CHAPTER 106

APPRENTICE, EMPLOYMENT AND EQUAL RIGHTS PROGRAMS

SUBCHAPTER I
APPRENTICE PROGRAMS
106.001 Definitions.
106.01 Apprentice contracts.
106.015 Apprentice–to–journeyworker ratios.
106.025 Plumber apprenticeships.
106.05 Apprenticeship completion award program.
106.07 Participation by high school seniors in apprenticeship programs.
SUBCHAPTER II
EMPLOYMENT PROGRAMS
106.09 Public employment offices.
106.10 Veterans job training.
106.11 Workforce investment programs.
106.12 Employment and education program administration.
106.125 Early college credit program.
106.13 Youth apprenticeship program.
106.14 Job centers.
106.15 Assistance for dislocated workers.
106.16 Notification of position openings.
106.17 Local labor market information.
106.18 Youth programs in 1st class cities.
106.19 Trade adjustment assistance overpayment waiver.
106.25 Public insurrection; death and disability benefits.
106.26 Employment transit assistance program.
106.27 Workforce training program.
106.271 Worker training and employment program.
106.272 Teacher development program grants.
106.273 Career and technical education incentive grants and completion awards.
106.275 Technical education equipment grants.
106.276 Commercial driver training grant program.
106.277 Grants for teacher training and recruitment.
106.30 Nursing workforce survey and grant.
106.36 Offender reentry initiative.
106.361 Hotline for employers.
106.38 Hire Heroes program.
106.40 Agricultural education and workforce development council.
SUBCHAPTER III
EQUAL RIGHTS PROGRAMS
106.50 Open housing.
106.52 Public places of accommodation or amusement.
106.54 Division of equal rights.
106.56 Postsecondary education: prohibition against discrimination on basis of physical condition or developmental disability.
106.57 Postsecondary education; accessible instructional material for students with disabilities.
106.58 Discrimination in education prohibited.

Cross-reference: See the definitions in s. 103.001.

SUBCHAPTER I

APPRENTICE PROGRAMS

Cross-reference: See also chs. DWD 295 and 296, Wis. adm. code.

106.001 Definitions. In this subchapter:

(1) "Apprentice" means any person who enters into an apprentice contract with the department and with a sponsor or an apprenticeship committee acting as the agent of a sponsor.

(2) "Apprentice contract" means any contract or agreement of service, express or implied, between an apprentice, the department, and a sponsor or an apprenticeship committee acting as the agent of a sponsor whereby an apprentice is to receive from or through the apprentice's employer, in consideration for the apprentice's services in whole or in part, instruction in any trade, craft, or business.

(2m) "Apprenticeship committee" means a joint apprenticeship committee or a nonjoint apprenticeship committee designated by a sponsor to administer an apprenticeship program.

(4) "Apprenticeship program" means a program approved by the department providing for the employment and training of apprentices in a trade, craft, or business that includes a plan containing all of the terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices as required under this subchapter, including the apprentice contract requirements under s. 106.01.

(5) "Employer" means any person employing an apprentice, whether or not the person is a party to an apprentice contract with the apprentice.

(6) "Joint apprenticeship committee" means an apprenticeship committee that consists of an equal number of representatives of employers and of representatives of employees who are represented by a collective bargaining agent.

(7) "Nonjoint apprenticeship committee" means an apprenticeship committee that consists of representatives of employers, but not of representatives of employees who are represented by a collective bargaining agent.

(8) "Sponsor" means any employer, organization of employees, association of employers, committee, or other person operating an apprenticeship program and in whose name the apprenticeship program is approved by the department.

History: 1999 a. 83; 2009 a. 291.

106.01 Apprentice contracts. **(1)** FORMATION OF APPRENTICE CONTRACT. Any person 16 years of age or over may enter into an apprentice contract binding himself or herself to serve as an apprentice as provided in this section. The term of service of an apprenticeship shall be for not less than one year. Every apprentice contract shall be in writing and shall be signed by the apprentice, the department, and the sponsor or an apprenticeship committee acting as the agent of the sponsor. If the apprentice has not reached 18 years of age, the apprentice contract shall also be signed by one of the apprentice's parents or, if both parents are deceased or legally incapable of giving consent, by the guardian of the apprentice or, if there is no guardian, by a deputy of the department. The department shall specify the provisions that are required to be included in an apprentice contract by rule promulgated under sub. (11).

(5m) ASSIGNMENT OF APPRENTICE CONTRACT. (a) Upon entering into an apprentice contract, a sponsor that is not the proposed employer of the apprentice, or an apprenticeship committee that is acting as the agent of a sponsor, shall, with the acceptance of the apprentice contract by the proposed employer, assign the apprentice contract to the proposed employer, and the proposed employer and the apprentice named in the assignment shall be bound by the terms of the apprentice contract.

(b) The department shall furnish a copy of an acceptance described in par. (a) to each party that has signed the apprentice contract. A sponsor or apprenticeship committee that enters into an apprentice contract shall have the exclusive right to assign or reassign the apprentice contract to another sponsor, and the apprentice shall not be permitted to enter into any other apprentice contract. The period transpiring before assignment to an employer or reassignment to another employer shall not be credited toward the term of apprenticeship. The approval of the department is required in each transaction.

(c) A sponsor or apprenticeship committee that enters into an apprentice contract may reassign the apprentice contract to a different employer, but the apprentice shall not be bound by a reas-

signment unless that employer accepts the terms of the apprentice contract and agrees to perform the unperformed obligations of the apprentice contract. After a reassignment, the new employer shall perform the unperformed obligations of the apprentice contract. The department shall continue to have jurisdiction over an apprentice contract reassigned under this paragraph and the parties bound after the reassignment.

(5p) TERMINATION OF APPRENTICE CONTRACT. The department, on its own motion or on the complaint of any person, and after due notice, investigation, and, if requested by the apprentice, employer, or sponsor, a hearing under sub. (9), may make findings and issue an order terminating an apprentice contract if it is proved that any apprentice, employer, or sponsor that is a party to the apprentice contract is unable to continue with the obligations under the apprentice contract or has breached the apprentice contract. Upon termination of the apprentice contract, the released apprentice may enter into a new apprentice contract under any terms and conditions approved by the department that are consistent with this section.

(6) RELATED INSTRUCTION. (a) An employer shall pay an apprentice for the time that the apprentice is receiving related instruction as provided in this paragraph. An employer shall pay an apprentice for not less than the number of hours of related instruction specified in par. (b) or the number of hours of related instruction specified in the apprentice contract, whichever is greater, at the same rate per hour as the employer pays the apprentice for services performed.

(b) During the first 2 years of an apprenticeship, the sponsor shall provide for the apprentice not less than 144 hours per year of related instruction. If the apprenticeship is for longer than 2 years, the sponsor shall provide for the apprentice not less than a total of 400 hours of related instruction over the term of the apprenticeship. If the apprentice is receiving classroom instruction, the sponsor shall provide for the apprentice not less than 4 hours of related instruction or the equivalent during each week that the school providing the classroom instruction is in session. The total number of hours of related instruction and work that a sponsor may assign to an apprentice may not exceed 55 per week, except that nothing in this paragraph shall be construed to forbid overtime work as provided in sub. (7).

(c) This subsection does not prohibit an agreement between the parties requiring the apprentice to take additional instruction on the apprentice's own time in excess of the number of hours required under par. (b) or the apprentice contract, whichever is greater.

(d) The provider of related instruction to an apprentice shall submit reports on the grades and attendance of the apprentice to the department and the sponsor in accordance with standards set by the department.

(e) All school officers and public school teachers shall cooperate with the department and employers and sponsors of apprentices to furnish, in a public school or any school supported in whole or in part by public moneys, any related instruction that may be required to be given apprentices.

(7) OVERTIME. An apprentice may be allowed to work overtime. All time in excess of the hours of labor that are paid at an employee's regular rate of pay in the particular craft, industry, or business and by the particular employer shall be considered overtime. An apprentice's rate of pay for overtime shall be increased by the same percentage as the journey worker's rate of pay for overtime is increased in the same industry or establishment.

(8) NONPERFORMANCE OF APPRENTICE CONTRACT. If the apprentice or sponsor that is a party to an apprentice contract or an assignee employer fails to perform any of the stipulations of the apprentice contract, the apprentice, sponsor, or assignee employer may be required to forfeit not less than $100 nor more than $1,000, which is to be collected on complaint of the department and paid into the state treasury. In addition, the department may terminate an apprentice contract under sub. (5p) upon application of any party and for good cause shown.

(9) AUTHORITY OF DEPARTMENT. The department, subject to s. 106.015, may investigate, fix reasonable classifications, issue rules and general or special orders, and hold hearings, make findings, and render orders upon its findings as necessary to carry out the intent and purposes of this section. The investigations, classifications, hearings, findings, and orders shall be made as provided in s. 103.005. Except as provided in sub. (8), the penalties specified in s. 103.005 (12) apply to violations of this section. Orders issued under this subsection are subject to review under ch. 227.

(11) RULES. The department, subject to s. 106.015, shall promulgate rules to implement this section, including rules providing for all of the following:

(a) The provisions that are required to be included in an apprentice contract.

(b) Procedures for approving and for rescinding approval of apprenticeship programs.

History: 1971 c. 228 s. 43; 1977 c. 29 s. 1651; 1977 c. 273; 1993 a. 492; 1995 a. 27; 1999 a. 83; 2001 a. 16; 2003 a. 33; 2009 a. 291; 2015 a. 258; 2017 a. 148; 2017 a. 365 s. 111.

The department was a necessary party to an action by a city employee for an allegedly discriminatory annulment of his apprentice indenture. Tillman v. City of Milwaukee, 715 F.2d 354 (1983).

106.015 Apprentice–to–journeyworker ratios. (1) Except as provided in sub. (2), the department may not prescribe, enforce, or authorize, whether through the promulgation of a rule, the issuance of a general or special order, the approval of an apprenticeship program or apprentice contract, or otherwise, a ratio of apprentices to journeyworkers for apprenticeship programs or apprentice contracts that requires more than one journeyworker for each apprentice.

(2) The prohibition under sub. (1) does not apply with respect to apprentices whose employment is governed by a collective bargaining agreement.

History: 2017 a. 148.

106.025 Plumber apprenticeships. (1) The department may prescribe the conditions under which a person may serve a plumbing apprenticeship, as to preliminary and technical college attendance requirements, level of supervision of an apprentice, the character of plumbing work in accordance with ch. 145, and the credit for school attendance in serving the apprenticeship.

(2) Every person commencing a plumbing apprenticeship shall enter into an apprentice contract under s. 106.01.

(3) After the expiration of an apprenticeship term, no apprentice may engage in the business of plumbing either as an apprentice or as a journeyman plumber unless the apprentice secures a journeyman plumber's license. In case of failure to pass the examination for the license, he or she may continue to serve as an apprentice but not beyond the time for reexamination for a journeyman plumber's license, as prescribed by the rules of the department.

History: 1971 c. 40; 1971 c. 154 s. 79 (2); 1979 c. 221; 1981 c. 60; 1993 a. 399; 1995 a. 286 ss. 1, 2; Stats. 1995 s. 106.025; 1999 a. 83; 2009 a. 291; 2017 a. 148.

106.05 Apprenticeship completion award program. (1) DEFINITIONS. In this section:

(a) "Sponsor" does not include a state agency or local governmental unit.

(b) "Tuition costs" means any fee that is charged for an apprentice to participate in related instruction under s. 106.01 (6).

(2) APPRENTICESHIP COMPLETION AWARDS. (a) The depart-

ment shall administer an apprenticeship completion award program as provided in this section to partially reimburse tuition costs incurred by any of the following:

1. An apprentice who has successfully completed part or all of the requirements of his or her apprenticeship program as provided in par. (b) 1. and 2. and who is employed in the trade, occupation, or business in which he or she is being trained under the apprenticeship program.

2. The sponsor of an apprentice described in subd. 1.

(b) Subject to par. (c) and sub. (3), from the appropriation under s. 20.445 (1) (dr), the department may provide to an apprentice described in par. (a) 1. or the apprentice's sponsor a completion award equal to 25 percent of the cost of tuition incurred by the apprentice or sponsor or $1,000, whichever is less. If the department provides a completion award under this subsection, the department shall pay the award as follows:

1. The department shall make the first payment of a completion award upon the successful completion of the first year of the apprentice's apprenticeship contract. The amount of the first payment may not exceed $250.

2. The department shall pay the remainder of a completion award upon the successful completion of all requirements of the apprentice's apprenticeship program.

(c) The total amount of a completion award that the department may pay to an apprentice and his or her sponsor may not exceed 25 percent of the cost of tuition incurred by the apprentice and sponsor or $1,000, whichever is less.

(3) LIMITATIONS ON AWARDS. (a) If the amount of funds to be distributed under sub. (2) exceeds the amount available in the appropriation under s. 20.445 (1) (dr) for completion awards under sub. (2), the department may reduce the reimbursement percentage or deny applications for completion awards that would otherwise qualify under sub. (2). In that case, the department shall determine the reimbursement percentage and eligibility on the basis of the dates on which apprentices and sponsors become eligible for completion awards.

(b) The department may provide a completion award under sub. (2) to a person who is delinquent in child support or maintenance payments or who owes past support, medical expenses, or birth expenses, as established by appearance of the person's name on the statewide support lien docket under s. 49.854 (2) (b), only if the person provides the department with one of the following:

1. A repayment agreement that the person has entered into, that has been accepted by the county child support agency under s. 59.53 (5), and that has been kept current for the 6-month period immediately preceding the date of the application for a completion award.

2. A statement that the person is not delinquent in child support or maintenance payments and does not owe past support, medical expenses, or birth expenses, signed by a representative or designee of the department of children and families within 7 working days before the date of the application for a completion award.

(4) RULES. The department shall promulgate rules to implement this section.

History: 2013 a. 57; 2015 a. 348; 2017 a. 370.

Cross-reference: See also s. DWD 295.25, Wis. adm. code.

106.07 Participation by high school seniors in apprenticeship programs. (1) DEFINITION. In this section, "high school senior" means an individual who is 16 years of age or over and who is enrolled in grade 12 in public school.

(2) ELIGIBILITY. A high school senior may enter into an apprentice contract under s. 106.01 that provides for the high school senior to participate in an apprenticeship program if the school district in which the high school senior is enrolled does all of the following:

(a) Certifies that the high school senior is expected to graduate high school no later than the end of the current school year.

(b) Certifies that the high school senior's proposed on-the-job training schedule allows adequate time for the high school senior to complete any high school graduation requirements no later than the end of the current school year.

(c) Agrees to award high school credit to the high school senior for the hours of related instruction provided by a sponsor under s. 106.01 (6) (b) that the high school senior completes during the first year of the apprentice contract.

(d) Agrees to award high school credit to the high school senior for the hours of on-the-job training the high school senior completes during the first year of the apprentice contract.

(3) ON-THE-JOB TRAINING DURING FIRST YEAR OF APPRENTICE CONTRACT. In addition to any other provisions that are required to be included in an apprentice contract under rules promulgated by the department under s. 106.01 (11) (a), the apprentice contract described in sub. (2) shall provide all of the following:

(a) That, during the first year of the apprentice contract, the employer will employ the high school senior on a part-time basis during any periods of time when the school district in which the high school senior is enrolled is in session.

(b) That the high school senior must complete a minimum of 450 hours of on-the-job training during the first year of the apprentice contract.

(4) HIGH SCHOOL GRADUATION REQUIREMENT. No later than one year after the date on which the apprentice contract described in sub. (2) is executed, the high school senior shall provide all parties to the apprentice contract evidence that the high school senior earned his or her high school diploma or high school equivalency diploma. If the high school senior fails to timely provide that evidence, the department may terminate the apprentice contract under s. 106.01 (5p).

(5) COORDINATION AMONG STATE AGENCIES. The state workforce development board established under 29 USC 3111, the technical college system board, and the department of public instruction shall assist the department of workforce development in implementing this section and in coordinating participation by high school seniors in apprenticeship programs under this section.

(6) RULES. The department may promulgate rules to implement this section.

History: 2017 a. 273.

SUBCHAPTER II

EMPLOYMENT PROGRAMS

106.09 Public employment offices. (1) The department shall establish and conduct free employment agencies, license and supervise the work of private employment offices, do all in its power to bring together employers seeking employees and working people seeking employment, make known the opportunities for self-employment in this state, aid in procuring employment for the blind adults of the state, aid in inducing minors to undertake promising skilled employments, provide industrial or agricultural training for vagrants and other persons unsuited for ordinary employments, and encourage wage earners to insure themselves against distress from unemployment. It shall investigate the extent and causes of unemployment in this state and the remedies therefor in this and other countries, and it shall devise and adopt the most efficient means within its power to avoid un-

employment, to provide employment, and to prevent distress from involuntary idleness.

