



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Assembly Bill 30

**Assembly
Amendment 1**

Memo published: April 24, 2007

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CURRENT LAW

Subject to certain exceptions, current law prohibits discrimination in employment based on various factors, including a conviction record. [ss. 111.321 and 111.322, Stats.] However, current law specifies that it is *not* employment discrimination because of a conviction record to refuse to employ or to terminate from employment any individual who has been convicted of any felony, misdemeanor, or other offense, *the circumstances of which substantially relate to the circumstances of the particular job*. [s. 111.335 (1) (c) 1., Stats.]

2007 ASSEMBLY BILL 30

2007 Assembly Bill 30 provides that, notwithstanding s. 111.322, Stats., it is not employment discrimination because of a conviction record for an “educational agency” to *refuse to employ or to terminate from employment* an individual who has been convicted of a felony and who has not been pardoned for that felony.

The bill defines “educational agency” as any of the following:

- School district.
- Cooperative educational service agency.
- County children with disabilities education board.
- Private school.
- Charter school.
- A private, nonprofit, nonsectarian agency under contract with a school board to provide services to children at risk of not graduating from high school or a nonsectarian private

school or agency under contract with the Milwaukee Public Schools board of school directors to provide educational programs to pupils.

- Wisconsin Center for the Blind and Visually Impaired or the Wisconsin Educational Services Program for the Deaf and Hard of Hearing.
- Mendota Mental Health Institute, the Winnebago Mental Health Institute, or a state center for the developmentally disabled.
- State prison under s. 302.01, Stats.
- Juvenile correctional facility.
- Secured residential care center for children and youth.

ASSEMBLY AMENDMENT 1

As amended by Assembly Amendment 1 to the bill, the bill would delete the reference to refuse to “employ or to terminate from employment” as noted above and would instead provide as follows for an individual who has been convicted of a felony and not been pardoned:

Refusal to Hire

It is not employment discrimination because of conviction record for an educational agency to refuse to hire such an individual.

Termination from Employment

In General

It is not employment discrimination because of conviction record for an educational agency to terminate from employment such an individual *if* the termination occurs not more than 270 days after the educational agency learns of the conviction.

Special Provision for Individuals Employed on the Effective Date

A special provision applies for individuals employed on the effective date of the act. Namely, it is not employment discrimination because of conviction record for an educational agency to terminate such an individual if the termination occurs not more than 270 days after the effective date of the act.

Legislative History

Assembly Amendment 1 to the bill was offered by Representative Petrowski. The Assembly Committee on Education recommended adoption of the amendment on a vote of Ayes, 9; Noes, 1. The committee then recommended passage of the bill, as amended, on a vote of Ayes, 8; Noes, 2.

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