

Fiscal Estimate Narratives

DOA 1/8/2020

LRB Number	19-3806/1	Introduction Number	AB-0646	Estimate Type	Original
Description registration of recovery residences and disciplinary action against a state employee who is receiving medication-assisted treatment					

Assumptions Used in Arriving at Fiscal Estimate

AB-646 provides that state employees would not be subject to discipline, without prior progressive discipline while on duty, if the person is under the influence of, or in possession of, a controlled substance or controlled substance analog as dispensed, prescribed, or recommended as part of medication-assisted treatment. Currently, state employees may be disciplined and may be removed, suspended without pay, discharged, demoted, or receive a reduction in pay without receiving prior progressive discipline for possessing without a prescription for, or being under the influence of, a controlled substance or controlled substance analog, as is currently identified under s. 230.34 (1)(a), Wis. Stats.

The Department of Administration's (Department), Division of Personnel Management (DPM) is responsible for providing HR enterprise services, which includes providing consultation with all state agency human resource and employment relations representatives in their interpretation and application of employment relations state statutes, administrative code, and policies. DPM staff also conduct investigations at the agency and enterprise level on state employee conduct.

Current DPM policies and procedures for the investigation of state employee conduct includes the provision of the employee with an opportunity to offer documentation of medical necessity and prescriptions for medications. The Department would develop and apply a similar process to offer the employee an opportunity to share documentation of a prescription or recommendation of use or possession of a controlled substance as part of their medication-assisted treatment. If the state employee provides documentation of the related medication-assisted treatment, they would not be subject to discipline without prior progressive discipline.

DPM would be required to modify enterprise and agency state employee policies and procedures and work rules, including those under the Wisconsin Human Resources Handbook; Chapter 410; Employee Work Rules and Discipline Procedure, to include the discipline requirements for medication-assistance treatment substance abuse use or possession. Additional training efforts may be required, in order to train agency human resources staff on modified employment relations practices.

The Department does not readily have known instances of investigations or discipline related to controlled substance use or possession as approved or prescribed by a licensed medical prescriber, and therefore is not able to readily estimate the number of investigations and state employees impacted by the proposed legislation. The fiscal impact of AB 646 is indeterminate, however the Department estimates that the additional DPM staff time required to modify and review enterprise and agency human resources employment relations policies and procedures would be minimal, as well as any potential additional time required to train human resource staff on modified investigation practices, and would be able to be absorbed with current staffing levels.

Long-Range Fiscal Implications