



Department of Human Resources

INTER-OFFICE COMMUNICATION

Date: FEBRUARY 22, 2013
To: County Board Chairwoman Marina Dimitrijevic
FROM: Kerry Mitchell, Director, Department of Human Resources *K. Mitchell*
SUBJECT: **Revisions to MCGO Chapter 19 – Fingerprinting of Employees**

The Department of Human Resources (DHR) is recommending revisions to Chapter 19 of the Code of General Ordinance to remove administrative inefficiencies related to fingerprinting County employees.

Existing provisions of the Code require all employees, no matter the employee's function or degree of interaction with the public or sensitive information, to be fingerprinted in a very prescriptive manner. To be sure, there some positions in Milwaukee County where thorough background investigations, including FBI background checks, are necessary. For example, law enforcement personnel and County care givers must be thoroughly screened. Such screening may require fingerprinting in order to complete an FBI background check; in some cases fingerprinting is mandated by state or federal law.

However, for most newly appointed employees, payroll clerks who complete onboarding paperwork, HR staff, and the administrative staff in the Sheriff's Office, the requirements of Chapter 19 represent an inefficient and antiquated practice that offers no value for the public or the County, and merely creates extra work for those who participate in this process.

The recommended revisions to Chapter 19 included herein acknowledge that fingerprinting is required by law for some positions, while certain other positions, as directed by the Director of Human Resources, should be fingerprinted as part of the normal background investigation process to ensure public safety.

Please refer this request to the Committee on Finance, Personnel and Audit. Thank you for your attention to this matter. Please contact me with any questions.

(ITEM) From the Director, Department of Human Resources, recommending adoption of a resolution/ordinance to amend Chapter 19 of the Milwaukee County Code of General Ordinances - Fingerprinting of County Employees, by recommending adoption of the following:

A RESOLUTION

WHEREAS, the Department of Human Resources strives to be compliant with all applicable rules, ordinances, and laws, however, the Department periodically encounters rules or ordinances that, although well-intentioned, have resulted in process or operational requirements that are no longer efficient, necessary, desirable and/or practical; and

WHEREAS, in the Department's continuing efforts to increase operational efficiencies, the Department will present to the appropriate authority – legislative, administrative or the civil service commission – proposals to revise such rules or ordinances as necessary; and

WHEREAS, Chapter 19 of the Milwaukee County Code of General Ordinances (MCGO) was initially adopted in 1942 and includes highly prescriptive language regarding fingerprinting of "all officers and all persons in the employ of the county and any of its boards or commissions" and requires retention of such records; and,

WHEREAS, Wisconsin State Statutes already provide direction over the nature of employment that either may or will require fingerprinting, including law enforcement positions as well as care givers, certain educators, school bus drivers, and lottery workers; and,

WHEREAS, Federal law requires fingerprinting for any employee working at General Mitchell International Airport, and other County departments may be subject to statutes or laws requiring fingerprinting of employees; and,

WHEREAS, the fingerprinting requirement poses a burden on newly hired employees and the departments that hire them, payroll clerks, HR staff, and staff in the Sheriff's Office while providing no benefit; and,

WHEREAS, after reviewing the history of Chapter 19 to determine the initial legislative intent, consulting with the Office of Corporation Counsel, the Sheriff's Office, and reviewing the policies of other governmental jurisdictions, the Department recommends revising Chapter 19 to remove the stringent administrative requirements

35 while maintaining assurances that the safety and care of the public is not
36 compromised; now, therefore,

37 BE IT RESOLVED, that the Milwaukee County Board of Supervisors hereby
38 amends Chapter 19 of the Milwaukee County Code of General Ordinances by
39 adopting the following:

40 AN ORDINANCE

41 The County Board of Supervisors of the County of Milwaukee does ordain as
42 follows:

43 **SECTION 1.** Chapter 19 of the General Ordinances of Milwaukee County is amended
44 as follows:

45 19.01. - Fingerprinting required; information required.

