2019 ASSEMBLY BILL 384

August 28, 2019 - Introduced by Representatives C. TAYLOR, STUBBS, HEBL, ANDERSON, CROWLEY, ZAMARRIPA, SINICKI, BOWEN, L. MYERS, CONSIDINE, SPREITZER, NEUBAUER, BILLINGS, SARGENT, SUBECK, OHNSTAD, EMERSON, CARRERA, GRUSZYNski and BROSTOFF, cosponsored by Senators L. TAYLOR, CARPENTER, RINGHAND, WIRCH and JOHNSON. Referred to Committee on Labor and Integrated Employment.

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.

Analysis by the Legislative Reference Bureau

This bill provides that employment discrimination because of 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.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:
SECTION 1. 111.335 (3) (a) of the statutes is renumbered 111.335 (3) (ar).

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

111.335 (3) (ag) 1. Employment discrimination because of 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.

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

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

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

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

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

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

111.335 (4) (e) A state licensing agency that may refuse to license individuals under sub. (3) (ar) 1. or that may bar or terminate an individual from licensure
under sub. (3) (a) (ar) 1. shall publish on the agency’s Internet site a document indicating the offenses or kinds of offenses that may result in such a refusal, bar, or termination.

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

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

**SECTION 7. Initial applicability.**

(1) **Consideration of conviction record.** This act first applies to an application for employment submitted to an employer on the effective date of this subsection.

**SECTION 8. Effective date.**

(1) **Consideration of conviction record.** This act takes effect on the first day of the 6th month beginning after publication.