(2) Any county, city, town or village may enter into an agreement with the department for such period of time as may be deemed desirable for the purpose of establishing and maintaining local free employment offices, and it shall be lawful for any county, city, town or village to appropriate and expend the necessary money and to permit the use of public property for the joint establishment and maintenance of such offices as may be agreed upon, or in counties containing 250,000 inhabitants or more in any city, town or village therein to purchase a site and construct necessary buildings. Provided, that in any county, city, village or town therein, wherein there is a citizens' committee on unemployment, such committee may rent, lease, purchase or construct necessary buildings for the joint establishment and maintenance of such free employment office, subject to the approval of such plans by the department. The department may establish such free employment offices as it deems necessary to carry out the purposes of ch. 108. All expenses of such offices, or all expenses not defrayed by the county, city, town or village in which an office is located, shall be paid from the appropriations to the department provided in s. 20.445 (1) (ga) and (n).

(3) The department may rent, furnish and equip, except as provided in sub. (2), such offices as may be needed in cities for the conduct of its affairs. All payments arising under this section shall be charged against the proper appropriation for the department.

(5) The department is authorized and directed to cooperate with the U.S. employment service in the administration of its functions.

(7) The department may, by rule, fix and collect fees for provision of employment services authorized but not funded by the U.S. employment service.

History: 1971 c. 185 ss. 1, 7; 1971 c. 228 ss. 25, 42; Stats. 1971 s. 101.23; 1973 c. 90 s. 559; 1979 c. 34 s. 2102 (25) (a); 1981 c. 36 s. 45; 1983 a. 27; 1985 a. 29 ss. 1650, 3202 (29); 1995 a. 27 s. 3692; Stats. 1995 s. 106.09; 2003 a. 33.

106.10 Veterans job training. The department shall cooperate with the U.S. department of veterans affairs in the performance of functions prescribed in P.L. 79-679, 60 Stat. 934 and any acts amendatory thereof or supplementary thereto. The secretary may with the approval of the governor take all necessary steps in the making of leases or other contracts with the federal government in the adoption and execution of plans, methods and agreements to effectuate P.L. 79-679.

History: 1971 c. 185 s. 1; 1971 c. 228; Stats. 1971 s. 101.25; 1977 c. 29, 272; 1989 a. 56; 1995 a. 27 s. 3693; Stats. 1995 s. 106.10.

106.11 Workforce investment programs. The department shall cooperate with the federal government in carrying out the purposes of the federal Workforce Innovation and Opportunity Act of 2014, 29 USC 3101 to 3361. In administering the programs authorized by that act the department shall, in cooperation with other state agencies and with local workforce development boards established under 29 USC 3122, establish a statewide workforce investment system to meet the employment, training, and educational needs of persons in this state. If a local workforce development board anticipates that there may be a business closing or mass layoff under s. 109.07 in the area served by that board, the board may prepare a list of resources available in that area that provide career planning, job search, job skills training, and other support services for affected employees, as defined in s. 109.07 (1) (a), including contact information for those resources, for distribution to those employees under s. 109.07 (1m) (a).

History: 1985 a. 29 ss. 43, 45 to 48, 50, 51, 1651 to 1653, 3202 (22); 1993 a. 399, 446; 1995 a. 27 ss. 3694 to 3697, 9145 (1); Stats. 1995 s. 106.11; 1997 a. 27, 39, 112; 1999 a. 9; 2009 a. 87; 2025 a. 139.

106.12 Employment and education program administration. The department shall plan, coordinate, administer, and implement the youth apprenticeship program under s. 106.13 (1) and such other employment and education programs as the governor may by executive order assign to the department. Notwithstanding any limitations placed on the use of state employment and education funds under this section or s. 106.13 or under an executive order assigning an employment and education program to the department, the department may issue a general or special order waiving any of those limitations on finding that the waiver will promote the coordination of employment and education services.

History: 1993 a. 16; 1995 a. 27 s. 3701; 1995 Stats. s. 106.12; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25.

106.125 Early college credit program. On behalf of the school board of a school district, on behalf of a governing board of a charter school under s. 118.40 (2r) or (2x), and on behalf of the governing body of a participating private school, as defined in s. 118.55 (1) (c), the department of workforce development shall pay to the department of public instruction the costs of tuition for a pupil who attends an institution of higher education under the program under s. 118.55 as provided under s. 118.55 (5) (e) 2. and 3.

History: 2017 a. 59; 2021 a. 217.

106.13 Youth apprenticeship program. (1) The department may provide a youth apprenticeship program. If the department provides that program, the program may include under that program the grant program under sub. (3m).

(2) The council on workforce investment established under 29 USC 3111, the technical college system board, and the department of public instruction shall assist the department in providing the youth apprenticeship program under sub. (1).

(2m) The department shall approve occupational areas and maintain a list of approved occupational areas for the youth apprenticeship program. The department shall include in its approved list, at a minimum, all of the following occupational areas:

(a) Agriculture, food, and natural resources.
(b) Architecture and construction.
(c) Arts, audio-visual technology, and communications.
(d) Business management and administration.
(e) Education and training.
(f) Finance.
(g) Government and public administration.
(h) Health science.
(i) Hospitality and tourism.
(j) Human services.
(k) Information technology.
(L) Law, public safety, corrections, and security.
(m) Manufacturing.
(n) Marketing.
(o) Science, technology, engineering, and mathematics.
(p) Transportation, distribution, and logistics.

(2r) From the appropriation under s. 20.445 (1) (a), the department shall develop curricula for youth apprenticeship programs for occupational areas approved under sub. (2m).

(3) The youth apprenticeship program under sub. (1) shall not affect any apprenticeship program that is governed by subch. I, except that an apprenticeship program that is governed by subch. I may grant credit toward the completion of an apprenticeship for the successful completion of a youth apprenticeship under sub. (1).

(3m) (a) In this subsection:

1. "Local partnership" means one or more school districts, or

any combination of one or more school districts, other public agencies, nonprofit organizations, individuals, or other persons, who have agreed to be responsible for implementing and coordinating a local youth apprenticeship program.

1r. "Nonprofit organization" means a nonstock corporation under ch. 181 that is a nonprofit corporation, as defined in s. 181.0103 (17).

2. "Public agency" means a county, city, village, town, school district or technical college district or an agency of this state or of a county, city, village, town, school district or technical college district.

(b) From the appropriation under s. 20.445 (1) (e), the department may award grants to applying local partnerships for the implementation and coordination of local youth apprenticeship programs. A local partnership shall include in its grant application the identity of each public agency, nonprofit organization, individual, and other person who is a participant in the local partnership, a plan to accomplish the implementation and coordination activities specified in subds. 1. to 6., and the identity of a fiscal agent who is responsible for receiving, managing, and accounting for the grant moneys received under this paragraph. Subject to par. (c), a local partnership that is awarded a grant under this paragraph may use the grant moneys awarded for any of the following implementation and coordination activities:

1. Recruiting employers to provide on-the-job training and supervision for youth apprentices and providing technical assistance to those employers.

2. Recruiting students to participate in the local youth apprenticeship program and monitoring the progress of youth apprentices participating in the program.

3. Coordinating youth apprenticeship training activities within participating school districts and among participating school districts, postsecondary institutions and employers.

4. Coordinating academic, vocational and occupational learning, school-based and work-based learning and secondary and postsecondary education for participants in the local youth apprenticeship program.

5. Assisting employers in identifying and training workplace mentors and matching youth apprentices and mentors.

6. Any other implementation or coordination activity that the department may direct or permit the local partnership to perform.

(c) A local partnership that is awarded a grant under par. (b) may not use any of the grant moneys awarded to provide funding to a business that is operated for profit or to a nonprofit organization that represents business interests.

(d) The amount of a grant awarded under par. (b) may not exceed $900 per youth apprentice. Beginning on July 10, 2021, the amount of a grant awarded under par. (b) cannot be greater than $1,100. A local partnership that is awarded a grant under par. (b) shall provide matching funds equal to 50 percent of the grant amount awarded.

(e) The following outcomes are expected of a local youth apprenticeship program that is funded under par. (b):

1. At least 80 percent of the youth apprentices who participate in the program for 2 years must receive a high school diploma on completion of the youth apprenticeship.

2. At least 60 percent of the youth apprentices who participate in the program for 2 years must be offered employment by the employer that provided the on-the-job training for the youth apprentice on completion of the youth apprenticeship.

(5) The department shall promulgate rules to administer this section.

History: 1991 a. 39; 1993 a. 16, 339, 399, 437, 491; 1995 a. 27 ss. 3703 to 3712, 9130 (4), 9145 (1); Stats. 1995 s. 106.13; 1997 a. 3, 27, 79; 1999 a. 9 ss. 2016 to 2024, 2068; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2009 a. 291; 2015 a. 55, 348; 2017 a. 370; 2019 a. 171; 2021 a. 58; 2025 a. 139.

106.14 Job centers. (1) The department shall provide a job center network throughout the state through which job seekers may receive comprehensive career planning, job placement, and job training information.

(2) The department shall publicize and maintain on its job center website information related to the job program under s. 49.147 (3) so that employers and individuals seeking employment may obtain information about the program, including how to participate in it.

History: 1993 a. 16; 1995 a. 27 ss. 3713, 3770m and 3770p; Stats. 1995 s. 106.14; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2009 a. 333; 2011 a. 32; 2017 a. 365 s. 112.

106.15 Assistance for dislocated workers. (1) DEFINITIONS. In this section:

(a) "Council" means the council on workforce investment established under 29 USC 3111.

(b) "Dislocated worker" has the meaning given in 29 USC 3102 (15).

(c) "Dislocated worker committee" means the committee or other subunit of the council that assists the governor in providing employment and training activities to dislocated workers under 29 USC 3172 to 3174.

(d) "Local plan" means a local plan required under 29 USC 3123 as a condition for a grant.

(3) GRANTS. From the appropriation under s. 20.445 (1) (m), the department shall make grants to persons providing employment and training activities to dislocated workers including all of the following:

(a) Job search assistance, including participation in job clubs.

(b) Training in job skills.

(c) Support services, including but not limited to transportation assistance, relocation assistance, financial counseling, personal counseling and programs conducted in cooperation with employers or labor organizations.

(4) GRANT APPROVAL. The department may award a grant under this section only if both of the following occur:

(a) The dislocated workers committee approves the local plan or application for funding and refers its decision to the secretary.

(b) After receiving a referral under par. (a), the secretary approves the local plan or application for funding.

(5) LOCAL PLAN OR APPLICATION REVIEW. In reviewing local plans and applications for funding under this section, the dislocated workers committee and the secretary shall consider all of the following:

(a) The severity of the need for the program in the community to be served when compared with the severity of need in other communities.

(b) The appropriateness of the skill development or training to be provided, including whether the demand for that skill exceeds the supply.

(c) Whether the program provides for labor organizations to participate in program planning.

(d) Whether the program provides for coordination with other employment and training programs offered in the community in which the program will be offered.

(6) RULE MAKING. The department shall promulgate rules to administer this section. The rules shall address eligible applicants and program providers, application requirements, criteria and procedures for awarding grants, reporting and auditing procedures and administrative operations.

(7) FUNDING. From the amounts appropriated under s.

20.445 (1) (m), all moneys received under 29 USC 3172 to 3174 shall be expended to fund grants and operations under this section.

History: 1985 a. 153; 1987 a. 27; 1989 a. 31, 44; 1995 a. 27 ss. 3714, 3715; Stats. 1995 s. 106.15; 1999 a. 9; 2003 a. 33; 2011 a. 32; 2025 a. 139.

106.16 Notification of position openings. (1) In this section:

(a) "Company" means any business operated for profit.

(b) "State agency" has the meaning given in s. 20.001 (1).

(2) Any company that receives a loan or grant from a state agency or an authority under ch. 231 or 234 shall notify the department and the local workforce development board established under 29 USC 3122, of any position in the company that is related to the project for which the grant or loan is received to be filled in this state within one year after receipt of the loan or grant. The company shall provide this notice at least 2 weeks prior to advertising the position.

(3) A state agency or an authority under ch. 231 or 234 shall notify the Wisconsin Economic Development Corporation if it makes a loan or grant to a company.

(4) (a) The department shall, upon complaint by any person or on its own motion, investigate any allegation that a company has violated sub. (2) if the complaint is filed with the department no more than 300 days after the alleged violation occurred.

(b) If after investigation under par. (a) the department finds probable cause to believe that a company has violated sub. (2), the department shall notify the company of the department's finding of probable cause, of the actions specified under par. (d) that the department proposes to take and of the company's right to request a hearing regarding the alleged violation of sub. (2).

(c) A company that receives a notice under par. (b) may, within 30 days after the date of the notice, request a contested case hearing under s. 227.42. If the department does not receive a request for a contested case hearing under s. 227.42 within 30 days after the date of the notice under par. (b), the department shall issue a final decision that the company has violated sub. (2) and take the actions specified under par. (d).

(d) If the department receives a request under par. (c) for a hearing, the department shall hold a hearing as provided under s. 227.44. If, after hearing, the department finds that a company has violated sub. (2), the department shall issue a final decision under s. 227.47 that the company has violated sub. (2) and shall order the company to take any remedial action that the department considers appropriate based on the severity of the noncompliance with sub. (2).

History: 1985 a. 285, 332; 1987 a. 27, 399; 1991 a. 39; 1995 a. 27 ss. 3716 and 9116 (5); Stats. 1995 s. 106.16; 1999 a. 9; 2011 a. 32; 2025 a. 139.

106.17 Local labor market information. (1) The department shall collect information concerning local labor markets and periodically prepare reports dealing with labor forces at a local level in this state for general circulation.

(2) The collection and distribution of local labor market information under sub. (1) shall be funded only from the appropriations under s. 20.445 (1) (m) and (n).

History: 1987 a. 27; 1995 a. 27 s. 3717; Stats. 1995 s. 106.17; 2003 a. 33.

106.18 Youth programs in 1st class cities. From the appropriation account under s. 20.445 (1) (fm), the department shall implement and operate youth summer jobs programs in 1st class cities.

History: 2007 a. 20; 2015 a. 348; 2017 a. 370.

106.19 Trade adjustment assistance overpayment waiver. (1) On or before October 8, 1989, the department shall establish a policy for waiving recovery of overpayments made under the federal adjustment assistance for workers program under 19 USC 2272 to 2318.

(2) The waiver policy shall require the department to grant a waiver if all of the following apply:

(a) The overpayment was not the fault of the person who received it.

(b) Requiring repayment would be contrary to equity and good conscience.

(3) The department shall do all of the following:

(a) Notify all of the following persons of the waiver policy and the person's right to request a waiver:

1. A person from whom the department attempts to recover an overpayment made under 19 USC 2272 to 2318.

2. A person from whom the department is in the process of recovering an overpayment made under 19 USC 2272 to 2318.

(b) Comply with the guidelines issued by the U.S. secretary of labor under 19 USC 2315 in connection with the waiver policy.

(c) Establish the waiver policy by rule, using the procedure under s. 227.24.

History: 1989 a. 31; 1995 a. 27 s. 3719; Stats. 1995 s. 106.19.

Cross-reference: See also ch. DWD 135, Wis. adm. code.

106.25 Public insurrection; death and disability benefits. (1) DEFINITION. In this section, "public insurrection" means a civil disturbance in which a group or groups of persons are simultaneously engaged in acts of violence against persons or property by the illegal use of weapons, by burning, pillaging or looting or by committing any other illegal acts, and which is of such a magnitude as to result in any of the following:

(am) Extraordinary utilization of off-duty local law enforcement personnel.

(b) Declaration of a public emergency by the governor.

(c) The calling of the national guard or other troops.

(2) DEATH AND DISABILITY BENEFITS. If the department finds that the injury or death of a state or local government officer or employee arose out of the performance of duties in connection with a public insurrection, and finds that death or disability benefits are payable under ch. 102, a supplemental award equal to the amount of the benefits, other than medical expense, payable under ch. 102 shall be made to the persons and in the same manner provided by ch. 102, except that when benefits are payable under s. 102.49, a supplemental award equal to one-half the benefits payable under that section shall be made.

(3) PAYMENTS. All payments under this section shall be made from the general fund.

(4) BENEFITS ADDITIONAL TO ALL OTHERS. Death and disability benefits under this section are in addition to all other benefits provided by state law or by action of any municipality or public agency.

History: 1971 c. 40; 1975 c. 199; 1975 c. 404 s. 7; 1975 c. 405 s. 7; Stats. 1975 s. 101.47; 1977 c. 29 s. 1651; 1995 a. 27 s. 3726; Stats. 1995 s. 106.25; 1995 a. 225, 257.

