

2019 DRAFTING REQUEST

Bill

For: Administration-Budget BB0376 Drafter: mmcgreev  
 By: Hynek Secondary Drafters:  
 Date: 2/14/2019 May Contact:

Same as LRB:

Submit via email: YES  
 Requester's email:  
 Carbon copy (CC) to: doasbostatlanguage@wisconsin.gov  
 MaryAlice.McGreevy@legis.wisconsin.gov  
 Krista.Pleviak@legis.wisconsin.gov

Pre Topic:

DOA:.....Hynek, BB0376 -

Topic:

Discrimination against job applicants based on conviction record

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mmcgreev 2/14/2019	wjackson 2/14/2019			
/P1			jmurphy 2/14/2019		

FE Sent For: <END>

**McGreevy, Mary Alice**

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**From:** Hanaman, Cathlene  
**Sent:** Thursday, February 14, 2019 11:13 AM  
**To:** Pleviak, Krista; McGreevy, Mary Alice  
**Subject:** FW: Statutory Language Drafting Request - 2019-21

**From:** Hynek, Sara - DOA <Sara.Hynek@wisconsin.gov>  
**Sent:** Thursday, February 14, 2019 10:43 AM  
**To:** Hanaman, Cathlene <Cathlene.Hanaman@legis.wisconsin.gov>  
**Cc:** Hynek, Sara - DOA <Sara.Hynek@wisconsin.gov>; Hynek, Sara - DOA <Sara.Hynek@wisconsin.gov>  
**Subject:** Statutory Language Drafting Request - 2019-21

Biennial Budget: 2019-21

Topic: Ban the Box

Tracking Code: BB0376

SBO Team: EWD

SBO Analyst: Hynek, Sara - DOA  
Phone: (608) 266-1037  
E-mail: [Sara.Hynek@Wisconsin.gov](mailto:Sara.Hynek@Wisconsin.gov)

Agency Acronym: 445

Agency Number: 445

Priority: Medium

Intent:

Prohibit consideration of a job applicant's conviction record before selection for an interview, as drafted in 2015 AB 879.

Attachments: False

Please send completed drafts to [SBOStatlanguage@spmail.enterprise.wistate.us](mailto:SBOStatlanguage@spmail.enterprise.wistate.us)



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1564/P1  
MIM:edc

9/20/19

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

BUDGET DRAFT

1  
2  
3  
4  
5

AN ACT ~~to renumber 111.335 (3) (a), to amend 111.335 (4) (b), 111.335 (4) (c) 1.~~  
~~(intro.), 111.335 (4) (e) and 111.335 (4) (f) 1., and to create 111.335 (3) (ag) of~~  
~~the statutes; relating to: prohibiting consideration of the conviction record of~~  
~~an applicant for employment before the applicant has been selected for an~~  
~~interview.~~ the budget.

AN. TITLE  
BASED EMPLOYMENT

**Analysis by the Legislative Reference Bureau**

AN. TIT. SUB-SUB  
Employment  
discrimination  
based on  
conviction  
record

This bill provides that employment discrimination because of <sup>a</sup> 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. <sup>NOT</sup>

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.

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

**SECTION 1**

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

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

3           111.335 (3) (ag) 1. Employment discrimination because of conviction record<sup>o</sup>  
4 includes requesting an applicant for employment, on an application form or  
5 otherwise, to supply information regarding the conviction record of the applicant, or  
6 otherwise inquiring into or considering the conviction record of an applicant for  
7 employment, before the applicant has been selected for an interview by the  
8 prospective employer.

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

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

14           111.335 (4) (b) It is employment discrimination because of conviction record for  
15 a licensing agency to refuse to license any individual under sub. (3) ~~(a)~~ (ar) 1. or to  
16 bar or terminate an individual from licensing under sub. (3) (a) (ar) 1. because the  
17 individual was adjudicated delinquent under ch. 938 for an offense other than an  
18 exempt offense.

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

20           111.335 (4) (c) 1. (intro.) If a licensing agency refuses to license an individual  
21 under sub. (3) ~~(a)~~ (ar) 1. or bars or terminates an individual from licensing under sub.  
22 (3) (a) (ar) 1., the licensing agency shall, subject to subd. 2., do all of the following:

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

24           111.335 (4) (e) A state licensing agency that may refuse to license individuals  
25 under sub. (3) ~~(a)~~ (ar) 1. or that may bar or terminate an individual from licensure

1 under sub. (3) ~~(a)~~ (ar) 1. shall publish on the agency's Internet site a document  
2 indicating the offenses or kinds of offenses that may result in such a refusal, bar, or  
3 termination.

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

5 111.335 (4) (f) 1. A state licensing agency that may refuse to license individuals  
6 under sub. (3) ~~(a)~~ (ar) 1. or that may bar or terminate individuals from licensing  
7 under sub. (3) ~~(a)~~ (ar) 1. shall allow an individual who does not possess a license to,  
8 without submitting a full application and without paying the fees applicable to  
9 applicants, apply to the agency for a determination of whether the individual would  
10 be disqualified from obtaining the license due to his or her conviction record.

11 SECTION ~~7~~ <sup>9350: Workforce development</sup> **Initial applicability.** *the treatment of s. 111.335 (3) (a), (ag),*

12 (1) CONSIDERATION OF CONVICTION RECORD. **This act** *(4)(b), (4)(c) 1. (intro)* first applies to an application  
13 for employment submitted to an employer on the effective date of this subsection.

14 SECTION ~~8~~ **Effective date.**

15 (1) CONSIDERATION OF CONVICTION RECORD. **This act** *the act* takes effect on the first day  
16 of the 6th month beginning after publication.

17 (END)

→ INSERT 3-14

*and (a) a...  
111.335 (3) (a) 1.*

1           **INSERT 3-16**

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

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

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

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



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**

1 **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:***

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

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

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

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

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

12           111.335 (4) (b) It is employment discrimination because of conviction record for  
13 a licensing agency to refuse to license any individual under sub. (3) (a) (ar) 1. or to  
14 bar or terminate an individual from licensing under sub. (3) (a) (ar) 1. because the  
15 individual was adjudicated delinquent under ch. 938 for an offense other than an  
16 exempt offense.

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

18           111.335 (4) (c) 1. (intro.) If a licensing agency refuses to license an individual  
19 under sub. (3) (a) (ar) 1. or bars or terminates an individual from licensing under sub.  
20 (3) (a) (ar) 1., the licensing agency shall, subject to subd. 2., do all of the following:

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

22           111.335 (4) (e) A state licensing agency that may refuse to license individuals  
23 under sub. (3) (a) (ar) 1. or that may bar or terminate an individual from licensure  
24 under sub. (3) (a) (ar) 1. shall publish on the agency's Internet site a document



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

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

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

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

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

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

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

20

(END)