representative Suzanne Jeskewitz, Co-chairpersons  
Joint Legislative Audit Committee  
State Capitol  
Madison, Wisconsin 53702

Dear Senator Roessler and Representative Jeskewitz:

At your request, we have completed a review of the number of Wisconsin Technical College System (WTCS) employees convicted of felonies. It is part of a comprehensive evaluation of WTCS personnel policies and practices approved by the Joint Legislative Audit Committee, which will be completed later this year.

Using Department of Corrections felony data and WTCS payroll data from March 2006, we identified 15 WTCS employees who were felons under state supervision.

Section 111.321, Wis. Stats., generally prohibits employment discrimination on the basis of arrest or conviction record, but under s. 111.335(1)(c), Wis. Stats., employment can be terminated when a conviction is substantially related to the circumstance of an individual's job. The decision to terminate is typically determined by an internal investigation. Because technical colleges were unaware of some of the felons, we have recommended that they conduct internal investigations to determine whether any of the convictions we identified are substantially job-related and whether any job action is appropriate.

We found that 8 of the 16 technical colleges had not developed policies or procedures for dealing with such situations, including policies related to terminating the employment of individuals when appropriate. We include a recommendation that technical college district boards establish policies and procedures for employee discipline and termination.

Finally, we found variation in how technical colleges conduct background checks of candidates for employment. We have recommended that the WTCS Board identify the types of jobs for which background checks should be conducted and require the technical college district boards to promulgate applicable policies.

We appreciate the courtesy and cooperation of the 16 technical colleges and WTCS Board staff in completing this review.

Sincerely,

Janice Mueller  
State Auditor

JM/PS/ss

## **EMPLOYMENT OF FELONS BY THE WISCONSIN TECHNICAL COLLEGE SYSTEM**

The Wisconsin Technical College System (WTCS) provides a variety of educational and training programs at 16 technical colleges throughout the state and has approximately 13,000 employees. The WTCS Board is a state agency and has several responsibilities, including setting statewide uniform tuition and fee rates, administering state and federal aid, developing statewide policies and standards for financial reporting by the 16 technical college districts, and approving qualifications for the districts' educational personnel and courses of study. Each technical college is considered a local unit of government, which employs its own staff and is directly governed by its own nine-member board.

As public institutions and responsible employers, technical colleges should seek to ensure a safe environment for faculty, staff, and students and that their employees do not damage their integrity, reputation, or public trust. However, in so doing, the colleges must not illegally discriminate against their employees.

Section 111.321, Wis. Stats., generally prohibits employment discrimination against any individual on the basis of arrest or conviction record. However, under s. 111.335(1)(c), Wis. Stats., an individual can be terminated from employment because of a conviction record if the conviction is substantially related to the circumstances of his or her job. Office of State Employment Relations guidelines state that to determine whether a felony conviction is related to a job, state agencies are to consider whether the conviction:

- compromises an employee's ability to retain the public's trust, have access to funds, or work with sensitive data, records, or property;
- arose out of an employment-related situation; or
- affects an employee's ability to perform his or her job in a safe and efficient manner.

Section 939.60, Wis. Stats., defines a felony as a crime punishable by imprisonment in a state prison, even though some may serve their sentences in county jails. Statutes do not clearly indicate whether individuals are considered felons even after their sentences have been completed. Some consider felons to be those who have committed felonies at any time in their lives, regardless of whether they remain under supervision. Others consider felons to be those who have committed felonies and remain under supervision, which includes:

- being incarcerated in a state correctional institution;
- being on parole, which applies to individuals who have been released from a state correctional institution but are under supervision by a parole officer; and
- being on probation, which applies to individuals who were not sentenced to state correctional institutions but are under supervision by a probation officer.

Our analyses include only individuals who have been convicted of one or more felonies and remain under supervision because they have not yet completed their sentences, and lawmakers and the courts have determined they may continue to pose a risk to others. In conducting this review, we compared the names and dates of birth of WTCS employees on the March 2006 payroll, which includes WTCS Board staff and employees of the 16 technical colleges, to the Department of Corrections' (DOC's) list of individuals who were convicted of felonies and incarcerated in a state correctional institution or supervised by state probation or parole officers in March 2006.