106.26 Employment transit assistance program. (1) FINDINGS AND PURPOSE. The legislature finds that, for many workers and persons seeking employment in outlying suburban and sparsely populated and developed areas, conventional, fixed-route mass transit systems do not provide adequate transportation service. The purpose of the employment transit assistance program under this section is to correct this deficiency in access to employment locations and to stimulate the development of innovative transit service methods.

(2) DEFINITIONS. In this section:

(a) "Eligible applicant" means a local public body or a private organization.

(b) "Local public body" has the meaning given in s. 85.20 (1) (d).

(c) "Mass transit system" has the meaning given in s. 85.20 (1) (e).

(d) "Project" means a project designed to improve access to jobs, including part-time jobs and Wisconsin works employment positions, as defined in s. 49.141 (1) (r), located in outlying suburban and sparsely populated and developed areas that are not adequately served by a mass transit system and to develop innovative transit service methods.

(3) ADMINISTRATION. The department shall administer the employment transit assistance program and shall have all powers necessary and convenient to implement this section, including the following:

(a) To conduct a project.

(b) To make and execute contracts with eligible applicants.

(c) To make grants from the appropriation under s. 20.445 (1) (fg) to eligible applicants to conduct projects or to match a federal grant awarded to an eligible applicant to conduct a project. Grants by the department are subject to all of the following requirements:

1. A grant may not exceed 80 percent of the total cost of a project.

2. A grant may only be made to an eligible applicant that provides access to nontemporary employment or to Wisconsin works employment positions, as defined in s. 49.141 (1) (r).

(d) To receive and review applications from eligible applicants for grants under this section and to prescribe the form, nature and extent of information that shall be included in applications.

(e) To establish criteria for evaluating applications for grants under this section.

History: 1989 a. 31; 1995 a. 27 s. 3526m; Stats. 1995 s. 106.26; 1997 a. 27; 2003 a. 33; 2015 a. 348; 2017 a. 370.

106.27 Workforce training program. (1) WORKFORCE TRAINING GRANTS. From the appropriation under s. 20.445 (1) (b), the department shall award grants to public and private organizations for the development and implementation of workforce training programs. An organization that is awarded a grant under this subsection may use the grant for the training of unemployed and underemployed workers and incumbent employees of businesses in this state. As a condition of receiving a grant under this subsection, the department may require a public or private organization to provide matching funds at a percentage to be determined by the department. Grants awarded under this subsection may include any of the following:

(a) Grants for collaborative projects among school districts, technical colleges, and businesses to provide high school students with industry-recognized certifications in high-demand fields, as determined by the department.

(b) 1. Grants for programs that train teachers and that train individuals to become teachers, including teachers in dual enrollment programs.

2. In this paragraph:

a. "Dual enrollment program" means a program or course of study designed to provide high school students the opportunity to gain credits in both technical college and high school, including transcripted credit programs or other educational services provided by contract between a school district and a technical college.

b. "Teacher" includes an instructor at a technical college under ch. 38.

(c) Grants for the development of public-private partnerships designed to improve workforce retention through employee support and training.

(d) Grants to nonprofit organizations, institutions of higher education, as defined in 20 USC 1001 (a) and (b), and employers to increase the number of students who are placed with employers for internships.

(e) Grants to community-based organizations for public-private partnerships to create and implement a nursing training program for middle school and high school students.

(f) Grants to school districts to fund building modifications needed to support school districts' technical education programs.

(g) Grants for programs that promote the attraction and retention of personal care workers.

(1g) WORKFORCE TRAINING PROGRAM; EXPANDED PURPOSES. Of the amounts appropriated under s. 20.445 (1) (b) in the 2013-15 fiscal biennium, the department shall allocate $35,400,000 for all of the following:

(a) Grants to technical colleges for the reduction of waiting lists for enrollment in programs and courses in high-demand fields, as determined by the department.

(b) Grants for collaborative projects among school districts, technical colleges, and businesses to provide high school pupils with industry-recognized certifications in high-demand fields, as determined by the department.

(c) Grants to public and private organizations or services provided by the department to enhance employment opportunities for persons with disabilities.

(d) Administration of the grants and services under par. (a) to (c) and, if the department determines that the full amount of the allocation under this subsection will not be needed for grants and services under pars. (a) to (c) and for administration of those grants and services under this paragraph, grants under sub. (1).

(1j) WORKFORCE TRAINING PROGRAM; GRANTS FOR MOBILE CLASSROOMS AND INSTITUTIONAL JOB CENTERS. (a) Of the amounts appropriated under s. 20.445 (1) (b), the department shall allocate for grants to the department of corrections to fund the creation and operation of mobile classrooms.

(ac) Of the amounts appropriated under s. 20.445 (1) (b), the department shall, in the 2023-25 fiscal biennium, allocate $975,800 in each fiscal year for grants to the department of corrections to support instructor costs for the mobile classrooms described under par. (a).

(ad) In this paragraph, "eligible institution" means a minimum security correctional institution or a medium security prison. Of the amounts appropriated under s. 20.445 (1) (b), the department shall allocate grants to the department of corrections to fund the creation and operation of institutional job centers at eligible institutions.

(am) Of the amounts appropriated under s. 20.445 (1) (b), the department may allocate up to $50,000 in each fiscal year for grants to fund the upkeep and maintenance of the mobile classrooms described under par. (a).

(b) The mobile classrooms described under par. (a) shall be used to provide job skills training to individuals in underserved areas of this state, including inmates at correctional facilities who are preparing for reentry into the workforce.

(c) The department of corrections may use the grant money awarded under par. (a) to purchase capital equipment, such as a mobile or modular unit, that will be used as a mobile classroom, including costs to modify the equipment to make it suitable for classroom instruction, and to purchase and install any furniture, equipment, and supplies necessary or desirable for outfitting the mobile classroom for the job skills training that will be provided in the mobile classroom.

(1m) LABOR MARKET INFORMATION SYSTEM. From the appropriation under s. 20.445 (1) (bm), the department shall develop and maintain a labor market information system to collect, analyze, and disseminate information on current and projected employment opportunities in this state and other appropriate information relating to labor market dynamics as determined by the department. The department shall make the information contained in the system available, free of charge, to school districts, technical colleges, tribal colleges, institutions and college campuses within the University of Wisconsin System, local workforce development boards established under 29 USC 3122, employers, job seekers, and the general public, including making that information available on the department's Internet site.

(1r) STUDENT INTERNSHIP COORDINATION. From the appropriation under s. 20.445 (1) (b), the department shall provide coordination between nonprofit organizations and institutions of higher education, as defined in 20 USC 1001 (a) and (b), and employers to increase the number of students who are placed with employers for internships.

(1u) SHIPBUILDERS; TRAINING GRANTS. From the appropriation under s. 20.445 (1) (b), in each year of the 2019-21 fiscal biennium, the department shall allocate $1,000,000 for grants to shipbuilders in this state to train new and current employees.

(2g) IMPLEMENTATION. (a) *Duties.* To implement this section, the department shall do all of the following:

1. Promulgate rules prescribing procedures and criteria for awarding grants under sub. (1) and the information with respect to those grants that must be contained in the reports required under subd. 3.

2. Receive and review applications for grants under subs. (1), (1g), and (1j) (am) and prescribe the form, nature, and extent of the information that must be contained in an application for a grant under sub. (1), (1g), or (1j) (am).

3. Require reports from grant recipients describing how the grant moneys received by a grant recipient were expended and the outcomes achieved as a result of the training program, waiting-list reduction activities, certification program, or employment enhancement activities implemented by the grant recipient.

(b) *Powers.* In addition to the duties described in par. (a), the department shall have all other powers necessary and convenient to implement this section, including the power to audit and inspect the records of grant recipients.

(2m) CONSULTATION. The department shall consult with the technical college system board and the Wisconsin Economic Development Corporation in implementing this section.

(3) ANNUAL REPORT. Annually, by December 31, the department shall submit a report to the governor and the cochairpersons of the joint committee on finance providing an account of the department's activities and expenditures under this section during the preceding fiscal year and detailing the amounts allocated to and expended for each of the programs, grants, and services specified in s. 20.445 (1) (b) and (bm) for that fiscal year. The report shall include information on the number of unemployed and underemployed workers and incumbent employees who participate in training programs under sub. (1) or (1j); the number of unemployed workers who obtain gainful employment, underemployed workers who obtain new employment, and incumbent employees who receive increased compensation after participating in such a training program; and the wages earned by those workers and employees both before and after participating in such a training program. The report shall also include information on the extent to which waiting lists for enrollment in courses and programs provided by technical colleges in high-demand fields are reduced as a result of grants under sub. (1g) (a), on the number of students who participate in certification or training programs under sub. (1) (a) or (e) or (1g) (b), on the building modifications funded under sub. (1) (f) and the effect of those building modifications on the school districts' technical education programs, and on the number of persons with disabilities who participate in employment enhancement activities under sub. (1g) (c). In addition, the report shall provide information on the number of student interns who are placed with employers as a result of the coordination activities conducted under sub. (1r) or the grants awarded under sub. (1) (d).

History: 2013 a. 9, 139; 2015 a. 283, 348; 2017 a. 59; 2019 a. 9; 2023 a. 19; 2025 a. 139.

Cross-reference: See also ch. DWD 801, Wis. adm. code.

106.271 Worker training and employment program. (1) PROGRAM. Of the amounts appropriated under s. 20.445 (1) (bg) in the 2019-21 fiscal biennium, the department shall allocate $20,000,000 to provide funding, through grants or other means, to facilitate worker training and employment in this state.

(1m) ELIGIBLE GRANT RECIPIENTS. The persons eligible to apply for and receive grants made by the department under this section shall include institutions of higher education, as defined in s. 106.57 (1) (c).

(2) POWERS OF DEPARTMENT. The department shall have all other powers necessary and convenient to implement this section, including the power to audit and inspect the records of grant recipients.

(3) CONSULTATION. The department shall consult with the technical college system board and the Wisconsin Economic Development Corporation in implementing this section.

(4) APPROVAL OF JOINT FINANCE COMMITTEE. Prior to expending any funds appropriated under s. 20.445 (1) (bg), the department shall submit to the joint committee on finance a plan for implementing the program under this section. The department may not expend any funds appropriated under s. 20.445 (1) (bg) except in accordance with the plan as approved by the committee.

(5) ANNUAL REPORT. Annually, by December 31, the department shall submit a report to the governor and the cochairpersons of the joint committee on finance providing an account of the department's activities and expenditures under this section during the preceding fiscal year.

History: 2017 a. 58.

106.272 Teacher development program grants. (1) From the appropriation under s. 20.445 (1) (dg), the department shall award grants to the school board of a school district or to the governing body of a private school, as defined under s. 115.001 (3d), or to a charter management organization that has partnered with an educator preparation program approved by the department of public instruction and headquartered in this state to design and implement a teacher development program.

(2) In awarding a grant under this section, the department shall do all of the following:

(a) Consult with the department of public instruction to confirm that the teacher development program satisfies the requirements under s. 118.196 (2).

(b) Consider the methods by which the school board, governing body, or charter management organization and the educator preparation program under sub. (1) will make the teacher development program affordable to participating employees.

(c) Consider whether the school board, governing body, or charter management organization has agreed to contribute matching funds towards the teacher development program.

History: 2017 a. 59, 370.

106.273 Career and technical education incentive grants and completion awards. (1) IDENTIFICATION OF WORKFORCE SHORTAGES. The department shall annually confer

with the department of public instruction and the Wisconsin technical college system to identify industries and occupations within this state that face workforce shortages or shortages of adequately trained, entry-level workers. The state superintendent of public instruction shall annually notify school districts of the identified industries and occupations and make this information available on the Internet site of the department of public instruction.

(2) APPROVAL OF PROGRAMS. The department shall approve industry-recognized certification programs designed to do any of the following:

(a) Mitigate workforce shortages in any of the industries or occupations identified under sub. (1).

(b) Prepare individuals for occupations as fire fighters, emergency medical responders, as defined in s. 256.01 (4p), or emergency medical services practitioners, as defined in s. 256.01 (5).

(3) INCENTIVE GRANTS TO SCHOOL DISTRICTS. (a) From the appropriation under s. 20.445 (1) (bz), the department shall annually award all of the following incentive grants to school districts:

1m. An incentive grant to a school district that has an industry-recognized certification program approved by the department under sub. (2) (a). Subject to pars. (am) and (b), the amount of the incentive grant under this subdivision is equal to $1,000 for each student in the school district to whom all of the following apply:

a. In the prior school year, the student obtained a high school diploma or a technical education high school diploma from a school in the school district.

b. The student successfully completed the program in a school year in which the program was approved by the department under sub. (2) (a).

2m. An incentive grant to a school district that has an industry-recognized certification program approved by the department under sub. (2) (b). Subject to par. (b), for each such program the school district has, the amount of the incentive grant under this subdivision is equal to $1,000 for each student in the school district who successfully completed the program in a school year in which the program was approved by the department under sub. (2) (b).

(am) The department may not make a per student award of $1,000 to a school district under par. (a) 1m. if the industry-recognized certification program completed by the student as a condition of the award under par. (a) 1m. b. is an information technology instructional program developed under s. 115.455.

(b) If the amount available in the appropriation under s. 20.445 (1) (bz) in any fiscal year is insufficient to pay the full amount per student under par. (a) 1m. and 2m., the department may prorate the amount of the department's payments among school districts eligible for incentive grants under this subsection.

(4) COMPLETION AWARDS FOR STUDENTS. From the appropriation under s. 20.445 (1) (c), the department shall annually award a completion award to a student in the amount of $500 for each industry-recognized certification program approved by the department under sub. (2) (b) that the student successfully completed in a school year in which the program was approved by the department under sub. (2) (b).

(5) MEMORANDUM OF UNDERSTANDING. The department and the department of public instruction shall enter into a memorandum of understanding setting forth their respective responsibilities in administering this section. The memorandum of understanding shall provide that the department of workforce development will annually furnish funds to the department of public instruction to make the payments under subs. (3) and (4).

History: 2015 a. 55. ss. 3193b, 3193be to 3193bi; 2017 a. 59, 336, 370.

106.275 Technical education equipment grants. (1) AWARDING OF GRANTS. (a) From the appropriation under s. 20.445 (1) (cg), the department shall, subject to par. (am), award technical education equipment grants under this section. The department shall award grants in the amount of not more than $100,000 to applicants whose grant applications are approved under sub. (2) (b).

(am) The department shall award grant moneys under par. (a) so that not less than one-third of grant moneys awarded in a fiscal biennium are provided to applicants that are either school districts that are eligible for sparsity aid under s. 115.436 or consortia that include at least one school district that is so eligible.

(b) An applicant that is awarded a grant under this section may use grant moneys awarded for any of the following:

1. The construction, renovation, or improvement of school district facilities for the purpose of training students in construction-related and advanced manufacturing fields.

2. The acquisition of tools and equipment that are used in construction-related and advanced manufacturing fields.

3. The acquisition of software, related materials, and instructional training necessary for instructors and pupils to operate tools and equipment that are used in construction-related and advanced manufacturing fields.

(c) As a condition of receiving a grant under this section, matching funds shall be provided, which may be in the form of money or the monetary value of software, tools, equipment, or other in-kind contributions. The matching funds must be equal to or greater than any grant moneys received.

(2) GRANT APPLICATION PROCESS. (a) A school district or a consortium consisting of multiple school districts that wishes to receive a grant under this section shall apply for the grant in accordance with procedures and requirements established by the department under rules promulgated under sub. (4) (b) 1. A grant application shall describe the purpose and need for the grant, the projected outcomes sought to be achieved as a result of receiving the grant, the amount and source of the matching funds required under sub. (1) (c), and any other information that the department may require under rules promulgated under sub. (4) (b) 1.

(b) The department shall review and evaluate a grant application submitted under par. (a) in accordance with procedures and criteria established by the department under rules promulgated under sub. (4) (b) 2. After completing that review and evaluation, the department shall notify the applicant of the department's decision on the grant application.

(3) REPORTING REQUIREMENTS. A recipient of a grant under this section shall file a report with the department by September 1 of each of the first 3 fiscal years following the fiscal year in which the grant was received. The report shall describe how the grant moneys were expended, describe the outcomes achieved as a result of receiving the grant, share the best practices employed regarding the training of pupils in the use of any equipment acquired with the grant moneys, include a plan for sustainability of any such training, and provide such other information as the department may require under rules promulgated under sub. (4) (b) 3.

