

CHAPTER 43 – EMPLOYMENT ELIGIBILITY AND REHABILITATION

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CHAPTER 43 – EMPLOYMENT ELIGIBILITY AND REHABILITATION

43.1 SECTION 1: AUTHORITY AND PURPOSE

This Ordinance is enacted pursuant to the Red Cliff Constitution, Article IV, subsections (e), (i), (l) and (p). As the governing body, the Red Cliff Tribal Council has the right and ability to create its own rules governing employment within the tribal governmental organization. This includes the right and ability to grant certificates of rehabilitation for employment, thus permitting persons otherwise prohibited from employment in certain positions to work in such positions. It is important to recognize, however, that many positions within the tribal organization are funded from sources that impose their own independent restrictions on employment. Further, laws such as the Indian Child Protection and Family Violence Prevention Act absolutely prohibit employment of certain persons in certain positions. Therefore, employment may need to be refused or limited to specific positions regardless of any certificate of rehabilitation that may have been granted. This Chapter is designed to govern the circumstances under which persons can be employed within the organization either with or without a certificate of rehabilitation.

43.2 SECTION 2: APPLICABILITY

The provisions of this ordinance shall apply to all persons seeking employment or currently employed by the Red Cliff Tribal Government through any of the Tribal programs in the Tribal organizational structure.

43.3 SECTION 3: DEFINITIONS

- a) “Attachment A” means the list of positions or category of positions potentially impacting the welfare of children or clients of caregivers and over which the Red Cliff Tribal Council has authority.
- b) “Attachment B” means the crimes list for which a conviction requires a employment review if a person is in a position or category listed in Attachment A.
- c) “Certificate of Rehabilitation” means a certificate issued by the Red Cliff Tribal Council authorizing a person who has been charged or convicted of a crime, or who had a professional or occupational license disciplined, to work in position(s) identified in the Certificate. This certificate may also state conditions under which the person may work in the identified position(s). Notwithstanding the terms of the Certificate, conditions of certain funding sources and certain laws may absolutely prohibit certain individuals from being employed in certain positions and these prohibitions supersede the Certificate of Rehabilitation.

- d) “Crime” means an act committed or omitted, in violation of a public law, classified by the Tribe, a State or Congress as a felony or misdemeanor.
- e) “Tribal Administration” means a combination of the Chairperson, Vice-Chairperson, Secretary, and Treasurer of the Red Cliff Tribal Council and may include such other position within the tribal organization as deemed appropriate by the above-named officers of the Red Cliff Tribal Council.

43.4

SECTION 4: HIRING AND EMPLOYMENT

- a) Application Review. Prior to making an offer of employment to any applicant, the Director of Human Resources must obtain a completed Background Information Disclosure (currently Form F-82064) from the applicant. For all applicants for positions listed in Attachment A, a criminal background check must also be completed prior to making an offer of employment. No offers of employment shall be made unless the Director of Human Resources has previously certified that based upon a review of the Background Information Disclosure form, the criminal background check, if any, and the remainder of the information submitted/obtained as part of the employment application, that the applicant’s employment is not prohibited by any law, the terms and conditions of any grant or the terms and conditions of other funding sources for the position being filled.
- b) Duty to Report. All employees shall immediately report to the Director of Human Resources any of the following events occurring subsequent to the applicant’s start of employment.
 - 1. Any criminal charges filed against the employee in federal, state, local, military, tribal or any other jurisdiction’s courts.
 - 2. The employee’s conviction of any crime in federal, state, local, military, tribal or any other jurisdiction’s courts.
 - 3. Any revocation, suspension, or limitation of any professional or occupational credential of the employee.

All employees shall provide the Director of Human Resources any report-related documentation requested by the Director of Human Resources within 48 hours of the request.

43.5

SECTION 5: DISCIPLINE

- a) Failure to fully and accurately disclose/report or timely document as required by Section 43.4 may be cause for rejection of an employment application or discipline of an employee, including termination of employment with the Tribe.

- b) If an employee is determined to have an arrest, conviction or regulatory disciplinary order that substantially relates to the employee's position, the employee may be subject to discipline and may be ineligible to continue in their position.
- c) Any report provided by an employee under Section 43.4 shall be forwarded by the Director of Human Resources to Tribal Administration. Based on its review of the employee's report and documentation, Tribal Administration shall determine if said employee may continue in that position pending the outcome of the legal proceeding, rehabilitation requests, etc. The decision of the Tribal Administration shall be in writing. The Tribal Administration decision shall be reviewed at the next Tribal Council meeting. The Tribal Council shall make the final determination based upon the report and documentation. Subsequent information such as the outcome of a legal proceeding shall be submitted to Tribal Council for potential modification of the previous determination if warranted by the new information.