State and federal law enforcement authorities state that fingerprints are the most accurate method of determining whether an individual has been convicted of a felony, because a name or other personal information may falsely identify an individual as having a criminal conviction. Therefore, to verify the accuracy of our matching analysis, we:

- examined DOC's data for known aliases, changes in last name as a result of marriage or divorce, and common misspellings and abbreviations of names;
- searched the Consolidated Court Automation Programs (CCAP) for the employees identified from DOC's data, which allowed us to double-check information on the employees and their offenses; and
- sent a certified letter to each employee we identified, with the exception of those known to have been incarcerated in 2006, asking them to contact us if they believed our information was incorrect.

We also determined the number of WTCS employees who are registered sex offenders. An individual who lives, works, or attends school in Wisconsin must register with DOC as a sex offender if he or she has been convicted of a felony sex offense listed in s. 301.45(1d)(b), Wis. Stats., including first, second, or third degree sexual assault and first or second degree sexual assault of a child. In addition, a court may require an individual to register with DOC if it determines that his or her crime was sexually motivated, per s. 301.45(1g)(dt), Wis. Stats. Section 301.45(2), Wis. Stats., requires DOC to maintain a data base of registered sex offenders, who remain under limited state supervision for either 15 years or the remainder of their lives, depending on their offenses. Individuals on the registry must notify DOC of their address, place of employment, and of any changes to either.

We took several steps to be reasonably assured that our analyses do not incorrectly include or exclude employees who were convicted of felonies and were subject to state supervision in March 2006. However, some felons may have been missed because criminal records from other jurisdictions were unavailable to us. For example, in most instances our analyses exclude WTCS employees who:

- may have committed federal felonies and be under federal supervision;
- may have committed crimes in other states; and
- may be in county jails and are not on state probation or parole.

In addition to the matching analysis, we obtained policies and procedures governing criminal background checks of employees and candidates for employment by WTCS, including the 16 colleges and WTCS Board staff.

## **Employees with Felony Convictions**

As shown in Table 1, 15 WTCS employees had been convicted of felonies and were under state supervision in March 2006.

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Table 1  
**WTCS Employees Convicted of Felonies and Under State Supervision**  
As of March 2006

	Number of Employees
On Probation or Parole	6
Incarcerated <sup>1</sup>	1
Under Limited Supervision <sup>2</sup>	8
<b>Total</b>	<b>15</b>

<sup>1</sup> One technical college employed an incarcerated individual who participated in a work release program.

<sup>2</sup> Eight employees are registered sex offenders who were convicted of felonies but are no longer incarcerated or on probation or parole.

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As shown in Table 2, 13 of the 15 employees were support staff, which includes employees who have clerical, maintenance, or academic support job duties. The remaining two felons were faculty members.

Table 2

**WTCS Employees Convicted of Felonies, by Employment Category**  
As of March 2006

Employment Category	Number of Employees	Percentage of Total
Support Staff <sup>1</sup>	13	86.7%
Faculty	2	13.3
<b>Total</b>	<b>15</b>	<b>100.0%</b>

<sup>1</sup> Includes employees who have clerical, maintenance, or academic support job duties.

Technical colleges employed all 15 felons. We found no felons employed by the WTCS Board. As shown in Table 3, Madison Area Technical College employed 4 of the 15 felons.

Table 3

**WTCS Employees Convicted of Felonies, by College**  
As of March 2006

College	Number of Employees	Percentage of Total
Madison Area	4	26.6%
Milwaukee Area	3	20.0
Northcentral	2	13.3
Waukesha County	2	13.3
Chippewa Valley	1	6.7
Moraine Park	1	6.7
Nicolet Area	1	6.7
Wisconsin Indianhead	1	6.7
<b>Total</b>	<b>15</b>	<b>100.0%</b>

As shown in Table 4, the 15 employees had a total of 16 felony convictions, including 9 convictions for violent felonies. Eight employees were convicted of sexual assault, including 5 who were convicted of sexual assault of a child.

