

CR 87-107

CERTIFICATE

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AUG 15 1988  
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Revisor of Statutes  
Bureau

STATE OF WISCONSIN )  
 ) SS  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

I, Patricia A. Goodrich, Deputy Secretary of the Department of Health and Social Services and custodian of the official records of the Department, do hereby certify that the annexed rules relating to the meaning of "civil rights grievance" in the inmate complaint review system were duly approved and adopted by this Department on August 11, 1988.

I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 11th day of August, 1988.

SEAL:

  
\_\_\_\_\_  
Patricia A. Goodrich, Deputy Secretary  
Department of Health and Social Services

ORDER OF THE  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
AMENDING RULES

To amend HSS 310.02(5), relating to the definition of "civil rights grievance" for the purpose of the inmate complaint review system.

Analysis Prepared by the Department of Health and Social Services.

Section HSS 310.02(5) defines "civil rights grievance" for purposes of the inmate complaint review system in adult correctional institutions. The present definition allows an inmate to complain that he or she has been discriminated against on the basis of his or her arrest or conviction record. This standardized departmental definition is inappropriate in the correctional setting. An inmate's criminal record is an important factor to consider in determining his or her security classification, institutional placement and program assignment. Since the current definition of civil rights grievance implies that an inmate's arrest or conviction record may not be considered in making such decisions, it conflicts with the criteria for program assignment and security classification listed in ch.HSS 302.

The proposed amendment changes the definition of civil rights grievance to eliminate arrest or conviction records from the list of factors which are impermissible bases for decision making in the correctional setting.

The Department's authority to amend this rule is set forth in ss. 46.03(6) and 227.11(2), Stats. The rule interprets s. 46.03(6), Stats.

SECTION 1. HSS 310.02(5) is amended to read:

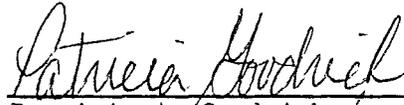
HSS 310.02(5) "Civil rights grievance" means any complaint relating to an incident affecting the delivery of services to inmates in which it appears an inmate has been discriminated against on the basis of race, creed, ethnicity, national origin, sex, handicap, age, religion, color, ancestry, sexual orientation, or marital status; ~~or arrest or conviction record.~~

The amendment contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in s.227.22(2), Stats.

Wisconsin Department of Health  
and Social Services

Dated: August 11, 1988

By:

  
Patricia A. Goodrich  
Deputy Secretary

Seal:



State of Wisconsin

DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
1 West Wilson Street, Madison, Wisconsin 53702

Tommy G. Thompson  
Governor

Timothy F. Cullen  
Secretary

August 11, 1988

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Mailing Address:  
Post Office Box 7850  
Madison, WI 53707

AUG 15 1988

Mr. Orlan Prestegard  
Revisor of Statutes  
7th Floor - 30 on the Square  
Madison, Wisconsin 53702

Revisor of Statutes  
Bureau

Dear Mr. Prestegard:

As provided in s. 227.20, Stats., there is hereby submitted a certified copy of HSS 310.02(5), administrative rules relating to the meaning of "civil rights grievance" in the inmate complaint review system.

These rules are also being submitted to the Secretary of State as required by s. 227.20, Stats.

These rules apply to inmates of adult correctional institutions and to adult correctional institutions. The rules do not affect small businesses as defined in s. 227.114(1)(a), Stats.

Sincerely,

*Patricia A. Goodrich*  
Patricia A. Goodrich  
DEPUTY SECRETARY

Enclosure