

State of Misconsin 1999 - 2000 LEGISLATURE

1999 ASSEMBLY BILL 469

September 16, 1999 – Introduced by Representatives Kelso, Walker, Grothman, Ladwig, Stone, Jensen, Musser, Montgomery, Owens, Hundertmark, Suder, Porter, Jeskewitz, Townsend, Urban, Kaufert, Nass, Underheim, Vrakas, Handrick and Plale, cosponsored by Senators Darling, Fitzgerald, Huelsman, Rosenzweig and Cowles. Referred to Committee on Labor and Employment.

1 AN ACT to repeal 111.335 (1) (cg) 3.; to amend 111.335 (1) (c), 111.335 (1) (cm),

565.02 (1) (b) (intro.) and 565.02 (2) (c) (intro.); and *to create* 111.335 (1) (cp)
of the statutes; **relating to:** permitting an employer to refuse to employ or to
terminate from employment an individual who has been convicted of a felony
and who has not been pardoned.

Analysis by the Legislative Reference Bureau

Current law, subject to certain exceptions, prohibits discrimination in employment based on conviction record. Current law specifies, however, that it is not employment discrimination because of 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. This bill expands that exception to the prohibition against employment discrimination based on conviction record by specifying that it is not employment discrimination because of conviction record to refuse to employ or to terminate from employment any individual who has been convicted of a felony and who has not been pardoned, whether or not the circumstances of the felony substantially relate to the circumstances of the particular job.

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

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

1	SECTION 1. 111.335 (1) (c) of the statutes is amended to read:
2	111.335(1) (c) Notwithstanding s. 111.322, it is not employment discrimination
3	because of conviction record to refuse to employ or license, or to bar or terminate from
4	employment or licensing, any individual who:
5	1. Has been convicted of any felony, misdemeanor or other offense the
6	circumstances of which substantially relate to the circumstances of the particular job
7	or licensed activity; or
8	2. Is not bondable under a standard fidelity bond or an equivalent bond where
9	such bondability is required by state or federal law, administrative regulation \overline{or}
10	established business practice of the employer.
11	SECTION 2. 111.335 (1) (cg) 3. of the statutes is repealed.
$11\\12$	SECTION 2. 111.335 (1) (cg) 3. of the statutes is repealed. SECTION 3. 111.335 (1) (cm) of the statutes is amended to read:
12	SECTION 3. 111.335 (1) (cm) of the statutes is amended to read:
$12\\13$	SECTION 3. 111.335 (1) (cm) of the statutes is amended to read: 111.335 (1) (cm) Notwithstanding s. 111.322, it is not employment
12 13 14	SECTION 3. 111.335 (1) (cm) of the statutes is amended to read: 111.335 (1) (cm) Notwithstanding s. 111.322, it is not employment discrimination because of conviction record to refuse to employ as an installer of
12 13 14 15	SECTION 3. 111.335 (1) (cm) of the statutes is amended to read: 111.335 (1) (cm) Notwithstanding s. 111.322, it is not employment discrimination because of conviction record to refuse to employ as an installer of burglar alarms or to terminate from employment a person who has been convicted
12 13 14 15 16	SECTION 3. 111.335 (1) (cm) of the statutes is amended to read: 111.335 (1) (cm) Notwithstanding s. 111.322, it is not employment discrimination because of conviction record to refuse to employ as an installer of burglar alarms or to terminate from employment a person who has been convicted of a felony and who has not been pardoned.
12 13 14 15 16 17	 SECTION 3. 111.335 (1) (cm) of the statutes is amended to read: 111.335 (1) (cm) Notwithstanding s. 111.322, it is not employment discrimination because of conviction record to refuse to employ as an installer of burglar alarms or to terminate from employment a person who has been convicted of a felony and who has not been pardoned. SECTION 4. 111.335 (1) (cp) of the statutes is created to read:

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1	1. Has been convicted of any felony, the circumstances of which substantially
2	relate to the circumstances of the particular job, and has been pardoned for that
3	felony;
4	2. Has been convicted of any misdemeanor or other offense the circumstances
5	of which substantially relate to the circumstances of the particular job; or
6	3. Is not bondable under a standard fidelity bond or an equivalent bond where
7	such bondability is required by state or federal law, administrative regulation or
8	established business practice of the employer.
9	SECTION 5. 565.02 (1) (b) (intro.) of the statutes is amended to read:
10	565.02 (1) (b) (intro.) Notwithstanding s. <u>ss.</u> 111.321, <u>111.322</u> and <u>111.335</u> , no
11	person may serve as the administrator if he or she has been convicted of, or entered
12	a plea of guilty or no contest to, any of the following:
13	SECTION 6. 565.02 (2) (c) (intro.) of the statutes is amended to read:
14	565.02 (2) (c) (intro.) Notwithstanding s. <u>ss.</u> 111.321 <u>, 111.322 and 111.335</u> , no
15	person may be employed under par. (b) if he or she has been convicted of, or entered
16	a plea of guilty or no contest to, any of the following:
17	(END)