



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 350
[2005 Assembly Bill 383]

**Appointment to a Position of
Fiduciary Responsibility**

Generally, current Wisconsin law provides that an employer may not discriminate against an employee or prospective employee on the basis of the person's conviction record unless the circumstances of the offense for which the person was convicted substantially relate to the circumstances of a particular job. Similarly, an employer may not generally refuse to hire, and may not suspend from employment, an employee or prospective employee who is subject to a pending criminal charge unless the circumstances of the charge substantially relate to the circumstances of the particular job. An "employer" includes the state and its agencies.

2005 Wisconsin Act 350 provides that when any position to be filled in the executive branch of state government involves fiduciary responsibility, the appointing authority must conduct a criminal history background check before offering employment to an applicant for the position.

Effective Date: The Act takes effect on May 3, 2006.

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RS:rv

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.