Table 4

**Felonies Committed by WTCS Employees<sup>1</sup>**  
As of March 2006

	Number of Convictions	Percentage of Total
<b>Violent Felonies</b>		
Sexual Assault of a Child	5	30.9%
Sexual Assault	3	18.8
Robbery	1	6.3
<b>Subtotal</b>	<b>9</b>	<b>56.0</b>
<b>Other Felonies</b>		
Theft	2	12.5
Child Abuse	1	6.3
Drug Possession	1	6.3
Fraud and Forgery	1	6.3
Interfering with Custody Order	1	6.3
Reckless Injury	1	6.3
<b>Total</b>	<b>16</b>	<b>100.0%</b>

<sup>1</sup> One employee was convicted of two felonies.

**Disciplinary Process and Criminal Background Checks**

As shown in Table 5, 9 of the 15 employees were convicted before beginning employment by WTCS, and 6 were convicted while employed by WTCS.

Table 5

**WTCS Employment Status at the Time of Conviction**

	Number of Employees	Percentage of Total
Convicted Before Employed	9	60.0%
Convicted While Employed	6	40.0
<b>Total</b>	<b>15</b>	<b>100.0%</b>

As noted, statutes allow technical colleges to terminate an individual's employment only if the circumstances of a felony conviction are substantially related to the employee's job. The collective bargaining agreements for represented employees typically specify that an employee may be dismissed by a technical college district only for just cause, and after due notice and hearing. The employment of represented employees cannot be terminated unless an internal investigation determines that the termination is justified. Internal investigations can be conducted based on convictions that occurred before or after an employee was hired by a technical college.

We did not attempt to determine whether any of the 16 convictions listed in Table 4 were related to the offending employee's job. However, we did attempt to determine the number of internal investigations conducted. We asked each college to provide information retained by its human resources department regarding the employees we identified as having been convicted of felonies, including whether internal investigations of those employees had been conducted and the outcomes of the investigations.

Of the six employees we identified as having been convicted of felonies while employed by technical colleges, only two were the subjects of internal investigations. Madison Area Technical College stated that it has investigated two of its employees convicted of felonies and found that their convictions were not substantially related to their jobs. Three other colleges employed the four remaining individuals who were convicted of felonies while employed, and they indicated that internal investigations had not been conducted.

We also found that 8 of the 16 technical colleges did not have written policies specifying the process for disciplining or terminating employees, including those employees not represented by unions. TCS 6.06(2), Wis. Adm. Code, requires technical college district boards to establish procedures for personnel actions. Without clearly defined policies, technical colleges cannot ensure consistency in decisions about whether to take disciplinary action, nor can they determine the appropriate timing and severity of disciplinary actions by supervisors or human resources staff.

### **Recommendation**

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*We recommend that the board of each technical college:*

- direct its staff to conduct internal investigations to determine whether the felony convictions we identified are substantially job-related and whether any job action is appropriate; and*
- develop written policies that identify the circumstances under which employees will be terminated from employment for just cause and the process that will be followed in doing so.*

### **Criminal Background Checks**

A criminal background check is a commonly used method for determining whether an applicant for employment has a job-related criminal record. If a background check finds an arrest, charge, or conviction that is substantially job related, s. 111.335(1)(b) and (c), Wis. Stats., allows an employer to refuse employment. Statutes and administrative code require criminal

background checks of all licensed primary and secondary educators, as well as candidates for caregiver positions such as those who work in hospitals, nursing homes, and day care facilities. In addition, statutes require all employers of individuals in caregiver positions to perform background checks of their staffs every four years.

The WTCS Board has not established a systemwide policy governing criminal background checks of either candidates for employment or its current employees. All technical colleges conduct background checks of some candidates for employment, but we found variation among them. For example:

- Gateway Technical College indicated it conducts background checks of all final candidates for employment.
- Lakeshore Technical College indicated it conducts background checks of all candidates for employment in its maintenance and payroll departments and for executive positions, including its president.
- Moraine Park Technical College indicated it conducts background checks of all finalists for only president and vice-president positions.

Office of State Employment Relations guidelines indicate that state agencies may conduct background checks of candidates for state employment if this is disclosed in the job announcement. Technical college districts may wish to consider providing similar notices in their job announcements.

