

State of Misconsin 2003 - 2004 LEGISLATURE

2003 ASSEMBLY BILL 41

February 10, 2003 – Introduced by Representatives Petrowski, Nischke, Nass, Ziegelbauer, Montgomery, Pettis, Ladwig, Stone, Suder, Musser, Albers, Hundertmark, Freese, J. Fitzgerald, Olsen, Van Roy, Gielow, LeMahieu, Huebsch, M. Lehman, Hahn, Owens, D. Meyer, Loeffelholz, Kestell, Kreibich, M. Williams, Townsend, Kerkman, Grothman, Gunderson, F. Lasee, Weber, Vukmir, J. Wood, Hines, Vrakas and McCormick, cosponsored by Senators Darling, Kanavas, Harsdorf, S. Fitzgerald, Kedzie, Stepp, Lazich, Leibham and Roessler. Referred to Committee on Criminal Justice.

1 AN ACT *to create* 111.335 (1) (d) of the statutes; **relating to:** permitting an 2 educational agency to refuse to employ or to terminate from employment an 3 unpardoned felon.

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 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 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, whether or not the circumstances of the felony substantially relate to the circumstances of the particular job.

Under the bill, an "educational agency" is defined as a school district, a cooperative educational service agency, a county children with disabilities education board, a state correctional institution, a juvenile secured correctional facility, a secured child caring institution, the Wisconsin Center for the Blind and Visually Impaired, the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, the Mendota Mental Health Institute, the Winnebago Mental Health Institute, a state center for the developmentally disabled, a private school, a charter

school, an agency under contract with a school board to provide a program for children at risk, or a nonsectarian private school or agency under contract with the Milwaukee Public Schools board to provide educational programs for children enrolled in the school district.

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:

SECTION 1. 111.335 (1) (d) of the statutes is created to read:

 $\mathbf{2}$ 111.335 (1) (d) 1. In this paragraph, "educational agency" means a school 3 district, a cooperative educational service agency, a county children with disabilities 4 education board, a state correctional institution under s. 302.01, a secured correctional facility, as defined in s. 938.02 (15m), a secured child caring institution, $\mathbf{5}$ 6 as defined in s. 938.02 (15g), the Wisconsin Center for the Blind and Visually 7 Impaired, the Wisconsin Educational Services Program for the Deaf and Hard of 8 Hearing, the Mendota Mental Health Institute, the Winnebago Mental Health 9 Institute, a state center for the developmentally disabled, a private school, a charter 10 school, a private, nonprofit, nonsectarian agency under contract with a school board 11 under s. 118.153 (3) (c), or a nonsectarian private school or agency under contract 12with the board of school directors in a 1st class city under s. 119.235 (1).

Notwithstanding s. 111.322, it is not employment discrimination because of
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.

17