(4) IMPLEMENTATION OF GRANT PROGRAM. (b) The department shall promulgate rules to implement this section. Those rules shall include all of the following:

1. Rules establishing the procedures and requirements for applying for a grant under sub. (2) (a), including the information that must be submitted with a grant application.

2. Rules establishing the procedures and criteria for awarding a grant under sub. (2) (b).

3. Rules governing the reporting requirements under sub. (3),

including the information that must be provided in a report submitted under sub. (3).

History: 2017 a. 59, 370; 2023 a. 165; 2025 a. 221.
Cross-reference: See also ch. DWD 802, Wis. adm. code.

106.276 Commercial driver training grant program. **(1)** (a) The department shall establish and administer a commercial driver training grant program.

(b) A person that satisfies the eligibility requirements under par. (c) may apply to the department for a grant under this section. The department shall prescribe the form, nature, and extent of information that shall be contained in applications for grants under this section.

(c) An applicant is eligible for a grant under this section if all of the following are satisfied:

1. The applicant provides, or pays for a 3rd party to provide, to an individual who resides in this state training in the operation of commercial motor vehicles that satisfies the requirements of 49 CFR part 380, subparts F and G.

2. The applicant or other 3rd party described in subd. 1. that provides the training is listed on the Training Provider Registry (TPR), as set forth in 49 CFR part 380, subpart G.

2m. The applicant has one or more facilities located in this state.

3. a. Except as provided in subd. 3. b., the individual who receives the training under subd. 1. obtains an initial commercial driver license, as defined in s. 340.01 (7m), in this state after March 23, 2024.

b. If the applicant is not a training provider as described in subd. 1., the individual for whom the applicant provides training under subd. 1. obtains an initial commercial driver license, as defined in s. 340.01 (7m), in this state after April 4, 2026.

4. The application is received by the department before July 1, 2027.

(cm) The department may not award more than one grant with respect to a given individual who is trained as described in par. (c) 1.

(d) From the appropriation under s. 20.445 (1) (bk), the department may award grants to eligible applicants under par. (c). The amount of a grant under this section with regard to each individual trained may not exceed 50 percent of the costs of training the individual in the operation of commercial motor vehicles or $3,000, whichever is less.

(2) Before July 1 of each year, the department shall prepare a report summarizing the number and amount of grants awarded under sub. (1). The department shall submit the report to the appropriate standing committees of the legislature under s. 13.172 (3).

NOTE: This section is repealed eff. 7-1-27 by 2023 Wis. Act 153, as affected by 2025 Wis. Act 15, section 360.
History: 2023 a. 153; 2025 a. 15, 159; s. 35.17 correction in (1) (c) 1.

106.277 Grants for teacher training and recruitment. **(1)** From the appropriation under s. 20.445 (1) (bt), the department shall award a grant to a nonprofit organization that applies on a form prepared by the department to receive a grant under this section if all of the following apply:

(a) The organization is described under section 501 (c) (3) or (4) of the Internal Revenue Code and exempt from taxation under section 501 (a) of the Internal Revenue Code.

(b) The organization operates a program to recruit and prepare individuals to teach in public or private schools located in low-income or urban school districts in this state.

(c) The organization submits an application no later than January 15 in the year for which the organization seeks a grant under this section and includes with its application a description of the organization and its program and the manner in which grant funding will benefit the organization or has benefited the organization in the past.

(2) The department shall establish a process for evaluating and assigning a score to each organization eligible to receive a grant under sub. (1). If the amount appropriated under s. 20.445 (1) (bt) is insufficient to make the payments required under sub. (1), the department shall give preference in evaluating grants under this section to a nonprofit organization for each of the following:

(a) The program trains future teachers who are enrolled in an accredited college or university in this state concurrent with the training.

(b) The program focuses on future teachers who plan to teach in public or private schools in this state as a profession.

(c) The program provides continuing education and professional development.

(d) The program attempts to place a majority of its total participants in public or private schools located in low-income or urban school districts in this state.

(3) When awarding a grant under this section, the department may not consider the religious affiliation, if any, of the nonprofit organization or whether the organization has received funding from the state in the past.

(4) By February 15 of each year, the department shall make its determination regarding successful applicants and shall notify those applicants that will receive a grant under this section.
History: 2017 a. 59.

106.30 Nursing workforce survey and grant. **(1)** DEFINITION. In this section, "nurse" means a registered nurse licensed under s. 441.06 or permitted under s. 441.08, a licensed practical nurse licensed or permitted under s. 441.10, or an advanced practice registered nurse licensed under s. 441.09.

(2) SURVEY FORM. Each odd-numbered year, the department of workforce development shall develop and submit to the department of safety and professional services a survey form to gather data under s. 441.01 (7) (a) 1. to assist the department of workforce development in evaluating the supply of, demand for, and turnover among nurses in this state and in determining whether there are any regional shortages of nurses, shortages of nurses in any specialty areas, or impediments to entering the nursing profession in this state.

(3) SURVEY RESULTS. Beginning in 2011, by September 30 of each odd-numbered year, the department shall compile, process, and evaluate the survey results and submit a report of its findings to the speaker of the assembly and the president of the senate under s. 13.172 (3) and to the governor, the secretary of health services, and the nurse resource center described in sub. (5).

(4) COSTS OF SURVEY. The department may use no more than 12 percent of the amount received under s. 20.445 (1) (km) for costs incurred by the department under subs. (2) and (3).

(5) NURSING WORKFORCE GRANTS. (a) From the appropriation account under s. 20.445 (1) (km), the department of workforce development shall award grants equal to the amount appropriated under s. 20.445 (1) (km) minus the amount expended under sub. (4) to a nonprofit statewide nursing center that is comprised of and led by nurses and that has demonstrated coordination with constituent groups within the nursing community, including professional nursing organizations; organizations representing nurse educators, staff nurses, and nurse managers or executives; labor organizations representing nurses; the department of safety and professional services; the department of health ser-

vices; and legislators who are concerned with issues affecting the nursing profession.

(b) A statewide nursing center that receives a grant under par. (a) shall use the grant moneys to develop strategies to ensure that there is a nursing workforce that is adequate to meet the current and future health care needs of this state. The statewide nursing center may use those moneys to fund activities that are aimed at ensuring such a nursing workforce, including monitoring trends in the applicant pool for nursing education programs; evaluating the effectiveness of nursing education programs in increasing access to those programs and in enhancing career mobility for nurses, especially for populations that are underrepresented in the nursing profession; and facilitating partnerships between the nursing community and other health care providers, the department of safety and professional services, the business community, the legislature, and educators to promote diversity within the nursing profession, enhance career mobility and leadership development for nurses, and achieve consensus regarding policies aimed at ensuring an adequate nursing workforce in this state.

History: 2009 a. 28; 2011 a. 32; 2025 a. 17, 129.

106.36 Offender reentry initiative. (1) In this section, "offender" has the meaning given in 29 USC 3102 (38).

(2) The department shall align its workforce development activities under the federal Workforce Innovation and Opportunity Act, 29 USC 3101 to 3361, with the department of corrections' initiatives to reintegrate offenders into the community by doing all of the following:

(a) Training staff of the department of corrections in the use of assessment tools to assess the educational and vocational needs and skills of offenders who are incarcerated.

(b) Providing in its guidelines for the development of local plans under 29 USC 3123 a specific requirement that local workforce development boards established under 29 USC 3122 outline in their local plans how they will work with local and statewide offender reentry initiatives supported by the department of corrections.

(c) Appointing a representative of the department of corrections to serve on any subcommittee of the state workforce development board established under 29 USC 3111 that is responsible for the planning and operation of, and other issues relating to, the state workforce development system to ensure that workforce development programs made available through that system provide workforce development activities serving offenders.

(d) Integrating offender reentry initiatives supported by the department of corrections with the job center network under s. 106.14 (1) to ensure that offenders are aware of the comprehensive career planning, job placement, job training, and other resources available to them through the job center network.

History: 2015 a. 55.

106.361 Hotline for employers. (1) The department shall maintain a toll-free telephone number as a hotline to assist employers seeking to employ individuals with a conviction record, as defined in s. 111.32 (3). The department shall make the hotline available during normal work hours, as determined by the department. The department shall designate hotline staff to provide employers with information and assistance relating to available incentives and programs under state and federal law for employing individuals with a conviction record, including individuals on release under s. 302.27, individuals on work release under s. 303.065, and individuals on Huber release under s. 303.08 or 973.09 (4).

(2) The department shall maintain a website that contains information relating to employing individuals with a conviction record, including individuals on release under s. 302.27, individuals on work release under s. 303.065, and individuals on Huber release under s. 303.08 or 973.09 (4).

History: 2023 a. 228.

106.38 Hire Heroes program. (1) DEFINITION. In this section, "program" means the Hire Heroes program established under this section.

(2) ESTABLISHMENT. The department shall establish a Hire Heroes program to provide transitional jobs to veterans.

(3) PROGRAM COMPONENTS. The program under this section shall include all of the following features and requirements:

(a) An individual may participate in the program for a maximum of 1,040 hours actually worked.

(b) The employer of record shall pay the individual for hours actually worked at not less than the federal or state minimum wage that applies to the individual.

(c) The department may reimburse an employer that employs an individual participating in the program for a minimum of 20 hours per week at a location in this state for any of the following costs that are attributable to the employment of the individual under the program:

1. A wage subsidy that is equal to an amount negotiated between the department and the employer, that is paid for each hour the individual actually worked, not to exceed 40 hours per week, and that is not more than the federal or state minimum wage that applies to the individual.

2. Federal social security and Medicare taxes.

3. State and federal unemployment insurance contributions or taxes, if any.

4. Worker's compensation insurance premiums, if any.

(d) An employer that employs an individual participating in the program may pay the individual an amount that exceeds any wage subsidy paid to the employer by the department under par. (c) 1., except that the employer or contractor must pay the individual at least minimum wage.

(e) The employment of an individual under this section may not do any of the following:

1. Have the effect of filling a vacancy created by an employer terminating a regular employee or otherwise reducing its work force for the purpose of hiring an individual under this section.

2. Fill a position when any other person is on layoff or strike from the same or a substantially equivalent job within the same organizational unit.

3. Fill a position when any other person is engaged in a labor dispute regarding the same or a substantially equivalent job within the same organizational unit.

(4) ELIGIBILITY. (a) To be eligible to participate in the program, an individual must satisfy all of the following criteria:

1. Be at least 18 years of age.

2. Be a veteran, as defined under s. 45.01 (12), who is verified by the department of veterans affairs.

2m. Submit an application to the program at any time after the date of discharge from military service.

3. Be ineligible to participate in the Wisconsin Works program under ss. 49.141 to 49.161.

4. Be unemployed for at least 4 weeks.

5. Satisfy all of the requirements related to substance abuse screening, testing, and treatment under s. 49.162 that apply to the individual.

(b) Preference for participation in the program shall be given to individuals whose household income is not more than 60 percent of the statewide median household income, excluding service-connected disability benefits payments by the U.S. department of veterans affairs.

(5) MEMORANDUM OF UNDERSTANDING FOR ADMINISTRATION. The department of children and families, the department of veterans affairs, and the department of workforce development shall enter into a memorandum of understanding for the purpose of administering this section. The memorandum of understanding shall include all of the following:

(a) That the department of veterans affairs shall refer veterans to the program and verify eligible veterans who apply for the program.

(b) That the department of workforce development shall allocate not more than $400,000 each fiscal year from the appropriation account under s. 20.445 (1) (m) for the purposes of funding the Hire Heroes program.

(c) That the department of workforce development shall be responsible for administering the program.

(d) That the department of children and families, the department of veterans affairs, and the department of workforce development shall each seek additional federal funds to support the program.

(e) That the department of workforce development, department of children and families, and department of veterans affairs shall, to the greatest extent possible, implement the program to achieve all of the following:

1. Minimization of administrative costs by using existing contractors and other arrangements made by the department of children and families in the administration of the Transform Milwaukee Jobs and Transitional Jobs programs under s. 49.163.

2. Coordination of any future expansion of the Transform Milwaukee Jobs and Transitional Jobs programs under s. 49.163 with any future expansion of the Hire Heroes program.

3. Addressing the most urgent needs of Wisconsin's unemployed veterans.

(6) RECOVERY OF OVERPAYMENTS. The department may recover from any individual participating, or who has participated, in the program under this section any overpayment resulting from a misrepresentation by the individual as to any criterion for eligibility under sub. (3).

(7) RULE-MAKING AUTHORITY. The department may promulgate rules to implement the program.

(8) REPORT. Beginning in 2018, no later than December 31, the department shall prepare an annual report on the Hire Heroes program and shall submit the report to the governor, the appropriate standing committees of the legislature under s. 13.172 (3), the department of children and families, and the department of veterans affairs. The annual report shall include all of the following information about the program:

(a) The cost of the program.

(b) The number of applicants for the program.

(c) The number of placements in the program.

(d) The outcomes of the placements, including whether a veteran continued with the employer in an unsubsidized position, secured other unsubsidized employment, or did not secure an unsubsidized position after participation in the program and why, and what the post-program earnings of participants are.

(e) Opportunities and suggestions for expansion and improvement of the program.

History: 2017 a. 195; 2021 a. 58.

106.40 Agricultural education and workforce development council. (1) DEFINITION. In this section, "council" means the agricultural education and workforce development council.

(2) FUNCTIONS. (a) The council shall seek to do all of the following:

1. Increase the hiring and retention of well-qualified employees in industries related to agriculture, food, and natural resources.

2. Promote the coordination of educational systems to develop, train, and retrain employees for current and future careers related to agriculture, food, and natural resources.

3. Develop support for employment in fields related to agriculture, food, and natural resources.

4. Recommend policies and other changes to improve the efficiency of the development and provision of agricultural education across educational systems.

(b) The council shall seek to accomplish the purposes under par. (a) by advising state agencies on matters related to integrating agricultural education and workforce development systems, including all of the following:

1. The coordination of programs.

2. The exchange of information related to educational and workforce development needs.

3. The monitoring and evaluation of programs.

(c) The council shall identify criteria for evaluating the success of its activities, shall evaluate the success of its activities using those criteria, and shall annually report the results of the evaluation in the report under sub. (5).

(3) COMMITTEES. (a) The council shall create an executive committee that includes the secretary of agriculture, trade and consumer protection or his or her designee, the state superintendent of public instruction or his or her designee, and the secretary of workforce development or his or her designee. The council shall select members of the executive committee so that fewer than half of the members of the executive committee are state employees. The executive committee shall provide guidance to the council and to staff that support the functions of the council. The executive committee shall meet between meetings of the council.

(b) The executive committee may create other committees to assist the council in its work. The committee members may include members of the council, employees of the agencies and educational institutions with members on the council, employees of other state agencies, representatives of organizations, and others. The council and the executive committee shall consider the need for committees on the subjects within the scope of the council's functions under sub. (2) and other subjects determined to be appropriate by the council and the executive committee. A committee shall annually provide a written summary of its meetings and activities to the executive committee for review and inclusion in the report under sub. (5).

(4) ASSISTANCE. The department of agriculture, trade and consumer protection, the department of public instruction, the department of workforce development, the department of natural resources, the technical college system, the College of Agricultural and Life Sciences of the University of Wisconsin-Madison, the School of Veterinary Medicine of the University of Wisconsin-Madison, the College of Business, Industry, Life Science, and Agriculture of the University of Wisconsin-Platteville, the College of Agriculture, Food, and Environmental Sciences of the University of Wisconsin-River Falls, and the College of Natural Resources of the University of Wisconsin-Stevens Point may assist the council in performing its functions.

(4m) MEETINGS. The council shall meet at least annually and may meet at other times on the call of at least 6 members or on the call of the executive committee. Section 15.09 (3) does not apply to the council.

(4s) REVIEWS. (a) The department of public instruction shall annually prepare a review of agricultural education programs in primary and secondary schools.

(b) The technical college system shall annually prepare a review of agricultural education programs in technical colleges.

(c) Each of the individuals specified in s. 15.227 (15) (a) 8. and the dean of the University of Wisconsin-Madison division of extension, jointly or individually, shall annually prepare a review of agricultural education programs in the University of Wisconsin System, with input from or review by the University of Wisconsin System administration.

(5) ANNUAL REPORT. In September of each year, the council shall submit a report to the appropriate standing committees of the legislature as determined by the speaker of the assembly and the president of the senate, under s. 13.172 (3), the governor, the secretary of agriculture, trade and consumer protection, the state superintendent of public instruction, the secretary of workforce development, the secretary of natural resources, the chief executive officer of the Wisconsin Economic Development Corporation, the president of the University of Wisconsin System, the director of the technical college system, the dean of the University of Wisconsin-Madison division of extension, the chancellor of the University of Wisconsin-Madison, the chancellor of the University of Wisconsin-Platteville, the chancellor of the University of Wisconsin-River Falls, and the chancellor of the University of Wisconsin-Stevens Point. The council shall include all of the following in the report:

(a) A summary of the activities of the council during the fiscal year ending on the preceding June 30.