Conducting background checks would increase administrative costs. The Wisconsin Department of Justice charges governmental agencies \$5 to conduct each background check, or \$15 if a fingerprint is used. However, it may be prudent to conduct background checks for certain types of jobs in addition to those required by statute, such as positions in which an employee may have access to financial information, cash, or personal information. Given the lack of written guidance in the use of background checks among the 16 technical colleges, we believe the WTCS Board should identify the types of positions for which it believes background checks should be conducted and require the technical college district boards to promulgate applicable policies.

#### Recommendation

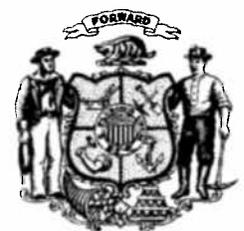
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*We recommend the Wisconsin Technical College System Board determine the types of jobs for which criminal background checks should be conducted and require each technical college district board to promulgate policies for conducting background checks of candidates for employment.*

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# WISCONSIN STATE LEGISLATURE





WISCONSIN STATE LEGISLATURE

Joint Legislative Audit Committee

Committee Co-Chairs:  
State Senator Carol Roessler  
State Representative Suzanne Jeskewitz

September 19, 2006

Ms. Mary Quinnette Cuene, President  
Wisconsin Technical College System Board  
c/o Northeast Wisconsin Technical College  
3490 Bay Highlands Drive  
Green Bay, Wisconsin 54311

Dear Ms. Cuene:

In June 2006, the nonpartisan Legislative Audit Bureau completed a review of the number of Wisconsin Technical College System (WTCS) employees convicted of felonies. This was one component of a comprehensive evaluation of WTCS personnel policies and practices approved by the Joint Legislative Audit Committee, which will be completed over the next several months.

In its report, the Bureau recommended that each technical college district board direct its staff to conduct internal investigations to determine whether the felony convictions identified in the audit report are substantially job-related and whether any job action is appropriate. The Bureau also recommended that each board develop written policies that identify the circumstances under which employees will be terminated from employment for just cause and the process that will be followed in doing so. Further, the Bureau recommended that the WTCS Board determine the types of jobs for which criminal background checks should be conducted and require each technical college district board to promulgate policies for conducting background checks of candidates for employment.

The Joint Legislative Audit Committee is charged with the responsibility for ensuring an appropriate agency response to specific audit recommendations. To that end, we ask the WTCS Board take appropriate action to address the audit findings and implement the recommendations. We ask that you report these actions to us, in writing, by December 1, 2006.

Thank you for your cooperation. We look forward to receiving your report on December 1<sup>st</sup>.

Sincerely,

Senator Carol A. Roessler, Co-chair  
Joint Legislative Audit Committee

Representative Suzanne Jeskewitz, Co-chair  
Joint Legislative Audit Committee

cc: Members, Joint Legislative Audit Committee  
Members, WTCS Board  
Presidents, Wisconsin Technical Colleges

Daniel C. Clancy, President  
Wisconsin Technical College System

Janice Mueller  
State Auditor





December 1, 2006

Senator Carol Roessler and  
Representative Suzanne Jeskewitz, Co-chairpersons  
Joint Legislative Audit Committee  
State Capitol  
Madison, WI 53702

Dear Senator Roessler and Representative Jeskewitz:

This letter is in response to your September 19, 2006 correspondence asking for a written report following up on the June 2006 *Employment of Felons by the Wisconsin Technical College System* letter report by the Legislative Audit Bureau.

You specifically requested a report which addresses the audit findings and our actions taken to date to implement the Audit Bureau's recommendation:

- that each technical college conduct internal investigations to determine whether the felony convictions identified are substantially job-related and whether any job action is appropriate;
- that each technical college develop written policies that identify the circumstances under which employees will be terminated from employment for just cause and the process that will be followed in doing so; and
- that the Wisconsin Technical College System determine the types of jobs for which criminal background checks should be conducted and require each technical college district board to promulgate policies for conducting background checks of candidates for employment.

As I noted at the time of the report's release, the Wisconsin Technical College System appreciates the professional manner in which the State Auditor and her staff conducted their review and handled these sensitive issues. I also mentioned that we intend to implement the recommendations and work with our colleges to ensure that the issues presented in the report are fully addressed.

