

SENATE BILL REPORT

ESSB 5606

As Passed Senate, March 12, 2001

Title: An act relating to making the background check requirements for employees consistent with background check requirements for service providers, agencies, and entities serving vulnerable adults and children.

Brief Description: Regarding background checks.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles and Long; by request of Department of Social and Health Services).

Brief History:

Committee Activity: Human Services & Corrections: 2/16/01, 2/22/01 [DPS].

Passed Senate: 3/12/01, 48-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5606 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Staff: Joan K. Mell (786-7447)

Background: In the past year, changes have been made at the Department of Social and Health Services to consolidate the process of background checks into one department. However, due to the complexity of the law governing background checks, the checks are still done according to the various division requirements, even though the department has physically located everyone together. Management is in the process of developing uniform procedures, and policies. However, some changes require legislation. The changes requiring legislation are being undertaken in small pieces in an effort to prevent large scale changes that have a negative result both in terms of productivity and protection of public safety.

Early analyses indicate a lack of uniformity among state employees and those employees or volunteers working in state funded programs or supported by state dollars. There is a provision in state law that pertains to state employees, which has been interpreted to preclude consideration of crimes that occurred ten years ago by a hiring entity. In addition, statutory provisions may not require the same type of background check for state employees.

Summary of Bill: The Department of Social and Health Services (DSHS) is exempt from the provision in law that limits disqualification based upon a conviction ten years old when the employee will or may have unsupervised access to children, juveniles, and vulnerable adults and persons.

The State School for the Deaf and the State School for the Blind must conduct state and federal background checks for any person with regularly scheduled unsupervised access to children.

The Department of Personnel and DSHS are authorized to make rules in cooperation and agreement consistent with legislative changes, which specifically address the issue of an employee being affected by a background check. Current employees would not have a background check for a year from the implementation of the act.

The immediate implementation is necessary to protect the public.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: This is a positive agency effort to protect public safety by making background checks uniform. Technical changes are needed.

Testimony Against: None.

Testified: Sherry McNamara, DSHS (pro); Jamila Thomas-Roberts (pro); Captain Eric Robertson, WA State Patrol (concerns).

House Amendment(s): A striking amendment with amendments was adopted. The intent section is clarified. The provisions giving current state employees one year to comply are stricken; the checks would be required right away. The exception to the ten-year rule under current statute is eliminated and language is added making felonies related to the position sought automatic disqualifiers. Language is amended making the School for the Blind and the School for the Deaf background checks part of the Superintendent of Public Instruction's background check process. Provisions are added to clarify current employees will be required to have background checks if they have or will have unsupervised access. Rulemaking authority is narrowed. The Personnel Resources Board must develop policy recommendations and report to the Legislature regarding disqualified employees.