(am) The reviews prepared under sub. (4s).

(b) The council's reaction to the reviews prepared under sub. (4s).

(c) A list of current and anticipated challenges related to agricultural education.

(d) Recommendations of the council, including any recommendations related to the structure of the council or the termination of the council.

(e) Dissents of any council member related to the activities and recommendations of the council.

History: 2007 a. 223; 2011 a. 32; 2017 a. 59 s. 1238; Stats. 2017 s. 106.40; 2023 a. 152.

SUBCHAPTER III

EQUAL RIGHTS PROGRAMS

106.50 Open housing. (1) INTENT. It is the intent of this section to render unlawful discrimination in housing. It is the declared policy of this state that all persons shall have an equal opportunity for housing regardless of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, age, or ancestry and it is the duty of the political subdivisions to assist in the orderly prevention or removal of all discrimination in housing through the powers granted under ss. 66.0125 and 66.1011. The legislature hereby extends the state law governing equal housing opportunities to cover single-family residences that are owner-occupied. The legislature finds that the sale and rental of single-family residences constitute a significant portion of the housing business in this state and should be regulated. This section shall be considered an exercise of the police powers of the state for the protection of the welfare, health, peace, dignity, and human rights of the people of this state.

(1m) DEFINITIONS. In this section:

(ad) "Advertise" means to publish, circulate, issue or display, or cause to be published, circulated, issued or displayed, any communication, notice, advertisement or sign in connection with the sale, financing or rental of housing.

(am) "Age", in reference to a member of a protected class, means at least 18 years of age.

(b) "Aggrieved person" means a person who claims to have been injured by discrimination in housing or believes that he or she will be injured by discrimination in housing that is about to occur.

(c) "Complainant" means a person who files a complaint alleging discrimination in housing.

(d) "Conciliation" means the attempted resolution of issues raised by a complaint or by the investigation of the complaint, through informal negotiations involving the aggrieved person, the complainant, the respondent and the department.

(e) "Condominium" has the meaning given in s. 703.02 (4).

(f) "Condominium association" means an association, as defined in s. 703.02 (1m).

(g) "Disability" means a physical or mental impairment that substantially limits one or more major life activities, a record of having such an impairment or being regarded as having such an impairment. "Disability" does not include the current illegal use of a controlled substance, as defined in s. 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m), unless the individual is participating in a supervised drug rehabilitation program.

(h) "Discriminate" means to segregate, separate, exclude, or treat a person or class of persons unequally in a manner described in sub. (2), (2m), or (2r) because of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, age, or ancestry.

(i) "Dwelling unit" means a structure or that part of a structure that is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons who are maintaining a common household, to the exclusion of all others.

(im) "Emotional support animal" means an animal that provides emotional support, well-being, comfort, or companionship for an individual but that is not trained to perform tasks for the benefit of an individual with a disability.

(j) "Family" includes one natural person.

(k) "Family status" means any of the following conditions that apply to a person seeking to rent or purchase housing or to a member or prospective member of the person's household regardless of the person's marital status:

1. A person is pregnant.

2. A person is in the process of securing sole or joint legal custody, periods of physical placement or visitation rights of a minor child.

3. A person's household includes one or more minor or adult relatives.

4. A person's household includes one or more adults or minor children in his or her legal custody or physical placement or with whom he or she has visitation rights.

5. A person's household includes one or more adults or minor children placed in his or her care under a court order, under a guardianship or with the written permission of a parent or other person having legal custody of the adult or minor child.

(km) "Hardship condition" means a situation under which a tenant in housing for older persons has legal custody or physical placement of a minor child or a minor child is placed in the tenant's care under a court order, under a guardianship or with the written permission of a parent or other person having legal custody of the minor child.

(L) "Housing" means any improved property, or any portion

thereof, including a mobile home as defined in s. 101.91 (10), manufactured home, as defined in s. 101.91 (2), or condominium, that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence. "Housing" includes any vacant land that is offered for sale or rent for the construction or location thereon of any building, structure or portion thereof that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence.

(m) "Housing for older persons" means any of the following:

1. Housing provided under any state or federal program that the secretary determines is specifically designed and operated to assist elderly persons, as defined in the state or federal program.

2. Housing solely intended for, and solely occupied by, persons 62 years of age or older.

3. Housing primarily intended and primarily operated for occupancy by at least one person 55 years of age or older per dwelling unit.

(mm) "Interested person" means an adult relative or friend of a member of a protected class, or an official or representative of a private agency, corporation or association concerned with the welfare of a member of a protected class.

(mx) "Licensed health professional" means a physician, psychologist, social worker, or other health professional who satisfies all of the following:

1. He or she is licensed or certified in this state.

2. He or she is acting within the scope of his or her license or certification.

(nm) "Member of a protected class" means a group of natural persons, or a natural person, who may be categorized because of sex, race, color, disability, sexual orientation, religion, national origin, marital status, family status, status as a victim of domestic abuse, sexual abuse, or stalking, lawful source of income, age, or ancestry.

(om) "Political subdivision" means a city, village, town or county.

(q) "Relative" means a parent, grandparent, greatgrandparent, stepparent, step grandparent, brother, sister, child, stepchild, grandchild, step grandchild, greatgrandchild, first cousin, 2nd cousin, nephew, niece, uncle, aunt, stepbrother, stepsister, half brother or half sister or any other person related by blood, marriage or adoption.

(r) "Rent" means to lease, to sublease, to let or to otherwise grant for a consideration the right of a tenant to occupy housing not owned by the tenant.

(s) "Respondent" means the person accused in a complaint or amended complaint of discrimination in housing and any other person identified in the course of an investigation as allegedly having discriminated in housing.

(t) "Sexual orientation" has the meaning given in s. 111.32 (13m).

(u) "Status as a victim of domestic abuse, sexual assault, or stalking" means the status of a person who is seeking to rent or purchase housing or of a member or prospective member of the person's household having been, or being believed by the lessor or seller of housing to be, a victim of domestic abuse, as defined in s. 813.12 (1) (am), sexual assault under s. 940.225, 948.02, or 948.025, or stalking under s. 940.32.

(1s) DEPARTMENT TO ADMINISTER. This section shall be administered by the department through its division of equal rights. The department may promulgate such rules as are necessary to carry out this section. No rule may prohibit the processing of any class action complaint or the ordering of any class-based remedy, or may provide that complaints may be consolidated for administrative convenience only.

(2) DISCRIMINATION PROHIBITED. It is unlawful for any person to discriminate:

(a) By refusing to sell, rent, finance or contract to construct housing or by refusing to negotiate or discuss the terms thereof.

(b) By refusing to permit inspection or exacting different or more stringent price, terms or conditions for the sale, lease, financing or rental of housing.

(c) By refusing to finance or sell an unimproved residential lot or to construct a home or residence upon such lot.

(d) By advertising in a manner that indicates discrimination by a preference or limitation.

(e) For a person in the business of insuring against hazards, by refusing to enter into, or by exacting different terms, conditions or privileges with respect to, a contract of insurance against hazards to a dwelling.

(f) By refusing to renew a lease, causing the eviction of a tenant from rental housing or engaging in the harassment of a tenant.

(g) In providing the privileges, services or facilities that are available in connection with housing.

(h) By falsely representing that housing is unavailable for inspection, rental or sale.

(i) By denying access to, or membership or participation in, a multiple listing service or other real estate service.

(j) By coercing, intimidating, threatening or interfering with a person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, a right granted or protected under this section, or with a person who has aided or encouraged another person in the exercise or enjoyment of a right granted or protected under this section.

(k) In making available any of the following transactions, or in the terms or conditions of such transactions for a person whose business includes engaging in residential real estate-related transactions:

1. The making or purchasing of loans or the provision of other financial assistance for purchasing, constructing, improving, repairing or maintaining housing or the making or purchasing of loans or the provision of other financial assistance secured by residential real estate.

2. Selling, brokering or appraising residential real property.

(L) By otherwise making unavailable or denying housing.

(2m) REPRESENTATIONS DESIGNED TO INDUCE PANIC SALES. No person may induce or attempt to induce a person to sell or rent housing by representations regarding the present or prospective entry into the neighborhood of a person of a particular economic status or a member of a protected class, or by representations to the effect that such present or prospective entry will or may result in any of the following:

(a) The lowering of real estate values in the area concerned.

(b) A deterioration in the character of the area concerned.

(c) An increase in criminal or antisocial behavior in the area concerned.

(d) A decline in the quality of the schools or other public facilities serving the area.

(2r) DISCRIMINATION AGAINST PERSONS WITH DISABILITIES PROHIBITED. (b) *Types of discrimination prohibited.* In addition to discrimination prohibited under subs. (2) and (2m), no person may do any of the following:

1. Segregate, separate, exclude or treat unequally in the sale or rental of, or otherwise make unavailable or deny, housing to a buyer or renter because of a disability of that buyer or renter, a disability of a person residing in or intending to reside in that housing after it is sold, rented or made available or a disability of a person associated with that buyer or renter.

2. Segregate, separate, exclude or treat unequally a person in the terms, conditions or privileges of sale or rental of housing, or in the provision of services or facilities in connection with such housing, because of a disability of that person, a disability of a person residing in or intending to reside in that housing after it is sold, rented or made available or a disability of a person associated with that person.

3. Refuse to permit, at the expense of a person with a disability, reasonable modifications of existing housing that is occupied, or is to be occupied, by such a person if the modifications may be necessary to afford the person full enjoyment of the housing, except that in the case of rental housing the landlord may, where it is reasonable to do so, condition permission for a modification on the tenant's agreement to restore the interior of the housing to the condition that existed before the modification, other than reasonable wear and tear. The landlord may not increase any customarily required security deposit. Where it is necessary to ensure that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of a restoration agreement a requirement that the tenant pay into an interest-bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in any such account shall accrue to the benefit of the tenant. If escrowed funds are not used by the landlord for restorations, they shall be returned to the tenant.

4. Refuse to make reasonable accommodations in rules, policies, practices or services that are associated with the housing, when such accommodations may be necessary to afford the person equal opportunity to use and enjoy housing, unless the accommodation would impose an undue hardship on the owner of the housing.

(bg) *Animals that do work or perform tasks for individuals with disabilities.* 1. If an individual has a disability and a disability-related need for an animal that is individually trained to do work or perform tasks for the individual, it is discrimination for a person to refuse to rent or sell housing to the individual, cause the eviction of the individual from housing, require extra compensation from the individual as a condition of continued residence in housing, or engage in the harassment of the individual because he or she keeps such an animal.

2. If an individual keeps or is seeking to keep an animal that is individually trained to do work or perform tasks in housing, an owner, lessor, lessor's agent, owner's agent, or representative of a condominium association may request that the individual submit to the owner, lessor, agent, or representative reliable documentation that the individual has a disability and reliable documentation of the disability-related need for the animal, unless the disability is readily apparent or known. If the disability is readily apparent or known but the disability-related need for the animal is not, the individual may be requested to submit reliable documentation of the disability-related need for the animal.

3. An individual with a disability who keeps an animal that is individually trained to do work or perform tasks in housing shall accept liability for sanitation with respect to, and damage to the premises caused by, the animal.

4. Nothing in this subsection prohibits an owner, lessor, lessor's agent, owner's agent, or representative of a condominium association from denying an individual the ability to keep an animal in housing if any of the following applies:

a. The individual is not disabled, does not have a disability-related need for the animal, or fails to provide the documentation requested under subd. 2.

b. Allowing the animal would impose an undue financial and administrative burden or would fundamentally alter the nature of services provided by the lessor, owner, or representative.

c. The specific animal in question poses a direct threat to a person's health or safety that cannot be reduced or eliminated by another reasonable accommodation.

d. The specific animal in question would cause substantial physical damage to a person's property that cannot be reduced or eliminated by another reasonable accommodation.

(br) *Emotional support animals.* 1. If an individual has a disability and a disability-related need for an emotional support animal, it is discrimination for a person to refuse to rent or sell housing to the individual, cause the eviction of the individual from housing, require extra compensation from the individual as a condition of continued residence in housing, or engage in the harassment of the individual because he or she keeps such an animal.

2. If an individual keeps or is seeking to keep an emotional support animal in housing, an owner, lessor, lessor's agent, owner's agent, or representative of a condominium association may request that the individual submit to the owner, lessor, agent, or representative reliable documentation that the individual has a disability and reliable documentation of the disability-related need for the emotional support animal from a licensed health professional.

3. An individual with a disability who keeps an emotional support animal in housing shall accept liability for sanitation with respect to, and damage to the premises caused by, the animal.

4. Nothing in this subsection prohibits an owner, lessor, lessor's agent, owner's agent, or representative of a condominium association from denying an individual the ability to keep an animal in housing if any of the following applies:

a. The individual is not disabled, does not have a disability-related need for the animal, or fails to provide the documentation requested under subd. 2.

b. Allowing the animal would impose an undue financial and administrative burden or would fundamentally alter the nature of services provided by the lessor, owner, or representative.

c. The specific animal in question poses a direct threat to a person's health or safety that cannot be reduced or eliminated by another reasonable accommodation.

d. The specific animal in question would cause substantial physical damage to a person's property that cannot be reduced or eliminated by another reasonable accommodation.

5. An individual shall forfeit not less than $500 if he or she, for the purpose of obtaining housing, intentionally misrepresents that he or she has a disability or misrepresents the need for an emotional support animal to assist with his or her disability.

6. A licensed health professional shall forfeit not less than $500 if he or she, for the purpose of allowing the patient to obtain housing, misrepresents that his or her patient has a disability or misrepresents his or her patient's need for an emotional support animal to assist with his or her patient's disability.

(c) *Design and construction of covered multifamily housing.* In addition to discrimination prohibited under pars. (b), (bg), and (br) and subs. (2) and (2m), no person may design or construct covered multifamily housing, as defined in s. 101.132 (1) (d), unless it meets the standards specified in s. 101.132 (2) (a) 1. to 4. In addition, no person may remodel, as defined in s. 101.132 (1) (h), housing with 3 or more dwelling units unless the remodeled housing meets the standards specified in s. 101.132 (2) (a) 1. to 4. as required under s. 101.132 (2) (b) 1., 2. or 3., whichever is applicable.

(5m) EXEMPTIONS AND EXCLUSIONS. (a) 1. Nothing in this section prohibits discrimination based on age or family status with respect to housing for older persons.

1e. Under this paragraph, housing under sub. (1m) (m) 3.

may qualify as housing for older persons only if the owner of the housing maintains records containing written verification that all of the following factors apply to the housing:

b. At least 80 percent of the dwelling units under sub. (1m) (m) 3. are occupied by at least one person 55 years of age or older.

c. Policies are published and procedures are adhered to that demonstrate an intent by the owner or manager to provide housing under sub. (1m) (m) 3. for persons 55 years of age or older. The owner or manager may document compliance with this subd. 1e. c. by maintaining records containing written verification of the ages of the occupants of the housing.

1m. No person may discriminate by refusing to continue renting to a person living in housing for older persons under sub. (1m) (m) 3. who is subject to a hardship condition.

2. Under this paragraph, housing may qualify as housing for older persons with respect to persons first occupying the housing on or after September 1, 1992, regardless of whether a person who had not attained the age of 62 resided in the housing on that date or regardless of whether one or more dwelling units were unoccupied on that date, if the persons who first occupy the housing on or after that date have attained the age of 62.

(am) Nothing in this section prohibits an authority, as defined in s. 66.1201 (3) (b), created by a 1st class city or an instrumentality, subsidiary, or not-for-profit affiliate of an authority created by a 1st class city from discriminating based on source of income when renting housing units located in a property wholly or partially owned before October 1, 2021, by the authority, provided that the discrimination is material to an identified objective of the authority or for the purpose of transitioning the renter to economic self-sufficiency and is consistent with federal law.

(b) Nothing in this section shall prohibit a person from exacting different or more stringent terms or conditions for financing housing based on the age of the individual applicant for financing if the terms or conditions are reasonably related to the individual applicant.

(c) Nothing in this section shall prohibit the development of housing designed specifically for persons with disabilities and preference in favor of persons with disabilities in relation to such housing.