43.6 SECTION 6: PETITION FOR REHABILITATION

An applicant for employment or an employee who had an arrest, conviction or regulatory order that is substantially related to the employee's position may petition for a Rehabilitation Review Hearing. A copy of the Petition for Certification of Rehabilitation form may be obtained from the Director of Human Resources. The completed petition and all required documentation should be submitted to the Director of Human Resources. If the Human Resources Director is not available, the petition may be filed with either the Tribal Administrative Liaison or the Executive Secretary. All petitions for a Rehabilitation Review Hearing shall be dated and time stamped upon receipt of the petition.

43.7 SECTION 7: REHABILITATION REVIEW BOARD

The Rehabilitation Review Board shall be the Red Cliff Tribal Council.

43.8 SECTION 8: REHABILITATION REVIEW HEARING

- a) The Rehabilitation Review Hearing shall be scheduled upon filing of a petition with the Human Resources Director. The petition for a Rehabilitation Review Hearing shall be forwarded to the Secretary of the Tribal Council for scheduling. The Director of Human Resources shall submit a certification with the petition that, based upon a review of the information submitted by the Petitioner and other information obtained, whether or not the petitioner's employment is prohibited by any law, the terms and conditions of any grant or the terms and conditions of other funding sources for the employee's position or position being filled.

- b) The Rehabilitation Review Hearing shall be held within thirty (30) days of receipt of the request for a Rehabilitation Review Hearing unless the Applicant is ineligible for Rehabilitation under any applicable law including 25 USC Ch. 34 Section 3207 or the terms and conditions of any grant or other funding sources for the position being filled.
- c) Notice of the Rehabilitation Review Hearing shall be mailed to the petitioner, the supervisor, the division administrator and the division chief as applicable. Inter-office mail is an acceptable method for noticing employees of the Tribe of a pending Rehabilitation Review Hearing. All Rehabilitation Review Hearings shall be held in executive session of the Red Cliff Tribal Council Meetings. Only the Tribal Council, those persons designated by the Tribal Council, the petitioner, his or her representative and such other persons agreed to by the Tribal Council and the petitioner may attend a Rehabilitation Review Hearing.
- d) Attendance is mandatory for the petitioner. If the petitioner is not present at the Hearing, the petition shall be denied.
- e) The petitioner's supervisor, the division administrator, and the division chief, as applicable shall attend the Rehabilitation Review Hearing. The Tribal Council may direct the Human Resources Director to attend the Rehabilitation Review Hearing.
- f) The supervisor, the division administrator, and the division chief, as applicable shall be prepared to provide information as to the scope of employee's work, or other contact with clients and the potential impact the identified crimes/conviction(s) will have on the clients being served.
- g) The Rehabilitation Review Board shall be provided with a packet that contains the petitioner's arrest/conviction record, date(s) of arrest/conviction(s), information as to the person's status within the legal system and such other information as requested by the Rehabilitation Review Board. The Human Resources Director shall provide this packet of information to the Tribal Council Secretary. This packet shall be returned to the Human Resources Director upon the completion of the meeting.
- h) The Rehabilitation Review Board may:
 - 1. Grant a Certificate of Rehabilitation.
 - 2. Grant a Certificate of Rehabilitation with conditions. Conditions of this Certificate shall be strictly adhered to by those persons supervising the petitioner, shall be made in writing, and shall

operate as continuing restrictions on said person's employment with the Tribe. Conditions may include specifying which positions the petitioner is eligible to hold.

3. Deny the Certificate of Rehabilitation.

- i) A Certificate of Rehabilitation means the person who has been convicted of an offense listed in Attachment B is able to work at any position specified in the Certificate of Rehabilitation.
- j) A Certificate of Rehabilitation with Conditions means special conditions exist for the petitioner to work for the Tribe. A violation of these conditions may result in termination of employment for the petitioner. If it is learned that the supervisor, the division administrator, and/or the division chief were aware of the violations of the terms of the Certificate of Rehabilitation with conditions, disciplinary action may be taken against the supervisor, division administrator or division chief. This Certificate of Rehabilitation with Conditions shall also indicate when the petitioner may petition for another hearing on the matter or state conditions that must be met before another hearing is held on the matter.
- k) A denial of Certificate of Rehabilitation means the petitioner is not able to work in any position listed in Attachment A. This ruling shall also identify the earliest date another hearing may be held on the matter or indicate conditions that must be met before another hearing will be held on the matter.
- l) The decision of the Red Cliff Tribal Council is final, and no appeal may be made from that decision.

