



2003 SENATE BILL 282

October 15, 2003 - Introduced by Senators ROESSLER, BROWN, S. FITZGERALD and LASSA, cosponsored by Representatives OWENS, AINSWORTH, ALBERS, BIES, BOYLE, J. FITZGERALD, FREESE, HINES, KREIBICH, LADWIG, LEMAHIEU, MUSSER, NISCHKE, OLSEN, OTT, PETROWSKI, PETTIS, SERATTI, SUDER, VAN ROY and WEBER. Referred to Committee on Labor, Small Business Development and Consumer Affairs.

1 **AN ACT to amend** 111.31 (1), 111.31 (2), 111.31 (3) and 111.321; and **to create**
2 111.32 (12g) and 111.355 of the statutes; **relating to:** prohibiting employment
3 discrimination because an individual is or applies to be a member of, or
4 performs, has performed, applies to perform, or has an obligation to perform
5 active service in, the national guard, state defense force, or any reserve
6 component of the military forces of the United States or this state.

Analysis by the Legislative Reference Bureau

Under current law, no employer, labor organization, licensing agency, employment agency, or other person may refuse to hire, employ, admit, or license an individual, bar or terminate an individual from employment, membership, or licensure, or discriminate against an individual in promotion, in compensation, or in the terms, conditions, or privileges of employment on the basis of membership in the national guard, state defense force, or any reserve component of the military forces of the United States or this state (military status).

This bill provides that employment discrimination because of military status includes an employer, labor organization, licensing agency, employment agency, or other person refusing to hire, employ, admit, or license an individual, barring or terminating an individual from employment, membership, or licensure, or discriminating against an individual in promotion, in compensation, or in the terms, conditions, or privileges of employment because the individual is or applies to be a

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member of the national guard, state defense force, or any reserve component of the military forces of the United States or this state or because the individual performs, has performed, applies to perform, or has an obligation to perform active service in the national guard, state defense force, or any reserve component of the military forces of the United States or this state.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 111.31 (1) of the statutes is amended to read:

2 111.31 (1) The legislature finds that the practice of unfair discrimination in
3 employment against properly qualified individuals by reason of their age, race,
4 creed, color, disability, marital status, sex, national origin, ancestry, sexual
5 orientation, arrest record, conviction record, ~~membership in the national guard,~~
6 ~~state defense force or any other reserve component of the military forces of the United~~
7 ~~States or this state~~ military status, or use or nonuse of lawful products off the
8 employer's premises during nonworking hours substantially and adversely affects
9 the general welfare of the state. Employers, labor organizations, employment
10 agencies, and licensing agencies that deny employment opportunities and
11 discriminate in employment against properly qualified individuals solely because of
12 their age, race, creed, color, disability, marital status, sex, national origin, ancestry,
13 sexual orientation, arrest record, conviction record, ~~membership in the national~~
14 ~~guard, state defense force or any other reserve component of the military forces of the~~
15 ~~United States or this state~~ military status, or use or nonuse of lawful products off the
16 employer's premises during nonworking hours deprive those individuals of the
17 earnings that are necessary to maintain a just and decent standard of living.

18 **SECTION 2.** 111.31 (2) of the statutes is amended to read:

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1 111.31 (2) It is the intent of the legislature to protect by law the rights of all
2 individuals to obtain gainful employment and to enjoy privileges free from
3 employment discrimination because of age, race, creed, color, disability, marital
4 status, sex, national origin, ancestry, sexual orientation, arrest record, conviction
5 record, ~~membership in the national guard, state defense force or any other reserve~~
6 ~~component of the military forces of the United States or this state~~ military status,
7 or use or nonuse of lawful products off the employer's premises during nonworking
8 hours, and to encourage the full, nondiscriminatory utilization of the productive
9 resources of the state to the benefit of the state, the family, and all the people of the
10 state. It is the intent of the legislature in promulgating this subchapter to encourage
11 employers to evaluate an employee or applicant for employment based upon the
12 employee's or applicant's individual qualifications rather than upon a particular
13 class to which the individual may belong.

14 **SECTION 3.** 111.31 (3) of the statutes is amended to read:

15 111.31 (3) In the interpretation and application of this subchapter, and
16 otherwise, it is declared to be the public policy of the state to encourage and foster
17 to the fullest extent practicable the employment of all properly qualified individuals
18 regardless of age, race, creed, color, disability, marital status, sex, national origin,
19 ancestry, sexual orientation, arrest record, conviction record, ~~membership in the~~
20 ~~national guard, state defense force or any other reserve component of the military~~
21 ~~forces of the United States or this state~~ military status, or use or nonuse of lawful
22 products off the employer's premises during nonworking hours. Nothing in this
23 subsection requires an affirmative action program to correct an imbalance in the
24 work force. This subchapter shall be liberally construed for the accomplishment of
25 this purpose.

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1 **SECTION 4.** 111.32 (12g) of the statutes is created to read:

2 111.32 (**12g**) "Military status" means membership in the national guard, state
3 defense force, or any other reserve component of the military forces of the United
4 States or this state.

5 **SECTION 5.** 111.321 of the statutes is amended to read:

6 **111.321 Prohibited bases of discrimination.** Subject to ss. 111.33 to 111.36,
7 no employer, labor organization, employment agency, licensing agency, or other
8 person may engage in any act of employment discrimination as specified in s. 111.322
9 against any individual on the basis of age, race, creed, color, disability, marital
10 status, sex, national origin, ancestry, arrest record, conviction record, ~~membership~~
11 ~~in the national guard, state defense force or any reserve component of the military~~
12 ~~forces of the United States or this state~~ military status, or use or nonuse of lawful
13 products off the employer's premises during nonworking hours.

14 **SECTION 6.** 111.355 of the statutes is created to read:

15 **111.355 Military status; exceptions and special cases.** Employment
16 discrimination because of military status includes an employer, labor organization,
17 licensing agency, employment agency, or other person refusing to hire, employ,
18 admit, or license an individual, barring or terminating an individual from
19 employment, membership, or licensure, or discriminating against an individual in
20 promotion, in compensation, or in the terms, conditions, or privileges of employment
21 because the individual is or applies to be a member of the national guard, state
22 defense force, or any reserve component of the military forces of the United States
23 or this state or because the individual performs, has performed, applies to perform,