(d) Nothing in this section requires that housing be made available to an individual whose tenancy would constitute a direct threat to the safety of other tenants or persons employed on the property or whose tenancy would result in substantial physical damage to the property of others, if the risk of direct threat or damage cannot be eliminated or sufficiently reduced through reasonable accommodations. A claim that an individual's tenancy poses a direct threat or a substantial risk of harm or damage must be evidenced by behavior by the individual that caused harm or damage, that directly threatened harm or damage, or that caused a reasonable fear of harm or damage to other tenants, persons employed on the property, or the property. No claim that an individual's tenancy would constitute a direct threat to the safety of other persons or would result in substantial damage to property may be based on the tenant's status as a victim of domestic abuse, sexual assault, or stalking.

(dm) It is not discrimination based on status as a victim of domestic abuse, sexual assault, or stalking for a landlord to bring an action for eviction of a tenant based on a violation of the rental agreement or of a statute that entitles the landlord to possession of the premises, unless subd. 1. or 2. applies. A tenant has a defense to an action for eviction brought by a landlord if the tenant proves by a preponderance of the evidence that the landlord knew or should have known any of the following:

1. That the tenant is a victim of domestic abuse, sexual assault, or stalking and that the basis for the action for eviction is conduct that related to the commission of domestic abuse, sexual assault, or stalking by a person who was not the invited guest of the tenant.

2. That the tenant is a victim of domestic abuse, sexual assault, or stalking, that the basis for the action for eviction is conduct that related to the commission of domestic abuse, sexual assault, or stalking by a person who was the invited guest of the tenant, and that the tenant has done one of the following:

a. Sought an injunction under s. 813.12, 813.122, 813.123, or 813.125 enjoining the person from appearing on the premises.

b. Upon receiving notice under s. 704.17, provided a written statement to the landlord indicating that the person will no longer be an invited guest of the tenant and has not subsequently invited the person to be a guest of the tenant.

(e) It is not discrimination based on family status to comply with any reasonable federal, state or local government restrictions relating to the maximum number of occupants permitted to occupy a dwelling unit.

(em) 1. Subject to subd. 2., nothing in this section applies to a decision by an individual as to the person with whom he or she will, or continues to, share a dwelling unit, as defined in s. 101.71 (2) except that dwelling unit does not include any residence occupied by more than 5 persons.

2. Any advertisement or written notice published, posted or mailed in connection with the rental or lease of a dwelling unit under subd. 1. may not violate sub. (2) (d), 42 USC 3604 (c), or any rules or regulations promulgated under this section or 42 USC 3601 to 3619, except that such an advertisement or written notice may be for a person of the same sex as the individual who seeks a person to share the dwelling unit for which the advertisement or written notice is placed.

(f) 1. Nothing in this section prohibits an owner or agent from requiring that a person who seeks to buy or rent housing supply information concerning family status, and marital, financial, and business status but not concerning race, color, disability, sexual orientation, ancestry, national origin, religion, creed, status as a victim of domestic abuse, sexual assault, or stalking, or, subject to subd. 2., age.

2. Notwithstanding subd. 1., an owner or agent may require that a person who seeks to buy or rent housing under sub. (1m) (m) 3. supply information concerning his or her age for the purpose of verifying compliance with par. (a) 1e. b.

(g) A person may not be held personally liable for monetary damages for a violation of sub. (2), (2m) or (2r) if the person reasonably relied, in good faith, on the application of the exemption under this subsection relating to housing for older persons. For purposes of this paragraph, a person may show reasonable reliance, in good faith, on the application of the exemption under this subsection relating to housing for older persons only if the person shows all of the following:

1. That he or she has no actual knowledge that the housing is not or will not be eligible for the exemption.

2. That the owner of the housing has stated formally, in writing, that the housing complies with the requirements for the exemption.

(6) FAIR HOUSING ADMINISTRATIVE ENFORCEMENT. (a) *Complaints.* 1. The department may receive and investigate a complaint charging a violation of sub. (2), (2m) or (2r) if the complaint is filed with the department not later than one year after the alleged discrimination occurred or terminated.

2. The complaint shall include a written statement of the essential facts constituting the discrimination that is charged, and shall be signed by the complainant.

3. The complaint may be filed by an aggrieved person, by an

interested person, by the department of workforce development under par. (b) or, if the complaint charges a violation of sub. (2r) (c), by the department of safety and professional services. The department of workforce development shall, upon request, provide appropriate assistance in completing and filing complaints.

4. The department shall serve notice on the aggrieved person acknowledging the filing of the complaint and advising the complainant of the time limits and choice of forums provided under this subsection and the right to bring a private civil action under sub. (6m).

5. Upon the filing of an initial, amended, final or supplemental complaint, the department shall promptly serve a copy of the complaint upon the respondent, except where testing may be conducted. The initial complaint shall be served before the commencement of the investigation by the department, except where testing may be conducted. The notice shall be sent by certified mail, return receipt requested. The notice to the respondent shall include a written statement from the department directing the respondent to respond in writing to the allegations in the complaint within 20 days after the date of the notice and further stating that, if the respondent fails to answer the complaint in writing, the department will make an initial determination as to whether discrimination has occurred based only on the department's investigation and the information supplied by the complainant.

6. The department may dismiss the complaint if the complainant fails to respond to the department within 20 days from the date of mailing of any correspondence from the department concerning the complaint, if the department's correspondence requests a response and if the correspondence is sent by certified mail, return receipt requested, to the last known-address of the complainant.

(b) *Powers and duties of department.* The department of workforce development and its duly authorized agents may hold hearings, subpoena witnesses, take testimony and make investigations as provided in this subsection. The department of workforce development may test and investigate for the purpose of establishing violations of sub. (2), (2m) or (2r) and may make, sign and file complaints alleging violations of sub. (2), (2m) or (2r). In addition, the department of safety and professional services may make, sign and file complaints alleging violations of sub. (2r) (c). The department of workforce development shall employ examiners to hear and decide complaints of discrimination under this section, and to assist in the administration of this section. The examiners may make findings and issue orders under this subsection. The department of workforce development shall develop and implement an investigation manual for use in conducting investigations under par. (c).

(c) *Investigation and finding of probable cause.* 1. The department shall investigate all complaints that allege a violation of this section and that are filed within the time specified under par. (a). The department may subpoena persons or documents for the purpose of investigation. If during an investigation it appears that the respondent has engaged in discrimination against the complainant which is not alleged in the complaint, the department may advise the complainant that the complaint should be amended. If the complaint is amended, the department shall also investigate the allegations of the amended complaint.

2. At the conclusion of the investigation of the allegations, the department shall make a determination as to whether probable cause exists to believe that discrimination has occurred or is about to occur. In making a determination of probable cause, the department shall consider whether the facts concerning the alleged discrimination are sufficient to warrant the initiation of a civil action. If the department determines that probable cause exists, the department shall immediately issue a charge on behalf of the aggrieved person and refer the charge to the attorney general. If the attorney general concurs in the department's determination of probable cause, the attorney general shall represent the aggrieved person at the hearing under par. (f) or, if an election is made under subd. 2m., shall commence a civil action in the name of the state on behalf of the aggrieved person under sub. (6m).

2m. Service of copies of the charge shall be made on the complainant, the respondent, and the aggrieved person by certified mail, return receipt requested. When a charge is filed, a complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed may elect to have the claims asserted in that charge decided in a civil action under sub. (6m) in lieu of a hearing under par. (f). The election shall be made no later than 20 days after the receipt by the electing person of service of the charge, along with information about how to make the election. If an election is made, the person making the election shall give notice of doing so to the department and to all other complainants and respondents to whom the charge relates. The department shall notify the aggrieved persons that an election is made.

3. No charge may be issued regarding alleged discrimination after the beginning of the trial of a civil action commenced by the aggrieved party under sub. (6m) or 42 USC 3613, seeking relief with respect to that discriminatory act.

4. If the department initially determines that there is no probable cause to believe that discrimination occurred as alleged in the complaint, it may dismiss those allegations. The department shall, by a notice to be served with the determination, notify the parties of the complainant's right to appeal the dismissal of the claim to the secretary for a hearing on the issue by a hearing examiner. Service of the determination shall be made by certified mail, return receipt requested. If the hearing examiner determines that no probable cause exists, that determination is the final determination of the department and may be appealed under par. (j).

(d) *Temporary judicial relief.* At any time after a complaint is filed alleging discrimination in violation of sub. (2), (2m), or (2r), the department may request the attorney general to file a petition in the circuit court for the county in which the act of discrimination allegedly occurred or for the county in which a respondent resides or transacts business, seeking a temporary injunction or restraining order against the respondent to prevent the respondent from performing an act that would tend to render ineffectual an order that the department may enter with respect to the complaint, pending final determination of proceedings under this section. On receipt of the department's request, the attorney general shall promptly file the petition.

(e) *Conciliation.* 1. Upon the filing of a complaint alleging discrimination in violation of sub. (2), (2m) or (2r), the department may endeavor to eliminate the discrimination by conference, conciliation and persuasion. The department shall notify the parties that conciliation services are available.

2. Conciliation efforts may be undertaken by the department during the period beginning with the filing of the complaint and ending with the dismissal of the complaint under par. (c) 4. or the issuance of a charge under par. (c) 2.

3. If conciliation resolves the dispute, a written conciliation agreement shall be prepared which shall state all measures to be taken by each party. The agreement may provide for dismissal of the complaint if the dismissal is without prejudice to the complainant's right to pursue the complaint against any respondent who fails to comply with the terms of the agreement. The agreement shall be signed by the respondent, the complainant and the aggrieved person and is subject to approval by the department. A conciliation agreement entered into under this subdivision is a public record and is subject to inspection under s. 19.35, unless the parties to the agreement request that the record be exempt

from disclosure and the department finds that disclosure is not required to further the purposes of this section.

4. Whenever the department has reasonable cause to believe that a respondent has breached a conciliation agreement, the department shall refer the matter to the attorney general with a recommendation that a civil action be filed for enforcement of the agreement.

(f) *Hearing procedures.* 1. After the department issues a charge under par. (c) 2., the department shall serve the charge, along with a written notice of hearing, specifying the nature and acts of discrimination which appear to have been committed, and requiring the respondent to answer the charge at a hearing before an examiner. The notice shall specify a time of hearing, not less than 10 days after service of the charge, and a place of hearing within the county in which the violation is alleged to have occurred.

2. If an election is not made under par. (c) 2m., the hearing shall be conducted by a hearing examiner. If the attorney general has concurred in the department's determination of probable cause under par. (c) 2., the aggrieved person on whose behalf the charge was issued shall be represented by the attorney general. Any other person who is aggrieved, with respect to the issues to be determined at the hearing, may be represented by private counsel.

3. The department, the attorney general, or a party's attorney of record may issue a subpoena to compel the attendance of a witness or the production of evidence. A subpoena issued by an attorney shall be in substantially the same form as provided in s. 805.07 (4) and shall be served in the manner provided in s. 805.07 (5). The attorney shall, at the time of issuance, send a copy of the subpoena to the hearing examiner who is responsible for conducting the hearing.

4. The testimony at the hearing shall be recorded by the department. Discovery shall be conducted as expeditiously and inexpensively as possible, consistent with the need of all parties to obtain relevant evidence. The hearing under this paragraph shall be conducted as expeditiously and inexpensively as possible, consistent with the needs and rights of the parties to obtain a fair hearing and a complete record. The burden of proof is on the party alleging discrimination.

5. If after the hearing the examiner finds by a fair preponderance of the evidence that the respondent has violated sub. (2), (2m) or (2r), the examiner shall make written findings and order the respondent to take actions that will effectuate the purpose of sub. (2), (2m) or (2r), and may order other penalties, damages and costs as provided in pars. (h) and (i). The department shall serve a certified copy of the final findings and order on the aggrieved party, the complainant and the respondent. The order shall have the same force as other orders of the department and be enforced as provided in this subsection except that the enforcement of the order is automatically stayed upon the filing of a petition for review under par. (j).

6. If the examiner finds that the respondent has not engaged in discrimination as alleged in the complaint, the department shall serve a certified copy of the examiner's findings on the aggrieved party, the complainant and the respondent together with an order dismissing the complaint. If the complaint is dismissed, costs in an amount not to exceed $100 plus actual disbursements for the attendance of witnesses may be assessed against the department in the discretion of the department.

(g) *Time limitations.* 1. The department shall commence proceedings with respect to a complaint before the end of the 30th day after receipt of the complaint.

2. The department shall investigate the allegations of the complaint and complete the investigation not later than 100 days after receipt of the complaint. If the department is unable to complete the investigation within 100 days, it shall notify the complainant and respondent in writing of the reasons for not doing so.

3. The department shall make final administrative disposition of a complaint within one year after the date of receipt of a complaint, unless it is impracticable to do so. If the department is unable to do so, it shall notify the complainant and respondent in writing of the reasons for not doing so.

(h) *Damages and penalties.* 1. If the hearing examiner finds that a respondent has engaged in or is about to engage in a discriminatory act prohibited under sub. (2), (2m) or (2r), the hearing examiner shall promptly issue an order for such relief as may be appropriate, which may include economic and noneconomic damages suffered by the aggrieved person, regardless of whether he or she intervened in the action, and injunctive or other equitable relief. The hearing examiner may not order punitive damages.

2. In addition to any damages ordered under subd. 1., the hearing examiner may assess a forfeiture against a respondent who is not a natural person in an amount not exceeding $10,000, unless the respondent who is not a natural person has been adjudged to have committed any prior discriminatory act under sub. (2), (2m) or (2r). If a respondent who is not a natural person has been adjudged to have committed one other discriminatory act under sub. (2), (2m) or (2r) during the preceding 5-year period, based on the offense date of the prior discriminatory act, the hearing examiner may assess a forfeiture in an amount not exceeding $25,000. If a respondent who is not a natural person has been adjudged to have committed 2 or more prior discriminatory acts under sub. (2), (2m) or (2r) during the preceding 7-year period, based on the offense date of the prior discriminatory act, the hearing examiner may assess a forfeiture in an amount not exceeding $50,000.

3. In addition to any damages ordered under subd. 1., the administrative law judge may assess a forfeiture against a respondent who is a natural person in an amount not exceeding $10,000, unless the respondent who is a natural person has been adjudged to have committed any prior discriminatory act under sub. (2), (2m) or (2r). If a respondent who is a natural person has been adjudged to have committed one other prior discriminatory act under sub. (2), (2m) or (2r) based on an offense date that is before September 1, 1992, the administrative law judge may assess a forfeiture in an amount not exceeding $25,000. If a respondent who is a natural person has been adjudged to have committed 2 or more prior discriminatory acts under sub. (2), (2m) or (2r) based on an offense date that is before September 1, 1992, the administrative law judge may assess a forfeiture in an amount not exceeding $50,000.

(i) *Attorney fees and costs.* The hearing examiner may allow a prevailing complainant, including the state, reasonable attorney fees and costs. The state shall be liable for those fees and costs if the state is a respondent and is determined to have committed a discriminatory act under sub. (2), (2m) or (2r).

(j) *Judicial review.* Within 30 days after service upon all parties of an order or determination of the department under this subsection, the respondent, the complainant or the aggrieved party may appeal the order or the determination to the circuit court for the county in which the alleged discrimination took place by the filing of a petition for review. The court shall review the order or determination as provided in ss. 227.52 to 227.58.

(6m) CIVIL ACTIONS. (a) Any person alleging a violation of sub. (2), (2m), or (2r), including the attorney general on behalf of an aggrieved person, may bring a civil action for injunctive relief,

for damages, including punitive damages, and, in the case of a prevailing plaintiff, for court costs and reasonable attorney fees.

(b) An action commenced under par. (a) may be brought in the circuit court for the county where the alleged violation occurred or for the county where the person against whom the civil complaint is filed resides or has a principal place of business, and shall be commenced within one year after the alleged violation occurred or terminated. The one-year statute of limitations under this paragraph shall be tolled while an administrative proceeding with respect to the same complaint is pending.

(c) The court may issue a permanent or temporary injunction or restraining order to assure the rights granted by this section. The court may order other relief that the court considers appropriate, including monetary damages, actual and punitive, a forfeiture as provided in sub. (6) (h) and costs and fees as provided in sub. (6) (i).

(d) If the attorney general has reasonable cause to believe that any person is engaged in a pattern or practice of discrimination in violation of sub. (2), (2m) or (2r) or that any person has been denied any of the rights granted under sub. (2), (2m) or (2r), and such denial raises an issue of general public importance, the department of justice may commence a civil action.

(8) DISCRIMINATION BY LICENSED OR CHARTERED PERSONS. (a) If the department finds reasonable cause to believe that an act of discrimination has been or is being committed in violation of this section by a person taking an action prohibited under sub. (2), (2m) or (2r) and that the person is licensed or chartered under state law, the department shall notify the licensing or chartering agency of its findings and may file a complaint with such agency together with a request that the agency initiate proceedings to suspend or revoke the license or charter of such person or take other less restrictive disciplinary action.