43.9

SECTION 9: CONDITIONS FOR GRANTING A CERTIFICATE OF REHABILITATION

- a) In considering whether to grant a Certificate of Rehabilitation the following factors shall be considered:
 - 1) Whether the Applicant is ineligible under applicable funding sources or applicable laws such as 25 USC Ch. 34 Section 3207.
 - 2) The seriousness of the offense and the length of time since the arrest or conviction, and whether the petitioner is still on probation for that offense.
 - 3) The circumstances surrounding the conviction, what actions, if any, have been taken to correct those circumstances, and

assurances that this behavior will not occur in the future.

- 4) The petitioner's record since the conviction(s) that have caused the petitioner to be before the Rehabilitation Review Board.
 - 5) The possible risks toward the clients being served by the position for which the petitioner is applying or is employed.
 - 6) The manner in which the Tribe became aware of the conviction.
- b) In making decisions on this matter the Tribal Council may consider such other factors deemed appropriate.

43.10

SECTION 10: ATTACHMENT A EMPLOYEES

- a) The provisions of this section are designed to safeguard the welfare of children and clients of designated departments within the Red Cliff Tribal organization, to conform with the requirements of 25 USC Ch. 34 Section 3207: Indian Child Protection And Family Violence Prevention Act and Wisconsin caregiver laws, Wisconsin Statutes, sections 48.685 and 50.065, including related provisions as amended from time to time.
- b) No person may be employed within tribal government, including any tribal program within the tribal organizational structure, in a position identified by Attachment A if said person has been convicted of an offense listed in Attachment B, unless said person has been granted a Certificate of Rehabilitation by the Red Cliff Tribal Council. Note that Certificates of Rehabilitation may be unavailable for persons whose employment is prohibited in certain positions under 25 USC Ch. 34 Section 3207: INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION or other applicable laws. Prohibitions against employment found in applicable laws or the terms and conditions of grants and funding programs for a position supersede Certificates of Rehabilitation.
- c) The position listed in Attachment A and the offenses listed in Attachment B may be amended by Tribal Administration at any time. Any change to Attachment A or Attachment B must be approved by the Tribal Council at the next regular Tribal Council meeting.

43.11

SECTION 11: ATTACHMENT A EMPLOYEE PROVISIONS; CRIMINAL BACKGROUND INVESTIGATIONS

- a) All persons affiliated with the Tribe in a category listed in Attachment A, shall have a criminal background investigation completed. A copy of the

results of the investigation shall be maintained with the Human Resources Director.

- b) All persons employed in a position in Attachment A shall have a criminal background investigation completed every fourth (4th) year of employment with the Tribe.
- c) Any employee listed in Attachment A, who has been convicted of an offense listed in Attachment B, who does not file for a Rehabilitation Review Hearing within the designated time frame shall be terminated as an employee at the expiration of the time frame designated herein.

43.12

SECTION 12: CONFIDENTIALITY OF CRIMINAL BACKGROUND INVESTIGATIONS

- a) All information gained in a criminal background investigation shall be kept strictly confidential, subject to review only by the program manager or division administrator, as applicable, and the Red Cliff Tribal Council.
- b) All criminal background investigations shall be conducted by the program manager or division administrator. The results of this investigation shall be turned over to the Human Resources Director. The Human Resources Director shall store the results of the investigation in a locked file for safekeeping.
- c) The results of the criminal background investigation shall not be duplicated in any manner unless authorized by Tribal Administration and the individual on whom the investigation has been conducted.
- d) Any person who violates the provisions of this section shall be subject to disciplinary action by the Red Cliff Tribal Council, which may include dismissal as an employee of the Tribe.

ATTACHMENT A
TRIBAL POSITION LIST

Attachment A is a list of positions generally subject to the background check provisions under applicable law regulating employees who are caregivers and employees who have regular contact with, or control over, Indian children. Caregivers are employees of the Tribe who have or who are expected to have regular, direct contact with persons who receive direct care or treatment services (“Caregivers”). The background check requirements of Chapter 43 apply to all employees who are Caregivers and employees who have regular contact with, or control over, Indian children. Any such employee not listed on Attachment A is still subject to the background check process.

