

**2011 DRAFTING REQUEST**

**Bill**

Received: 09/23/2011

Received By: gmalaise

Wanted: 09/26/2011

Companion to LRB:

For: Alberta Darling (608) 266-5830

By/Representing: Stephanie Kundert

May Contact:

Drafter: gmalaise

Subject: Employ Priv - discrimination

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Darling@legis.wisconsin.gov

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Employment discrimination based on conviction record; exception for unpardoned felons; preemption of local ordinances

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**Instructions:**

See attachdraft companion to -1179/2

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 09/23/2011	wjackson 09/26/2011		_____			S&L
/1			jfrantze 09/26/2011	_____	lparisi 09/26/2011	mbarman 09/27/2011	

FE Sent For:

<END>

↳ At Intro.

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/?	gmalaise	1 Wlj 9/26		9/26			

FE Sent For:

<END>

## Malaise, Gordon

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**From:** Kundert, Stephanie  
**Sent:** Friday, September 23, 2011 2:02 PM  
**To:** Malaise, Gordon  
**Cc:** Emerson, James  
**Subject:** Companion to LRB 1179/2

**Attachments:** 11-11792.pdf

Hi Gordon,

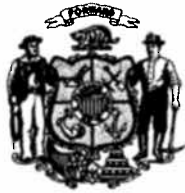
I hope this finds you well. I wanted to touch base and provide a drafting request, please, on behalf of Senator Darling's office for a Senate companion bill to LRB 1179/2. If you need anything else from our office regarding this request, please do not hesitate to let me know. Thank you!

Stephanie



11-11792.pdf (35  
KB)

***Stephanie L. Kundert***  
**Office of Representative Joel Kleefisch**  
**Member, Joint Committee on Finance**  
**38th Assembly District**  
**321 East, State Capitol**  
**Madison, WI 53708**  
**608.266.8552**  
**[stephanie.kundert@legis.wisconsin.gov](mailto:stephanie.kundert@legis.wisconsin.gov)**



State of Wisconsin  
2011 - 2012 LEGISLATURE

IN 9/23

Mon 9/26

2011 BILL

( Companion - no change )



LRB-117972  
GMM:wj:rs

29891

Stays

Regen

1 AN ACT *to repeal* 111.335 (1) (cg) 3. and 111.335 (1) (cv); *to renumber and*  
 2 *amend* 111.335 (1) (cm); *to amend* 111.335 (1) (c); and *to create* 111.31 (6),  
 3 111.335 (1) (cm) 2. to 4. and 111.335 (2) of the statutes; **relating to:** permitting  
 4 an employer to refuse to employ or to bar or terminate from employment an  
 5 individual who has been convicted of a felony and who has not been pardoned  
 6 for that felony and preempting cities, villages, towns, and counties from  
 7 adopting provisions concerning employment discrimination based on arrest or  
 8 conviction record that prohibit activity that is allowed under the state fair  
 9 employment law.

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

The current state fair employment law, subject to certain exceptions, prohibits discrimination in employment based on arrest or conviction record. That law specifies, however, that it is not employment discrimination because of conviction record to refuse to employ or to terminate from employment an individual who has been convicted of a felony, misdemeanor, or other offense, the circumstances of which substantially relate to the circumstances of the particular job. This bill specifies that it is not employment discrimination because of conviction record for an employer to

**BILL**

refuse to employ or to bar or terminate from employment an individual who has been convicted of a felony and who has not been pardoned for that felony, whether or not the circumstances of the felony substantially relate to the circumstances of the particular job.

Under current constitutional and statutory home rule provisions, a city or village may determine its own local affairs subject only to the Wisconsin Constitution and to any enactment of the legislature that is of statewide concern and that affects every city or village with uniformity. This bill states that the prohibition against discrimination in employment based on arrest or conviction record under the state fair employment law is a matter of statewide concern, requiring uniform enforcement at the state, county, and municipal levels. As such, the bill prohibits any county, city, village, or town from adopting any provision concerning employment discrimination based on arrest or conviction record that prohibits any activity that is allowed under the state fair employment law.

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

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

1           **SECTION 1.** 111.31 (6) of the statutes is created to read:

2           111.31 **(6)** The legislature finds that the prohibition against discrimination on  
3 the basis of arrest or conviction record under s. 111.335 is a matter of statewide  
4 concern, requiring uniform enforcement at the state, county, and municipal levels.

5           **SECTION 2.** 111.335 (1) (c) of the statutes is amended to read:

6           111.335 **(1)** (c) Notwithstanding s. 111.322, it is not employment discrimination  
7 because of conviction record to refuse to ~~employ or~~ license, or to bar or terminate from  
8 ~~employment or~~ licensing, any ~~individual who~~ of the following:

9           1. Has An individual who has been convicted of any felony, misdemeanor, or  
10 other offense the circumstances of which substantially relate to the circumstances  
11 of the particular ~~job or~~ licensed activity; ~~or~~.

**BILL**

1           2. Is An individual who is not bondable under a standard fidelity bond or an  
2 equivalent bond ~~where~~ when such bondability is required by state or federal law, or  
3 administrative regulation ~~or established business practice of the employer.~~

4           **SECTION 3.** 111.335 (1) (cg) 3. of the statutes is repealed.

5           **SECTION 4.** 111.335 (1) (cm) of the statutes is renumbered 111.335 (1) (cm)  
6 (intro.) and amended to read:

7           111.335 (1) (cm) (intro.) Notwithstanding s. 111.322, it is not employment  
8 discrimination because of conviction record to refuse to employ ~~as an installer of~~  
9 burglar alarms a person, or to bar or terminate from employment, any of the  
10 following:

11           1. An individual who has been convicted of a felony and who has not been  
12 pardoned for that felony.

13           **SECTION 5.** 111.335 (1) (cm) 2. to 4. of the statutes are created to read:

14           111.335 (1) (cm) 2. An individual who has been convicted of a felony, the  
15 circumstances of which substantially relate to the circumstances of the particular  
16 job, and who has been pardoned for that felony.

17           3. An individual who has been convicted of a misdemeanor or other offense, the  
18 circumstances of which substantially relate to the circumstances of the particular  
19 job.

20           4. An individual who is not bondable under a standard fidelity bond or an  
21 equivalent bond when such bondability is required by state or federal law,  
22 administrative regulation, or established business practice of the employer.

23           **SECTION 6.** 111.335 (1) (cv) of the statutes, as affected by 2011 Wisconsin Act  
24 32, is repealed.

25           **SECTION 7.** 111.335 (2) of the statutes is created to read:





**Barman, Mike**

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**From:** Sen.Darling  
**Sent:** Tuesday, September 27, 2011 9:07 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-2989/1 Topic: Employment discrimination based on conviction record; exception for unpardoned felons; preemption of local ordinances

**Importance:** High

Please Jacket LRB 11-2989/1 for the SENATE.