(b) Upon filing a complaint under par. (a), the department shall make available to the appropriate licensing or chartering agency all pertinent documents and files in its custody, and shall cooperate fully with such agency in the agency's proceedings.

History: 1971 c. 185 s. 1; 1971 c. 228 s. 42; 1971 c. 230; 1971 c. 307 s. 51; Stats. 1971 s. 101.22; 1975 c. 94, 275, 421, 422; 1977 c. 29; 1977 c. 418 s. 929 (55); 1979 c. 110; 1979 c. 177 s. 85; 1979 c. 188, 221, 355; 1981 c. 112, 180; 1981 c. 391 s. 210; 1983 a. 27, 189; 1985 a. 238, 319; 1987 a. 262; 1989 a. 47 ss. 2 to 5, 8 to 11; 1989 a. 94, 106, 139, 359; 1991 a. 295, 315; 1993 a. 27; 1995 a. 27 s. 3687; Stats. 1995 s. 106.04; 1995 a. 225; 1995 a. 448 ss. 66, 68; 1997 a. 112, 237, 312; 1999 a. 82 ss. 38 to 74; Stats. 1999 s. 106.50; 1999 a. 150 s. 672; 1999 a. 162; 2001 a. 30 s. 108; 2001 a. 109; 2005 a. 25; 2007 a. 11; 2009 a. 95; 2011 a. 32, 258; 2017 a. 317; 2021 a. 196; 2025 a. 129.

NOTE: 1991 Wis. Act 295, which affected this section, contains extensive legislative council notes.

Cross-reference: See also ch. DWD 220, Wis. adm. code.

"Harassment" under sub. (2) (f) includes sexual harassment as defined in s. 111.32 (13). Sexual harassment injures the tenant's dignity and civil rights, and those injuries are compensable. Chomicki v. Wittekind, 128 Wis. 2d 188, 381 N.W.2d 561 (Ct. App. 1985).

A violation of sub. (2) (d) requires that an ordinary reader find that an advertisement suggests a particular class is preferred or "dispreferred." Milwaukee Fair Housing Council v. LIRC, 173 Wis. 2d 199, 496 N.W.2d 159 (Ct. App. 1992).

The state, in administering the fair housing act, may not order a zoning board to issue a variance based on characteristics unique to the landowner rather than the land. County of Sawyer Zoning Board v. Department of Workforce Development, 231 Wis. 2d 534, 605 N.W.2d 627 (Ct. App. 1999), 99-0707.

To establish a disability under this section, the complainant must show: 1) that he or she has an actual impairment, a record of impairment, or is regarded as having an impairment; and 2) that the impairment, whether real or perceived, is one that substantially limits one or more major life activities, or is regarded by the respondent as substantially limiting one or more major life activities. Kitten v. DWD, 2002 WI 54, 252 Wis. 2d 561, 644 N.W.2d 649, 00-3562.

This section should be interpreted parallel to its federal analog. State law, like the relevant federal law, allows landlords to impose reasonable occupancy requirements based on factors such as the number and size of sleeping areas or bedrooms and the overall size of the dwelling unit. Jones v. Baecker, 2017 WI App 3, 373 Wis. 2d 235, 891 N.W.2d 823, 15-0325.

Courts have recognized that prohibited discrimination can occur principally in two ways. The first is by disparate treatment. Disparate treatment occurs when some people are treated less favorably than others because of a protected criterion. Proof of discriminatory motive is critical to a disparate treatment claim. Alternatively, a plaintiff may allege that a particular practice, even if not evidencing intentional discrimination, may have a disproportionally adverse effect on minorities and other protected classes. Jones v. Baecker, 2017 WI App 3, 373 Wis. 2d 235, 891 N.W.2d 823, 15-0325.

A plaintiff alleging disparate treatment racial discrimination may elect to prove his or her case using either the direct method, involving the presentation of direct or circumstantial evidence of disparate treatment, or the burden-shifting framework first established in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973). Under the direct method, summary judgment for the defendant is warranted on a disparate treatment claim if the plaintiff cannot produce either direct evidence of discriminatory intent or indirect evidence creating an inference of discriminatory intent. The plaintiff's evidence, whatever its nature, must sufficiently demonstrate that discriminatory intent was a substantial factor motivating the defendant's conduct. Jones v. Baecker, 2017 WI App 3, 373 Wis. 2d 235, 891 N.W.2d 823, 15-0325.

The Wisconsin open housing law permits, but does not require, the department to receive and process class action complaints of housing discrimination. 70 Atty. Gen. 250.

The insurer of an apartment had a duty to defend an owner and manager for liability under this section. Gardner v. Romano, 688 F. Supp. 489 (E. D. Wis. 1988).

Federal rent vouchers are not clearly within the meaning of "lawful source of income." Knapp v. Eagle Property Management Corp. 54 F.3d 1272 (1995).

Closing the Door on Cohabitants Under Wisconsin's Open Housing Law. Neuman. 1995 WLR 965.

106.52 Public places of accommodation or amusement.

(1) DEFINITIONS. In this section:

(a) "Complainant" means a person who files a complaint alleging a violation of sub. (3).

(b) "Conciliation" has the meaning given in s. 106.50 (1m) (d).

(c) "Disability" has the meaning given in s. 106.50 (1m) (g).

(ce) "Dog handler" means an individual who is trained to work with a search and rescue dog.

(cm) "Fitness center" means an establishment, whether operated for profit or not for profit, that provides as its primary purpose services or facilities that are purported to assist patrons in physical exercise, in weight control, or in figure development. "Fitness center" does not include an organization solely offering training or facilities in an individual sport or a weight reduction center, as defined in s. 100.177 (1) (e).

(d) "Lodging establishment" means any of the following:

1. A bed and breakfast establishment, as defined in s. 97.01 (1g).

2. A hotel, as defined in s. 97.01 (7).

3. A tourist rooming house, as defined in s. 97.01 (15k).

4. A campground.

(e) 1. "Public place of accommodation or amusement" shall be interpreted broadly to include, but not be limited to, places of business or recreation; lodging establishments; restaurants; taverns; barber, cosmetologist, aesthetician, electrologist, or manicuring establishments; nursing homes; clinics; hospitals; cemeteries; and any place where accommodations, amusement, goods, or services are available either free or for a consideration, subject to subd. 2.

2. "Public place of accommodation or amusement" does not include a place where a bona fide private, nonprofit organization or institution provides accommodations, amusement, goods or services during an event in which the organization or institution provides the accommodations, amusement, goods or services to the following individuals only:

a. Members of the organization or institution.

b. Guests named by members of the organization or institution.

c. Guests named by the organization or institution.

(f) "Respondent" means the person accused in a complaint or amended complaint of committing a violation of sub. (3).

(fe) "Search and rescue dog" means a dog that is trained or is being trained by a state or nationally recognized search and rescue agency to locate lost or missing individuals and victims of disasters in search and rescue activities.

(fm) "Service animal" means a guide dog, signal dog, or other animal that is individually trained or is being trained to do work

or perform tasks for the benefit of a person with a disability, including the work or task of guiding a person with impaired vision, alerting a person with impaired hearing to intruders or sound, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

(g) "Sexual orientation" has the meaning given in s. 111.32 (13m).

(2) DEPARTMENT TO ADMINISTER. The department shall administer this section through its division of equal rights. The department may promulgate such rules as are necessary to carry out this section. No rule may prohibit the processing of any class action complaint or the ordering of any class-based remedy, and no rule may provide that complaints may be consolidated for administrative convenience only.

(3) PUBLIC PLACE OF ACCOMMODATION OR AMUSEMENT. (a) No person may do any of the following:

1. Deny to another or charge another a higher price than the regular rate for the full and equal enjoyment of any public place of accommodation or amusement because of sex, race, color, creed, disability, sexual orientation, national origin or ancestry.

1m. Deny to an adult or charge an adult a higher price than the regular rate for the full and equal enjoyment of a lodging establishment because of age, subject to s. 125.07.

2. Give preferential treatment to some classes of persons in providing services or facilities in any public place of accommodation or amusement because of sex, race, color, creed, sexual orientation, national origin or ancestry.

3. Directly or indirectly publish, circulate, display or mail any written communication which the communicator knows is to the effect that any of the facilities of any public place of accommodation or amusement will be denied to any person by reason of sex, race, color, creed, disability, sexual orientation, national origin or ancestry or that the patronage of a person is unwelcome, objectionable or unacceptable for any of those reasons.

3m. Directly or indirectly publish, circulate, display or mail any written communication which the communicator knows is to the effect that any of the facilities of a lodging establishment will be denied to an adult because of age, subject to s. 125.07.

4. Refuse to furnish or charge another a higher rate for any automobile insurance because of race, color, creed, disability, national origin or ancestry.

5. Refuse to rent, charge a higher price than the regular rate or give preferential treatment, because of sex, race, color, creed, sexual orientation, national origin or ancestry, regarding the use of any private facilities commonly rented to the public.

(am) 1. Subject to subds. 2., 3., and 4., no person may do any of the following:

a. Refuse to permit entrance into, or use of, or otherwise deny the full and equal enjoyment of any public place of accommodation or amusement to a person with a disability or to a service animal trainer because the person with a disability or the trainer is accompanied by a service animal.

b. Charge a person with a disability or a service animal trainer a higher price than the regular rate, including a deposit or surcharge, for the full and equal enjoyment of any public place of accommodation or amusement because the person with a disability or the trainer is accompanied by a service animal.

c. Directly or indirectly publish, circulate, display, or mail any written communication that the communicator knows is to the effect that entrance into, or use of, or the full and equal enjoyment of any of the facilities of the public place of accommodation or amusement will be denied to a person with a disability or a service animal trainer because the person with a disability or the trainer is accompanied by a service animal or that the patronage of a person with a disability or a service animal trainer is unwelcome, objectionable, or unacceptable because the person with a disability or the trainer is accompanied by a service animal.

2. The prohibitions specified in subd. 1. apply to a service animal trainer only if the animal accompanying the service animal trainer is wearing a harness or a leash and special cape. Subdivision 1. does not prohibit a person who is accompanied by an animal from being asked whether the animal is a service animal that is required because of a disability or is an animal that is being trained to be a service animal and does not prohibit a service animal trainer from being required to produce a certification or other credential issued by a school for training service animals that the animal is being trained to be a service animal. Subdivision 1. prohibits a person with a disability from being required to produce documentation of his or her disability or a certification or other credential that the animal is trained as or is being trained to be a service animal.

3. A person may exclude a service animal from a public place of accommodation or amusement if accommodation of the service animal would result in a fundamental alteration in the nature of the accommodations, amusement, goods, or services provided or would jeopardize the safe operation of the public place of accommodation or amusement. If a service animal must be separated from the person whom the service animal is accompanying, it is the responsibility of that person to arrange for the care and supervision of the service animal during the period of separation.

4. A public place of accommodation or amusement shall modify its policies, practices, and procedures to permit the full and equal enjoyment of the public place of accommodation or amusement by a person with a disability or a service animal trainer who is accompanied by a service animal. Those policies, practices, and procedures shall ensure that a person with a disability or a service animal trainer who is accompanied by a service animal is not separated from the service animal, that the service animal is permitted to accompany the person with a disability or the service animal trainer to all areas of the public place of accommodation or amusement that are open to the general public, and that the person with a disability or the service animal trainer is not segregated from other patrons of the public place of accommodation or amusement.

(as) 1. In this paragraph:

a. "Hotel," "inn," and "motel" have the meaning given for "hotel" in s. 97.01 (7).

b. "Tourist rooming house" has the meaning given in s. 97.01 (15k).

2. Subject to subds. 3. to 6., no person may do any of the following:

a. Refuse to allow entrance into, or use of, or otherwise deny the full and equal enjoyment of a hotel, inn, motel, or tourist rooming house to a dog handler because the dog handler is accompanied by a search and rescue dog.

b. Charge an individual a higher price than the regular rate, including a deposit or surcharge, for the full and equal enjoyment of a hotel, inn, motel, or tourist rooming house because the individual is a dog handler and is accompanied by a search and rescue dog.

c. Directly or indirectly publish, circulate, display, or mail any written communication that the communicator knows is to the effect that entrance into, or use of, or the full and equal enjoyment of any of the facilities of the hotel, inn, motel, or tourist rooming house will be denied to an individual because the individual is a dog handler accompanied by a search and rescue dog or that the patronage of such an individual is unwelcome, objectionable, or unacceptable because the individual is accompanied by a search and rescue dog.

3. The prohibitions specified in subd. 2. apply only if the dog accompanying the dog handler is wearing a harness or cape that indicates that the dog is a search and rescue dog and the search and rescue dog is leashed. Subdivision 2. does not prohibit a dog handler who is accompanied by a dog from being asked whether the dog is a search and rescue dog and does not prohibit the dog handler from being required to produce a certification or other credential that verifies that the dog is a search and rescue dog.

4. A person may exclude a search and rescue dog from a hotel, inn, motel, or tourist rooming house if accommodation of the search and rescue dog would result in a fundamental alteration in the nature of the accommodations provided or would jeopardize the safe operation of the hotel, inn, motel, or tourist rooming house. If a search and rescue dog must be separated from the dog handler accompanying the search and rescue dog, it is the responsibility of that dog handler to arrange for the care and supervision of the search and rescue dog during the period of separation.

5. A dog handler who is accompanied by a search and rescue dog in a hotel, inn, motel, or tourist rooming house is liable for sanitation with respect to the search and rescue dog and damage to the establishment caused by the search and rescue dog.

6. A hotel, inn, motel, or tourist rooming house shall modify its policies, practices, and procedures to permit the full and equal enjoyment of the hotel, inn, motel, or tourist rooming house by a dog handler who is accompanied by a search and rescue dog. Those policies, practices, and procedures shall ensure that a dog handler who is accompanied by a search and rescue dog is not separated from the search and rescue dog, that the search and rescue dog is allowed to accompany the dog handler to all areas of the hotel, inn, motel, or tourist rooming house that are open to the general public, and that the dog handler is not segregated from other patrons of the hotel, inn, motel, or tourist rooming house.

7. A dog handler who is accompanied by a search and rescue dog in a hotel, inn, motel, or tourist rooming house may be asked by the owner or operator of the establishment to present documentation from the law enforcement agency, fire department, or emergency management service the dog handler is working with that the search and rescue dog is a legitimate search and rescue dog that meets the definition under sub. (1) (fe).

(b) Nothing in this subsection prohibits separate dormitories at higher educational institutions or separate public toilets, showers, saunas and dressing rooms for persons of different sexes.

(c) Nothing in this subsection prohibits separate treatment of persons based on sex with regard to public toilets, showers, saunas and dressing rooms for persons of different sexes.

(d) Nothing in this subsection prohibits a domestic abuse services organization, as defined in s. 995.67 (1) (b), from providing separate shelter facilities, private home shelter care, advocacy, counseling or other care, treatment or services for persons of different sexes or from providing for separate treatment of persons based on sex with regard to the provision of shelter facilities, private home shelter care, advocacy, counseling or other care, treatment or services for persons of different sexes.

(e) Nothing in this section prohibits a fitness center whose services or facilities are intended for the exclusive use of persons of the same sex from providing the use of those services or facilities exclusively to persons of that sex, from denying the use of those services or facilities to persons of the opposite sex, or from directly or indirectly publishing, circulating, displaying, or mailing any written communication to the effect that the use of those services or facilities will be provided exclusively to persons of the same sex and will be denied to persons of the opposite sex.

(4) INVESTIGATION AND REVIEW OF CLAIMS, PUBLIC PLACES. (a) *Claims filed with department.* 1. The department may receive and investigate a complaint charging a violation of sub. (3) if the complaint is filed with the department no more than 300 days after the alleged act prohibited under sub. (3) occurred. A complaint shall be a written statement of the essential facts constituting the act prohibited under sub. (3) charged, and shall be verified.

2. In carrying out this subsection, the department and its duly authorized agents may hold hearings, subpoena witnesses, take testimony and make investigations as provided in this chapter. The department, upon its own motion, may test and investigate for the purpose of establishing violations of sub. (3), and may make, sign and file complaints alleging violations of sub. (3), and initiate investigations and studies to carry out the purposes of this subsection and sub. (3).

3. The department shall employ such examiners as are necessary to hear and decide complaints of acts prohibited under sub. (3) and to assist in the effective administration of this subsection. The examiners may make findings and orders under this subsection.