I. Positions With Contact with Indian Children.

- a) All tribal foster care licensees and all persons living in the residence age 12 and older.
- b) All persons in the home, age 12 and older, of recipients of Kinship Care.
- c) All Day Care License holders and Day Care providers within the boundaries of the Red Cliff Reservation, and persons living in the home of the provider aged 12 and older.
- d) All Respite Care providers and all persons living in the home of the provider aged 12 and older.
- e) All Boys and Girls Club personnel over 12 years of age, including volunteers.
- f) All Law Enforcement personnel.
- g) Indian Child Welfare Department.
 - 1. All personnel, volunteers and consultants.
- h) Mishomis Wellness Center.
 - 1. All personnel, volunteers and consultants.
- i) Red Cliff Chippewa Health Center.
 - 1. All personnel, volunteers and consultants.
- j) Red Cliff Early Childhood Center.
 - 1. All personnel, volunteers and consultants.
 - 2. Independent Contractors and any person affiliated with the Independent

Contractor who will perform work at the Early Childhood Center premises.

- k) Red Cliff Even Start Program.
 - 1. All personnel, including volunteers.
- l) Red Cliff Elderly Program.
 - 1. All personnel, including volunteers.
- m) Red Cliff Library.
 - (1) All personnel, including volunteers.
- n) Zhawenimikaang Child Care Center.
 - 1. All personnel, including volunteers and consultants.
 - 2. Independent Contractors and any person affiliated with the Independent Contractor who will perform work at the Zhawenimikaang Child care Center.

II. Caregivers.

- a. Alcohol or Drug Abuse Counselor Coordinator
- b. AODA Counselor
- c. Alt. Res./CHS Assistant
- d. Aging and Disability Resource Specialist (ADRS)
- e. Assistant Cook
- f. AODA Counselor Trainee
- g. Anishinaabe language/Culture Coordinator
- h. Boys and Girls Club Director
- i. Boys and Girls Club Youth Worker
- j. Board Certified-Family Medicine or Internal Medicine Physician
- k. Bus Driver
- l. Certified Nursing Assistant
- m. Chief of Police
- n. Consultants
- o. Conservation Wardens
- p. Children Social Worker Trainee
- q. Cook
- r. Child Care Program Director/Teacher
- s. Court Appointed special Advocate (CASA)
- t. Domestic Violence Advocate
- u. ECC Director

- v. Early Headstart Director
- w. Education Director
- x. Elderly Program Director
- y. Emergency Medical Technicians (EMT)
- z. Family Services Coordinator
- aa. Family Resource Coordinator
- bb. Family Nurse practitioner
- cc. Family Education
- dd. Guardian Ad Litem (GAL)
- ee. Head Cook
- ff. Launch project Director
- gg. Law Enforcement Officer
- hh. Licensed Professional Counselor
- ii. Medical Assistant
- jj. Mental health Case Worker
- kk. Mishomis Wellness Center Manager
- ll. Nutrition Aide
- mm. Nurse
- nn. Outreach Worker
- oo. Outpatient Specialist
- pp. Peer Specialist
- qq. Physician
- rr. Physician Assistant
- ss. Physical Therapist
- tt. Radiology Technician
- uu. Substance Abuse/Mental health Counselor
- vv. Tribal Administration Liaison
- ww. Teacher
- xx. Teacher Assistant
- yy. Tutor
- zz. Youth Service Coordinator

ATTACHMENT B CRIMES LIST

Chapter 43 of the Red Cliff Code of Laws regulates employees who are caregivers and employees who have regular contact with, or control over Indian children. Caregivers are employees of the Tribe who have or who are expected to have regular, direct contact with persons who receive direct care or treatment services (“Caregivers”). No person may be employed in these capacities if said person has been convicted of one of the following crimes, unless said person has been granted a Certificate of Rehabilitation by the Red Cliff Tribal Council.

