



**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2007 ASSEMBLY BILL 32**

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 U.S. armed forces, the state defense force, the national  
6     guard of any state, or any reserve component of the U.S. armed forces.

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***Analysis by the Legislative Reference Bureau***

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

7     **SECTION 1.** 111.31 (1) of the statutes is amended to read:  
8     111.31 (1) The legislature finds that the practice of unfair discrimination in  
9     employment against properly qualified individuals by reason of their age, race,

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

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

16 111.31 (2) It is the intent of the legislature to protect by law the rights of all  
17 individuals to obtain gainful employment and to enjoy privileges free from  
18 employment discrimination because of age, race, creed, color, disability, marital  
19 status, sex, national origin, ancestry, sexual orientation, arrest record, conviction  
20 record, ~~membership in the national guard, state defense force or any other reserve~~  
21 ~~component of the military forces of the United States or this state~~ military service,  
22 or use or nonuse of lawful products off the employer's premises during nonworking  
23 hours, and to encourage the full, nondiscriminatory utilization of the productive  
24 resources of the state to the benefit of the state, the family, and all the people of the  
25 state. It is the intent of the legislature in promulgating this subchapter to encourage

1 employers to evaluate an employee or applicant for employment based upon the  
2 employee's or applicant's individual qualifications rather than upon a particular  
3 class to which the individual may belong.

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

5 111.31 **(3)** In the interpretation and application of this subchapter, and  
6 otherwise, it is declared to be the public policy of the state to encourage and foster  
7 to the fullest extent practicable the employment of all properly qualified individuals  
8 regardless of age, race, creed, color, disability, marital status, sex, national origin,  
9 ancestry, sexual orientation, arrest record, conviction record, ~~membership in the~~  
10 ~~national guard, state defense force or any other reserve component of the military~~  
11 ~~forces of the United States or this state~~ military service, or use or nonuse of lawful  
12 products off the employer's premises during nonworking hours. Nothing in this  
13 subsection requires an affirmative action program to correct an imbalance in the  
14 work force. This subchapter shall be liberally construed for the accomplishment of  
15 this purpose.

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

17 111.32 **(12g)** "Military service" means service in the U.S. armed forces, the  
18 state defense force, the national guard of any state, or any other reserve component  
19 of the U.S. armed forces.

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

21 **111.321 Prohibited bases of discrimination.** Subject to ss. 111.33 to 111.36,  
22 no employer, labor organization, employment agency, licensing agency, or other  
23 person may engage in any act of employment discrimination as specified in s. 111.322  
24 against any individual on the basis of age, race, creed, color, disability, marital  
25 status, sex, national origin, ancestry, arrest record, conviction record, ~~membership~~

1 ~~in the national guard, state defense force or any reserve component of the military~~  
2 ~~forces of the United States or this state~~ military service, or use or nonuse of lawful  
3 products off the employer's premises during nonworking hours.

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

5 **111.355 Military service; exceptions and special cases. (1)** Employment  
6 discrimination because of military service includes an employer, labor organization,  
7 licensing agency, employment agency, or other person refusing to hire, employ,  
8 admit, or license an individual, barring or terminating an individual from  
9 employment, membership, or licensure, or discriminating against an individual in  
10 promotion, in compensation, or in the terms, conditions, or privileges of employment  
11 because the individual is or applies to be a member of the U.S. armed forces, the state  
12 defense force, the national guard of any state, or any reserve component of the U.S.  
13 armed forces or because the individual performs, has performed, applies to perform,  
14 or has an obligation to perform military service.

15 **(2)** Notwithstanding s. 111.322, it is not employment discrimination because  
16 of military service for an employer, licensing agency, employment agency, or other  
17 person to refuse to hire, employ, or license an individual or to bar or terminate an  
18 individual from employment or licensure because the individual has been discharged  
19 from military service under a bad conduct, dishonorable, or other than honorable  
20 discharge, or under an entry-level separation, and the circumstances of the  
21 discharge or separation substantially relate to the circumstances of the particular  
22 job or licensed activity.

23 **(END)**