It is important to begin by reiterating that Wisconsin statutes prohibit discrimination against any individual on the basis of arrest or conviction record, unless the conviction is substantially related to the circumstances of his or her job. The Audit Bureau identified 15 individuals at eight technical colleges with felony convictions and recommended internal investigations be conducted to determine if the conviction was substantially related to their job duties and if any job action is appropriate. We contacted the eight colleges to determine the status of those investigations and found that all eight had either conducted an investigation of those individuals, or determined that an investigation was not necessary because the person was no longer employed at the college.

The colleges were aware that several of these individuals had felony convictions prior to employment, and determined at the time of hire that their felony was not substantially related to the job duties. For example, one person was employed as part of a work release program with the Department of Corrections and, therefore, the college was aware the individual was a felon and it was determined that the conviction was not substantially related to the employment. Furthermore, the Audit Bureau reported that two of the six employees, who were convicted of felonies while employed by the technical colleges, were the subjects of

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Daniel Clancy, President

4622 University Avenue, PO Box 7874 Madison, Wisconsin 53707-7874 608.266.1207

TTY: 608.267.2483 Fax: 608.266.1690

[www.wtcsystem.edu](http://www.wtcsystem.edu) [www.witechcolleges.com](http://www.witechcolleges.com)

Senator Carol Roessler and  
Representative Suzanne Jeskewitz, Co-chairpersons  
Page 2  
December 1, 2006

internal investigations at that time. After all investigations were completed, only one investigation concluded that the individual identified had a conviction that was substantially related to their job. That person was terminated from employment subsequent to the investigation.

The Audit Bureau also recommended that eight colleges develop written policies regarding terminating employment for employees convicted of felonies. Our follow-up review found that four of the colleges have already adopted such a policy, and the remaining four are currently working on draft policies and intend to adopt such a policy. We will continue to follow up with the remaining colleges to ensure their policies are adopted.

The final recommendation was for the System Office to determine which types of jobs at the technical colleges should have criminal background checks conducted prior to employment and suggested that we require each technical college to promulgate procedures for conducting criminal background checks. It is important to note that all 16 colleges have been conducting background checks of some candidates for employment. For example, as required by statute, all the colleges are checking candidates for caregiver positions such as those who work in hospitals, nursing homes, and day care facilities. In addition, some colleges conduct background checks for all candidates for full-time employment, some check finalists for management positions, and others check financial or other fiduciary positions.

We are currently in the process of developing system-wide guidance on criminal background checks, which will include a requirement that districts adopt their own procedures for implementation of background checks. We have been coordinating this effort with the human resource directors at each college, as well as reviewing state and national standards in this area. We intend to issue this guidance by spring 2007.

I would like to again thank you for your continued support of the Wisconsin Technical College System. If you have any further questions regarding this matter, please do not hesitate to contact me.

Sincerely,



Daniel Clancy  
President

DC:JEZ:kss

cc: Members, WTCS Board  
Presidents, Wisconsin Technical College System  
Janice Mueller, State Auditor





WISCONSIN STATE LEGISLATURE

Joint Legislative Audit Committee

Committee Co-Chairs:  
State Senator Carol Roessler  
State Representative Suzanne Jeskewitz

December 7, 2006

Mr. Daniel Clancy, President  
Wisconsin Technical College System  
4622 University Avenue  
Madison, Wisconsin 53707

Dear Mr. Clancy:

Thank you for your letter, dated December 1, 2006, which responds to our September 2006 request for follow-up information concerning the employment of felons by the Wisconsin Technical College System.

We are pleased by the progress of the technical colleges in responding to the recommendations presented by the Legislative Audit Bureau. Your letter notes that four technical colleges are currently working to draft policies for terminating employment for employees convicted of felonies, but have not yet formalized such policies. We also note that you are in the process of developing system-wide guidance on criminal background checks in anticipation of issuing this guidance in spring 2007. Please plan to submit a written update to the co-chairpersons of the 2007-08 Joint Legislative Audit Committee by June 1, 2007, concerning the resolution of both outstanding issues.

We appreciate your responsiveness to our request for additional information and thank you for your cooperation.