1. Crimes under the Red Cliff Code of Laws which would also be a crime under sections 2 or 3 below.
2. Crimes under 25 USC Ch. 34 Section 3207: INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION which defines crimes as any felonious offense, or any of two or more misdemeanor offenses, under Federal, State, or tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; crimes against persons; or offenses committed against children.
3. Crimes which are defined as “Serious Crimes” as defined under Wisconsin’ “Caregiver” Statutes 48.685(1)(c) and 50.065(1)(e) 1. Serious Crimes include but are not limited to:
 - 3.1 Crimes Under Wisconsin Statutes Chapter 940 Crimes Against Life And bodily Security
 - a) Subchapter I – Life: includes crimes such as murder and homicide.
 - b) Subchapter II - Bodily Security: includes crimes such as battery, physical abuse, sexual assault or exploitation, abuse and neglect of patients or residents, injury by intoxicated use of a weapon or a vehicle.
 - 3.2 Crimes Under Wisconsin Statutes Chapter 948 Crimes Against Children
Chapter 948 includes crimes against children such as sexual assault, physical abuse, trafficking, child enticement, possession of child pornography and contributing to the delinquency of a child.
 - 3.3 Other Jurisdictions: Any violation of the law of any other Tribe, State or United States jurisdiction that would be a violation of 48.685(1)(c) or 50.065(1)(e) 1. if committed in Wisconsin.

48.685 Criminal history and child abuse record search.

(1) In this section:

(ag)

1. "Caregiver" means any of the following:

a. A person who is, or is expected to be, an employee or contractor of an entity, who is or is expected to be under the control of the entity, as defined by the department by rule, and who has, or is expected to have, regular, direct contact with clients of the entity.

am. A person to whom delegation of the care and custody of a child under s. 48.979 has been, or is expected to be, facilitated by an entity.

b. A person who has, or is seeking, a license to operate an entity, who is receiving, or is seeking, payment under s. 48.623 (6) (am) for operating an entity, or who is seeking payment under s. 48.623 (6) (bm) for operating an entity.

2. "Caregiver" does not include a person who is certified as an emergency medical services practitioner under s. 256.15 if the person is employed, or seeking employment, as an emergency medical services practitioner and does not include a person who is certified as an emergency medical responder under s. 256.15 if the person is employed, or seeking employment, as an emergency medical responder.

(am) "Client" means a person who receives direct care or treatment services from an entity or from a caregiver specified in par. (ag) 1. am. or from a child care program under s. 48.686 (1) (aj), including all of the following:

1. An adopted child for whom adoption assistance payments are being made under s. 48.975.

2. A child for whom subsidized guardianship payments are being made under s. 48.623.

3. A person who is 18 to 21 years old, is receiving independent living services under 42 USC 677 (a), is no longer placed in out-of-home care, and is residing in the foster home in which he or she was previously placed.

(ao) "Congregate care facility" means a group home, shelter care facility, or residential care center for children and youth.

(ap) "Congregate care worker" means an adult who works in a congregated care facility. "Congregate care worker" includes a person who has or is seeking a license to operate a congregated care facility and does not include an unpaid volunteer.

(ar) "Contractor" means, with respect to an entity, a person, or that person's agent, who provides services to the entity under an express or implied contract or subcontract, including a person who has staff privileges at the entity and a person to whom delegation of the care and custody of a child under s. 48.979 has been facilitated by the entity.

(av) "Direct contact" means face-to-face physical proximity to a client that affords the opportunity to commit abuse or neglect of a client or to misappropriate the property of a client.

(b) "Entity" means a child welfare agency that is licensed under s. 48.60 to provide care and maintenance for children, to place children for adoption, or to license foster homes; a foster home that is licensed under s. 48.62; an interim caretaker to whom subsidized guardianship payments are made under s. 48.623 (6); a person who is proposed to be named as a successor guardian in a subsidized guardianship agreement under s. 48.623 (2); a group home that is licensed under s. 48.625; a shelter care facility that is licensed under s. 938.22; an organization that facilitates delegations of the care and custody of children under s. 48.979; or a temporary employment agency that provides caregivers to another entity.

NOTE: Par. (b) is shown as affected by 2017 Wis. Acts 59 and 365 and as merged by the legislative reference bureau under s. 13.92 (2) (i).

(bm) "Nonclient resident" means a person, including a person who is under 18 years of age, but not under 10 years of age, who resides, or is expected to reside, at an entity or with a caregiver specified in par. (ag) 1. am., who is not a client of the entity or caregiver, and who has, or is expected to have, regular, direct contact with clients of the entity or caregiver.

(br) "Reservation" means land in this state within the boundaries of a reservation of a tribe or within the bureau of Indian affairs service area for the Ho-Chunk Nation.

