



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-2040/P1  
MIM:wlj

DOA:.....Hynek, BB0376 - Discrimination against job applicants based on conviction record

**FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION**

**AN ACT ...; relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

**EMPLOYMENT**

***1. Employment discrimination based on conviction record***

This bill provides that employment discrimination because of a conviction record includes requesting an applicant for employment, on an application form or otherwise, to supply information regarding the conviction record of the applicant, or otherwise inquiring into or considering the conviction record of an applicant for employment, before the applicant has been selected for an interview by the prospective employer. The bill, however, does not prohibit an employer from notifying applicants for employment that an individual with a particular conviction record may be disqualified by law or the employer's policies from employment in particular positions.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1.** 111.335 (3) (a) of the statutes is renumbered 111.335 (3) (ar).

**SECTION 2.** 111.335 (3) (ag) of the statutes is created to read:

111.335 (3) (ag) 1. Employment discrimination because of a conviction record includes requesting an applicant for employment, on an application form or otherwise, to supply information regarding the conviction record of the applicant, or otherwise inquiring into or considering the conviction record of an applicant for employment, before the applicant has been selected for an interview by the prospective employer.

2. Subdivision 1. does not prohibit an employer from notifying applicants for employment that, subject to this section and ss. 111.321 and 111.322, an individual with a particular conviction record may be disqualified by law or under the employer's policies from employment in particular positions.

**SECTION 3.** 111.335 (4) (b) of the statutes is amended to read:

111.335 (4) (b) It is employment discrimination because of conviction record for a licensing agency to refuse to license any individual under sub. (3) ~~(a)~~ (ar) 1. or to bar or terminate an individual from licensing under sub. (3) ~~(a)~~ (ar) 1. because the individual was adjudicated delinquent under ch. 938 for an offense other than an exempt offense.

**SECTION 4.** 111.335 (4) (c) 1. (intro.) of the statutes is amended to read:

111.335 (4) (c) 1. (intro.) If a licensing agency refuses to license an individual under sub. (3) ~~(a)~~ (ar) 1. or bars or terminates an individual from licensing under sub. (3) ~~(a)~~ (ar) 1., the licensing agency shall, subject to subd. 2., do all of the following:

**SECTION 5.** 111.335 (4) (e) of the statutes is amended to read:

111.335 (4) (e) A state licensing agency that may refuse to license individuals under sub. (3) ~~(a)~~ (ar) 1. or that may bar or terminate an individual from licensure under sub. (3) ~~(a)~~ (ar) 1. shall publish on the agency's Internet site a document

indicating the offenses or kinds of offenses that may result in such a refusal, bar, or termination.

**SECTION 6.** 111.335 (4) (f) 1. of the statutes is amended to read:

111.335 (4) (f) 1. A state licensing agency that may refuse to license individuals under sub. (3) ~~(a)~~ (ar) 1. or that may bar or terminate individuals from licensing under sub. (3) ~~(a)~~ (ar) 1. shall allow an individual who does not possess a license to, without submitting a full application and without paying the fees applicable to applicants, apply to the agency for a determination of whether the individual would be disqualified from obtaining the license due to his or her conviction record.

**SECTION 9350. Initial applicability; Workforce Development.**

(1) EMPLOYMENT DISCRIMINATION; CONSIDERATION OF CONVICTION RECORD. The treatment of s. 111.335 (3) (a) and (ag) and (4) (b), (c) 1. (intro.), (e), and (f) 1. first applies to an application for employment submitted to an employer on the effective date of this subsection.

**SECTION 9450. Effective dates; Workforce Development.**

(1) EMPLOYMENT DISCRIMINATION; CONSIDERATION OF CONVICTION RECORD. The treatment of s. 111.335 (3) (a) and (ag) and (4) (b), (c) 1. (intro.), (e), and (f) 1. and SECTION 9350 (1) of this act take effect on the first day of the 6th month beginning after publication.

(END)