Sincerely,

Senator Carol Roessler, Co-chair  
Joint Legislative Audit Committee

Representative Suzanne Jeskewitz, Co-chair  
Joint Legislative Audit Committee

cc: Janice Mueller  
State Auditor





## **NEWS Release**

Daniel Clancy, President  
Email: [info@wtcssystem.edu](mailto:info@wtcssystem.edu)  
[www.wtcssystem.edu](http://www.wtcssystem.edu)  
[www.witechcolleges.org](http://www.witechcolleges.org)

4622 University Avenue  
PO Box 7874  
Madison, WI 53707-7874  
Telephone: 608.266.7983  
Fax: 608.266.1690

**For immediate release**  
June 22, 2006

**Contact:** Dan Clancy, 608-266-7983  
Jim Zylstra, 608-266-1739

### ***WTCS responds to Legislative Audit Bureau Report***

The Wisconsin Technical College System announced today that it will implement the recommendations made by the Legislative Audit Bureau in its report regarding employment of felons by technical colleges.

“We will work with our colleges to ensure that the issues presented in the report are fully addressed,” said System President Dan Clancy. “Our colleges were aware of many of the felony convictions. Most have already conducted background checks and internal investigations of those still employed to determine if the felony convictions are substantially job-related. The recommendations by the Audit Bureau to have written district policies in place to handle these situations and to have System guidance on the types of jobs for which background checks should be conducted are reasonable and will help ensure a more systematic approach for addressing such personnel matters. I appreciate the professional manner in which the State Auditor and her staff have conducted their review and handled these sensitive issues,” Clancy said.

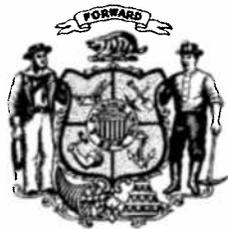
The auditors found that only 15 of the System’s approximately 13,000 employees had felony convictions, which represents about one-tenth of one percent of the System’s workforce. It is important to note that under state law, employers cannot discriminate on the basis of arrest or conviction record unless the conviction is substantially related to one’s job duties.

WTCS State Board President Brent Smith indicated that the Board would discuss the LAB report at its next meeting scheduled for June 27, 2006 in Madison. “I am confident that the Technical College System will respond to the LAB recommendations in a positive and timely manner,” Smith said.

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# WISCONSIN STATE LEGISLATURE



# MATC NEWS RELEASE

FOR IMMEDIATE RELEASE  
June 22, 2006

CONTACT: Bill Graf (608) 243-4210  
or Janet Kelly (608) 246-6127

## STATEMENT BY MADISON AREA TECHNICAL COLLEGE REGARDING LEGISLATIVE AUDIT BUREAU REPORT

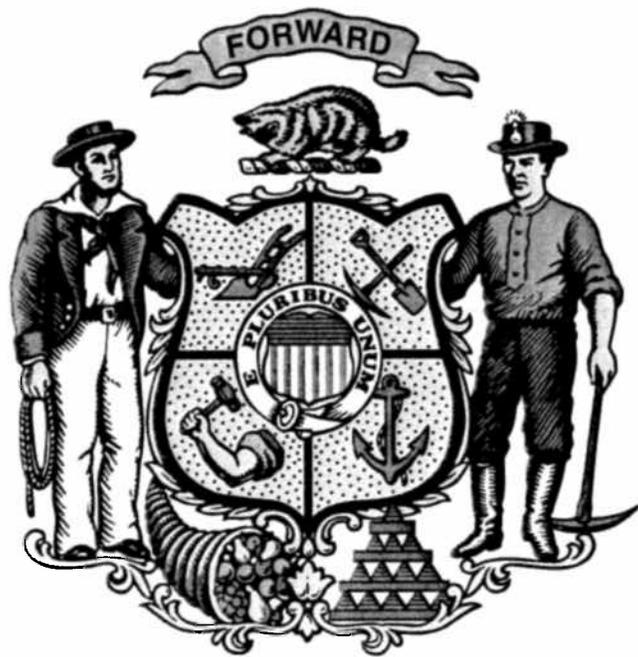
On June 22, 2006, the State of Wisconsin Legislative Audit Bureau issued a report on the employment of persons with criminal felony convictions by colleges in the Wisconsin Technical College System. The report states that 15 such persons were employed at WTCS colleges as of March 31, 2006, four of whom worked at Madison Area Technical College (MATC). The audit was requested by state legislators earlier this year after a similar audit of the University of Wisconsin System.