46 ~~All employees in positions that are required by law to be fingerprinted, and any other~~
47 ~~position so designated by the Director of the Department of Human Resources, shall have~~
48 ~~their Ffingerprints of all officers and of all persons in the employ of the county and any of its~~
49 ~~boards or commissions, whether with or without pay, shall be taken by the Office of the~~
50 ~~Sheriff on forms prescribed by the Office of the Sheriff, within the first five (5) days of the~~
51 ~~commencement of employment standard eight inch by eight inch fingerprint cards, together~~
52 ~~with such information as full name of person fingerprinted, race, sex, date fingerprint~~
53 ~~impression is taken, applicant's signature, name of department employing, city, state,~~
54 ~~position held or applied for, date, address, birthplace, age, date of birth, height, weight, color~~
55 ~~of hair and eyes, complexion, build, scars and marks, and such other information, including~~
56 ~~photograph, and proof of citizenship, as the county department of human resources may~~
57 ~~require. Such fingerprint record shall be retained by the Office of the Sheriff.~~

58 19.02. - New entrants to county service.

59 ~~The department of human resources, or in the case of exempt employes, the heads~~
60 ~~of departments, are ordered and directed to secure such fingerprints and other information~~
61 ~~initially before March 1, 1942, and to obtain the fingerprints of all future entrants and officials~~
62 ~~when they enter the service of the county, as indicated in section 19.01 of the Code.~~

63 19.03. - Records of fingerprints.

64 ~~One (1) copy of such fingerprints shall be taken by the sheriff's department in the~~
65 ~~prescribed manner, under the direction of the department of human resources. Such~~
66 ~~fingerprint record shall be retained in the files of the sheriff's department. The department of~~
67 ~~human resources shall check payrolls and shall notify all persons omitting to file prints.~~

68 19.04. - Record given to employe upon termination of employment.

69 ~~Persons as prescribed in section 19.01 of the Code, shall, upon their request, be~~
70 ~~furnished their fingerprint record sixty (60) calendar days after their termination of~~
71 ~~employment with the county. However, if such persons return to the employ of the county,~~
72 ~~their fingerprints shall again be taken as prescribed in sections 19.01, 19.02 and 19.03 of the~~
73 ~~Code.~~

74 **19.0502. - Effect of noncompliance with chapter.**

75 Any person refusing to comply with this chapter, shall not be employed, or if
76 employed shall be subject to dismissal from the county service.

77
78 **SECTION 2.** The provisions of this ordinance shall be effective upon passage and
79 publication.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: February 22, 2013

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: A resolution/ordinance to revise Chapter 19 of the Milwaukee County Code of General Ordinances.

FISCAL EFFECT:

- | | |
|---|--|
| <input checked="" type="checkbox"/> No Direct County Fiscal Impact
<input type="checkbox"/> Existing Staff Time Required
<input type="checkbox"/> Increase Operating Expenditures
(If checked, check one of two boxes below)
<input type="checkbox"/> Absorbed Within Agency's Budget
<input type="checkbox"/> Not Absorbed Within Agency's Budget
<input type="checkbox"/> Decrease Operating Expenditures
<input type="checkbox"/> Increase Operating Revenues
<input type="checkbox"/> Decrease Operating Revenues | <input type="checkbox"/> Increase Capital Expenditures
<input type="checkbox"/> Decrease Capital Expenditures
<input type="checkbox"/> Increase Capital Revenues
<input type="checkbox"/> Decrease Capital Revenues
<input type="checkbox"/> Use of contingent funds |
|---|--|

Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	0	0
	Revenue	0	0
	Net Cost	0	0
Capital Improvement Budget	Expenditure		
	Revenue		
	Net Cost		

DESCRIPTION OF FISCAL EFFECT

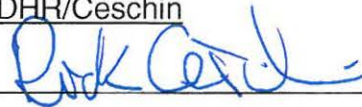
In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated.¹ If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

Adoption of this resolution/ordinance will reduce administrative staff time for newly hired employees, personnel in Human Resources and the Office of the Sheriff, and payroll clerks throughout the County. While there may be a reduction in commodities for the supplies necessary for fingerprinting, no direct departmental savings are anticipated.

Department/Prepared By DHR/Ceschin

Authorized Signature



Did DAS-Fiscal Staff Review? Yes No

¹ If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.