(c) "Serious crime" means any of the following:

1. A violation of s. 940.19 (3), 1999 stats.

2. A violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (4), (5), or (6), 940.198 (2), 940.22 (2) or (3), 940.225 (1), (2), or (3), 940.285 (2), 940.29, 940.295, 942.09 (2), 948.02 (1) or (2), 948.025, 948.03 (2) or (5) (a) 1., 2., 3., or 4., 948.05, 948.051, 948.055, 948.06, 948.07, 948.08, 948.081, 948.085, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21, 948.215, 948.30, or 948.53.

3. A violation of s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

3r. For purposes of licensing a foster home for the placement of a child or of providing subsidized guardianship payments to an interim caretaker under s. 48.623 (6) (am) or to a person seeking those payments as a successor guardian under s. 48.623 (6) (bm),

or of permitting a person to be a caregiver or nonclient resident of a licensed foster home, any violation listed in subd. 1. to 3. or sub. (5) (bm) 1. to 4.

4. A violation of the law of any other state or United States jurisdiction that would be a violation listed in subd. 1., 2., 3., or 3r. if committed in this state.

50.065 Criminal history and patient abuse record search.

(1) In this section:

(ag)

1. "Caregiver" means any of the following:

a. A person who is, or is expected to be, an employee or contractor of an entity, who is or is expected to be under the control of an entity, as defined by the department by rule, and who has, or is expected to have, regular, direct contact with clients of the entity.

b. A person who has, or is seeking, a license, certification, registration, or certificate of approval issued or granted by the department to operate an entity.

c. A person who is, or is expected to be, an employee of the board on aging and long-term care and who has, or is expected to have, regular, direct contact with clients.

2. "Caregiver" does not include a person who is certified as an emergency medical services practitioner under s. 256.15 if the person is employed, or seeking employment, as an emergency medical services practitioner and does not include a person who is certified as an emergency medical responder under s. 256.15 if the person is employed, or seeking employment, as an emergency medical responder.

(am) "Certificate of approval" means a certificate of approval issued under s. 50.35.

(b) "Client" means a person who receives direct care or treatment services from an entity.

(bm) "Contractor" means, with respect to an entity, a person, or that person's agent, who provides services to the entity under an express or implied contract or subcontract, including a person who has staff privileges at the entity.

(br) "Direct contact" means face-to-face physical proximity to a client that affords the opportunity to commit abuse or neglect of a client or to misappropriate the property of a client.

(c) "Entity" means a facility, organization or service that is licensed or certified by or registered with the department to provide direct care or treatment services to clients; or an agency that employs or contracts with an individual to provide personal care services. "Entity" includes a hospital, a home health agency licensed under s. 50.49, a

temporary employment agency that provides caregivers to another entity, and the board on aging and long-term care. "Entity" does not include any of the following:

1. Licensed or certified child care under ch. 48.
 2. Kinship care under s. 48.57 (3m) or long-term kinship care under s.48.57 (3n).
 3. A person certified as a medical assistance provider, as defined in s. 49.43 (10), who is not otherwise approved under par. (cm), licensed or certified by or registered with the department.
 4. An entity, as defined in s. 48.685 (1) (b).
6. A public health dispensary established under s. 252.10.

(cm) "Hospital" means a facility approved as a hospital under s. 50.35.

(cn) "Nonclient resident" means a person who resides, or is expected to reside, at an entity, who is not a client of the entity and who has, or is expected to have, regular, direct contact with clients of the entity.

(cr) "Personal care services" means any of the following:

1. Assistance with any of the following activities of daily living:
 - a. Eating.
 - b. Bathing.
 - c. Grooming.
 - d. Dressing.
 - e. Transferring.
 - f. Toileting.
2. Assistance with the following activities incidental to activities of daily living under subd. 1:
 - a. Meal preparation.
 - b. Food purchasing.
 - c. Changing or laundering of a client's linens or clothing.
 - d. Routine care of vision or hearing aids.
 - e. Light cleaning in areas of the residence that are used during provision of services under subd. 1. or under subd. 2. a. to d.

(dm) "Reservation" means land in this state within the boundaries of a reservation of a tribe or within the bureau of Indian affairs service area for the Ho-Chunk Nation.

(e)

1. "Serious crime" means a violation of s. 940.19 (3), 1999 stats., a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (4), (5) or (6), 940.198 (2), 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1), 948.025 or 948.03 (2) (a) or (5) (a) 1., 2., or 3., or a violation of the law of any other state or United States jurisdiction that would be a violation of s. 940.19 (3), 1999 stats., or a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (4), (5) or (6), 940.198 (2), 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1), 948.025 or 948.03 (2) (a) or (5) (a) 1., 2., or 3. if committed in this state.