It has been MATC's standard procedure since the mid-1990s to conduct criminal background checks as part of the employee hiring process. State law prohibits employers from discriminating against job applicants or current employees based on an arrest or conviction record, unless the conviction is for an offense substantially related to the job. The convictions associated with individuals employed by MATC included theft, forgery, child abuse and cultivation of marijuana. In each of the four cases, the employee's conviction was determined not to be a relevant factor in their employment at the college given the specific nature and duties of their position.

Madison Area Technical College recognizes our obligation to provide a safe, secure environment for our students and staff. As a result of the issues raised by this audit, we will immediately review all relevant policies and procedures to ensure that safety and security are not compromised by the employment of individuals with a criminal conviction record.

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# CHIPPewa VALLEY NEWSPAPERS

Print Page

**MONDAY JUNE 26, 2006**

Last modified: Saturday, June 24, 2006 1:54 PM CDT

## **Audit: CVTC hired felon on probation**

By The Chippewa Herald and The Associated Press

MADISON — A felon on probation for sexual assault of a child and armed robbery was hired as a peer tutor at Chippewa Valley Technical College.

David Ferry was on parole for armed robbery and on probation for second-degree sexual assault of a child when hired as a peer tutor by CVTC in January.

Ferry is among 15 convicted felons who were working for eight of Wisconsin's technical colleges as of the end of March, according to an audit Thursday by the Legislative Audit Bureau.

Ferry was a student and worked a total of 12 hours for the college before he left the job on his own, said CVTC vice president of operations, Bruce Barker.

He said peer tutors are in a controlled environment and are overseen by other personnel.

Barker said CVTC checks the criminal records of applicants for some jobs, such as those giving care to others. But the backgrounds of applicants for other jobs, including peer tutors, aren't checked.

"We haven't done it in other areas and that's what we're looking at now," he said.

Barker said the college is examining its hiring practices in the wake of the report.

He said CVTC has other students with criminal backgrounds, including jail inmates with work-release privileges. The college also offers GED classes in the Eau Claire County Jail, Barker said.

The other felons identified in the report include a registered sex offender convicted of indecency with a child is a faculty member teaching sociology at Northcentral Technical

College. And a faculty member at Moraine Park Technical College was hired despite a conviction for second-degree sexual assault.

Of the 15 felons, two were employed as faculty members and the others worked in support positions, the report said. Six committed their crimes while working at the schools, the audit said.

Jobs held by the felons, in addition to the peer tutor and sociology instructor, included a food preparer, custodian, database specialist and educational assistant.

The audit found that half of the state's 16 technical colleges had not developed policies or procedures for the hiring of convicted felons, and it recommended they do so.

Dan Clancy, president of the Wisconsin Technical College System, said the campuses will adopt the report's recommendations to better screen employees and implement better policies related to the hiring and firing of felons. Board President Brent Smith said the panel will discuss the report at its meeting on Tuesday.

State law generally prohibits employment discrimination on the basis of someone's arrest or conviction record. However, an employee can be fired if the conviction is substantially related to the job.

The audit follows one earlier this year on the University of Wisconsin System, which found 40 felons working in the system. With about 42,000 people in the UW System, only 1-in-1,050 were felons. For the technical colleges, which have about 13,000 workers, the ratio was higher at 1-in-866.

The latest audit recommends the technical colleges conduct internal investigations and determine whether any of the convictions identified are substantially job related and whether any job action is appropriate.

The analysis covered only those felons who remained under supervision because they have not yet completed their sentences. Auditors compiled the report by comparing employee records with Department of Corrections data.

The list contained two faculty members — Donald Patterson of Moraine Park Technical College and David Barrera of Northcentral Technical College.

Northcentral hired Barrera as a sociology instructor in 2003 despite his conviction for indecency with a child in 1993 in Texas.

Northcentral issued a statement identifying Barrera and another employee on the list, academic specialist Yvonne Schuster, who was convicted of theft in 2001. The college said it was aware both had made mistakes and accepted the responsibility and consequences for their actions.

"Neither individual has re-offended and they should be allowed the opportunity to rebuild their lives," the statement said, adding that no one has filed complaints about either one.

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