4. If the department finds probable cause to believe that any act prohibited under sub. (3) has been or is being committed, the department may endeavor to eliminate the act by conference, conciliation and persuasion. If the department determines that such conference, conciliation and persuasion has not eliminated the alleged act prohibited under sub. (3), the department shall issue and serve a written notice of hearing, specifying the nature and acts prohibited under sub. (3) which appear to have been committed, and requiring the person named, in this subsection called the "respondent", to answer the complaint at a hearing before an examiner. The notice shall specify a time of hearing, not less than 10 days after service of the complaint, and a place of hearing within the county in which the violation of sub. (3) is alleged to have occurred. The attorney of record for any party may issue a subpoena to compel the attendance of a witness or the production of evidence. A subpoena issued by an attorney must be in substantially the same form as provided in s. 805.07 (4) and must be served in the manner provided in s. 805.07 (5). The attorney shall, at the time of issuance, send a copy of the subpoena to the appeal tribunal or other representative of the department responsible for conducting the proceeding. The testimony at the hearing shall be recorded by the department. In all hearings before an examiner, except those for determining probable cause, the burden of proof is on the party alleging an act prohibited under sub. (3). If, after the hearing, the examiner finds by a fair preponderance of the evidence that the respondent has violated sub. (3), the examiner shall make written findings and order such action by the respondent as will effectuate the purpose of this subsection and sub. (3). The department shall serve a certified copy of the examiner's findings and order on the respondent and complainant. The order shall have the same force as other orders of the department and shall be enforced as provided in this subsection, except that the enforcement of the order is automatically stayed upon the filing of a petition for review with the commission. If the examiner finds that the respondent has not engaged in an act prohibited under sub. (3) as alleged in the complaint, the department shall serve a certified copy of the examiner's findings on the complainant and the respondent together with an order dismissing the complaint. If the complaint is dismissed, costs in an amount not to exceed $100 plus actual disbursements for the attendance of witnesses may be assessed against the department in the discretion of the department.

5. At any time after a complaint is filed, the department may file a petition in the circuit court for the county in which the act prohibited under sub. (3) allegedly occurred, or for the county in which a respondent resides or transacts business, seeking appropriate temporary relief against the respondent, pending final determination of proceedings under this subsection, including an order or decree restraining the respondent from performing an act

tending to render ineffectual an order the department may enter with respect to the complaint. The court may grant such temporary relief or restraining order as the court deems just and proper.

(b) *Petition for review.* 1. A respondent or complainant who is dissatisfied with the findings and order of the examiner under par. (a) may file a written petition with the department for review by the commission of the findings and order.

2. The commission shall either reverse, modify, set aside or affirm the findings and order in whole or in part, or direct the taking of additional evidence. Such action shall be based on a review of the evidence submitted. If the commission is satisfied that a respondent or complainant has been prejudiced because of exceptional delay in the receipt of a copy of any findings and order it may extend the time another 21 days for filing the petition with the department.

3. On motion, the commission may set aside, modify or change any decision made by the commission, at any time within 28 days from the date thereof if it discovers any mistake therein, or upon the grounds of newly discovered evidence. The commission may on its own motion, for reasons it deems sufficient, set aside any final decision of the commission within one year from the date thereof upon grounds of mistake or newly discovered evidence, and remand the case to the department for further proceedings.

4. If no petition is filed within 21 days from the date that a copy of the findings and order of the examiner are mailed to the last-known address of the respondent and complainant, the findings and order shall be considered final.

(c) *Judicial review.* Within 30 days after service upon all parties of an order of the commission under par. (b), the respondent or complainant may appeal the order to the circuit court for the county in which the alleged act prohibited under sub. (3) took place by the filing of a petition for review. The respondent or complainant shall receive a new trial on all issues relating to any alleged act prohibited under sub. (3) and a further right to a trial by jury, if so desired. The department of justice shall represent the commission. In any such trial the burden shall be to prove an act prohibited under sub. (3) by a fair preponderance of the evidence. Costs in an amount not to exceed $100 plus actual disbursements for the attendance of witnesses may be taxed to the prevailing party on the appeal.

(d) *Penalty.* 1. A person who willfully violates sub. (3) or any lawful order issued under this subsection shall, for the first violation, forfeit not less than $100 nor more than $1,000.

2. A person adjudged to have violated sub. (3) within 5 years after having been adjudged to have violated sub. (3), for every violation committed within the 5 years, shall forfeit not less than $1,000 nor more than $10,000.

3. Payment of a forfeiture under this paragraph shall be stayed during the period in which an appeal may be taken and during the pendency of an appeal under par. (c).

(e) *Civil actions.* 1. A person, including the state, alleging a violation of sub. (3) may bring a civil action for appropriate injunctive relief, for damages including punitive damages and, in the case of a prevailing plaintiff, for court costs and reasonable attorney fees. The attorney general shall represent the department in an action to which the department is a party.

2. An action commenced under this paragraph may be brought in the circuit court for the county where the alleged violation occurred, or for the county where the person against whom the civil complaint is filed resides or has a principal place of business, and shall be commenced within one year after the alleged violation occurred.

3. The remedies provided for in this paragraph shall be in addition to any other remedies contained in this subsection.

Cross-reference: See also LIRC, Wis. adm. code.

(5) DISCRIMINATION BY LICENSED OR CHARTERED PERSONS. (a) If the department finds probable cause to believe that an act has been or is being committed in violation of sub. (3) and that the person who committed or is committing the act is licensed or chartered under state law, the department shall notify the licensing or chartering agency of its findings and may file a complaint with such agency together with a request that the agency initiate proceedings to suspend or revoke the license or charter of such person or take other less restrictive disciplinary action.

(b) Upon filing a complaint under par. (a), the department shall make available to the appropriate licensing or chartering agency all pertinent documents and files in its custody, and shall cooperate fully with such agency in the agency's proceedings.

History: 1971 c. 185 s. 1; 1971 c. 228 s. 42; 1971 c. 230; 1971 c. 307 s. 51; Stats. 1971 s. 101.22; 1975 c. 94, 275, 421, 422; 1977 c. 29; 1977 c. 418 s. 929 (55); 1979 c. 110; 1979 c. 177 s. 85; 1979 c. 188, 221, 355; 1981 c. 112, 180; 1981 c. 391 s. 210; 1983 a. 27, 189; 1985 a. 238, 319; 1987 a. 262; 1989 a. 47 ss. 2 to 5, 8 to 11; 1989 a. 94, 106, 139, 359; 1991 a. 295, 315; 1993 a. 27; 1995 a. 27 s. 3687; Stats. 1995 s. 106.04; 1995 a. 225; 1995 a. 448 ss. 66, 68; 1997 a. 112, 237, 312; 1999 a. 82 ss. 75 to 92, 102 to 105; Stats. 1999 s. 106.52; 1999 a. 186; 2003 a. 23; 2005 a. 155; 2005 a. 354 ss. 1 to 4, 6; 2007 a. 97; 2011 a. 190; 2015 a. 55; 2025 a. 151.

NOTE: 1991 Wis. Act 295, which affected this section, contains extensive legislative council notes.

Cross-reference: See also ch. DWD 221, Wis. adm. code.

A newspaper's classified advertising section was not subject to the public accommodations act. Hatheway v. Gannett Satellite Network, 157 Wis. 2d 395, 459 N.W.2d 873 (Ct. App. 1990).

Section 106.04 (9) (a) 2. [now sub. (3) (a) 2.] prohibits price differentials or discounts based on the categories specified in the statute. Offering free drinks to women, and not men, is prohibited regardless of whether other promotions offer preferential treatment to men. Novak v. Madison Motel Associates, 188 Wis. 2d 407, 525 N.W.2d 123 (Ct. App. 1994).

In order to allege prohibited discrimination in public accommodations, an allegation that the defendant was not a private nonprofit organization was not required in the complaint. Barry v. Maple Bluff Country Club, 221 Wis. 2d 707, 586 N.W.2d 182 (Ct. App. 1998), 97-0736.

There is an 8-point test for determining whether an organization is an exempt bona fide private nonprofit organization under sub. (1) (e) 2., the most important of the factors being whether membership in the organization is truly selective. Barry v. Maple Bluff County Club, Inc. 2001 WI App 108, 244 Wis. 2d 86, 629 N.W.2d 24, 00-1178.

The defendant doctor and clinic in this case wrongly implied that defendants in s. 106.52 actions must be physical places of accommodation themselves rather than the individuals or corporations who run them. Rose v. Cahee, 727 F. Supp. 2d 728 (2010).

106.54 Division of equal rights. (2) The division shall encourage and assist local units of government in guaranteeing all persons an equal opportunity for housing.

(3) All gifts, grants, bequests and devises to the division for its use are valid and shall be used to carry out the purposes for which made and received.

(4) The division shall review complaints of discrimination against public employees exercising their rights with respect to occupational safety and health matters, under s. 101.055 (8).

(5) The division shall receive complaints of discharge, retaliation or discrimination under s. 16.009 (5) (d), 46.90 (4) (b), 50.07 (3) (b), or 55.043 (1m) (c) and shall process the complaints in the same manner that employment discrimination complaints are processed under s. 111.39.

(6) The division shall receive complaints under s. 146.997 (4) (a) of disciplinary action taken in violation of s. 146.997 (3) and shall process the complaints in the same manner that employment discrimination complaints are processed under s. 111.39.

(7) The division shall receive complaints under s. 321.65 (7) (b) 1. or 2. and shall process the complaints in the same manner that employment discrimination complaints are processed under s. 111.39.

(8) The division shall receive complaints under s. 321.66 (5) and shall process the complaints in the same manner that employment discrimination complaints are processed under s. 111.39.

(8m) The division shall receive complaints under s. 103.88 (5) and shall process the complaints in the same manner that employment discrimination complaints are processed under s. 111.39.

(9) The division shall receive complaints under s. 49.197 (6) (d) or 49.845 (4) (d) and shall process the complaints in the same manner that employment discrimination complaints are processed under s. 111.39.

(10) (a) The division shall receive complaints under s. 995.55 (6) (b) and shall process the complaints in the same manner as employment discrimination complaints are processed under s. 111.39.

(b) The division shall receive complaints under s. 995.55 (6) (c) and shall process the complaints in the same manner as housing discrimination complaints are processed under s. 106.50.

History: 1971 c. 185 ss. 1, 7; Stats. 1971 s. 101.222; 1977 c. 29; 1981 c. 360; 1983 a. 398; 1989 a. 47; 1995 a. 27 s. 3689; Stats. 1995 s. 106.06; 1997 a. 27, 131; 1999 a. 82 s. 93; Stats. 1999 s. 106.54; 1999 a. 176 s. 1; 2001 a. 26; 2005 a. 388; 2007 a. 200; 2009 a. 56, 76, 140; 2011 a. 260 s. 80; 2013 a. 208.

106.56 Postsecondary education: prohibition against discrimination on basis of physical condition or developmental disability.

(1) Subject to sub. (3), no school, university or other institution offering courses or programs in postsecondary education or vocational training which is supported wholly or in part by public funds may refuse to admit any person to any school, institution, course or program or any curricular or extracurricular activity, or may otherwise discriminate against any person, solely on the basis of physical condition or developmental disability as defined in s. 51.01 (5).

(2) If admission to any such school, university, institution, program or course requires that a prospective enrollee take a standardized aptitude examination and the prospective enrollee is unable to take such an examination under standard conditions because of physical condition or developmental disability as defined in s. 51.01 (5), the school, university or institution shall make a good-faith effort to modify the examination conditions in a manner which will permit the prospective enrollee to demonstrate aptitude. The failure of any school, university or institution to make such a good-faith effort is discrimination within the meaning of this section.

(3) The prohibition against discrimination under sub. (1) does not apply to:

(a) Courses, programs or activities involving the handling or operation of hazardous substances, machines or appliances if there is no feasible way in which the physical safety of the disabled student or of other persons can be adequately protected; or

(b) The admission of a person who does not meet the minimum physical standards which are reasonably necessary for a particular course, program or activity. The school, university or other institution has the burden of proving that such minimum physical standards are reasonably necessary.

(4) (a) The department shall receive and investigate complaints charging discrimination or discriminatory practices in particular cases, and publicize its findings with respect thereto. The department has all powers provided under s. 111.39 with respect to the disposition of such complaints. The findings and orders of examiners may be reviewed as provided under s. 106.52 (4) (b).

(b) Findings and orders of the commission under this section are subject to review under ch. 227. Upon such review, the department of justice shall represent the commission.

History: 1975 c. 275, 421; 1977 c. 29; 1977 c. 418 s. 929 (55); 1979 c. 221; 1981 c. 334 s. 25 (2); 1991 a. 295; 1995 a. 27 s. 3690; Stats. 1995 s. 106.07; 1999 a. 82 ss. 94 to 99; Stats. 1999 s. 106.56.

Cross-reference: See also LIRC, Wis. adm. code.

106.57 Postsecondary education; accessible instructional material for students with disabilities.

(1) DEFINITIONS. In this section:

(a) "Alternative format" means Braille, large print texts, audio recordings created with the use of text-to-speech technology, electronic formats used with screen reader devices or other assistive technology, or digital talking books that are required by a student with a disability to make instructional material accessible to the student.

(b) "Electronic format" means a computer file or other digital medium embodying instructional material that can be made into an alternative format or that is capable of serving as an alternative format, if used with a screen reader device or other assistive technology.

(c) "Institution of higher education" means an institution or college campus within the University of Wisconsin System, a technical college within the technical college system, or a private, nonprofit institution of higher education that is a member of the Wisconsin Association of Independent Colleges and Universities.

(d) "Instructional material" means a textbook or other material written and published in print format primarily for use by students in postsecondary instruction that is required or essential to the success of a student with a disability in a course of study in which the student is enrolled, as determined by the instructor of the course in consultation with the person specified in sub. (2) (b) who requests that material in alternative format or electronic format under sub. (2) (a).

(e) "Maintain the structural integrity" means to include all of the information provided in the original instructional material, including the text of sidebars; the table of contents; chapter headings and subheadings; footnotes; indexes; glossaries; bibliographies; nontextual elements, such as pictures, illustrations, graphs, charts, and screenshots; and any other data that are pertinent to the instructional material, when that original instructional material is provided in alternative format or electronic format.

(f) "Publisher" means a person that is in the business, whether for profit or not for profit, of selling instructional material in which the person owns or controls some or all of the copyright. "Publisher" does not include a person that is a member of a nationwide exchange network that facilitates and supports the delivery of instructional material in alternative format to students with disabilities, if that material is delivered to those students through that network within 7 working days after a request for that material is made.

(g) "Student with a disability" means a student enrolled in an institution of higher education who is blind or visually impaired, or who has a specific learning disability or other physical condition that prevents the student from using instructional material in standard print format, and who needs reasonable accommodations to read.

(h) "Writing" includes facsimile transmission or electronic mail.

(2) REQUEST FOR INSTRUCTIONAL MATERIAL IN ALTERNATIVE OR ELECTRONIC FORMAT. (a) Except as provided in this paragraph, an institution of higher education, on behalf of a student with a disability, may request a publisher to provide instructional material in alternative format or electronic format by submitting to the publisher a request that complies with par. (b) and with any additional requirement imposed by the publisher under par. (c). An institution of higher education may not request a publisher to provide instructional material under this paragraph if the instructional material in the particular format needed by the student is commercially available from the publisher of the material.

(b) A request under par. (a) for instructional material in alter-

native format or electronic format shall be prepared and signed by the coordinator of services for students with disabilities at the institution of higher education or by another employee of the institution of higher education who is responsible for providing services or accommodations for students with disabilities or for monitoring compliance with the federal Americans with Disabilities Act, 42 USC 12101 to 12213, or the federal Rehabilitation Act of 1973, 29 USC 701 to 796L, on behalf of the institution of higher education, shall provide notice to the publisher of the publisher's duties under this section, and shall certify all of the following:

1. That a copy of the instructional material in standard format has been purchased for use by a student with a disability by the student or by the institution of higher education in which the student is enrolled. The institution of higher education shall keep records sufficient to verify that a separate copy of instructional material in standard format has been purchased for each student with a disability for whom instructional material in alternative format or electronic format is requested under par. (a), and a publisher has the right to inspect, or receive copies of, those records that relate to instructional material published by the publisher.

2. That the student is a student with a disability.

3. That the instructional material is for use by the student with a disability in connection with a course at the institution of higher education in which the student is enrolled.

4. Whether the institution of higher education has in its possession a copy of the instructional material in electronic format and, if so, whether that copy is capable, if used with assistive technology, of serving as an alternative format suitable for the needs of the student with a disability or of being converted, using generally available technology, into the particular alternative format needed by the student.

(c) A publisher may require a request under par. (a) to also be accompanied by a statement signed by the student or, if the student is a minor, the student's parent, guardian, or legal custodian agreeing to all of the following:

1. That the student will use the instructional material in alternative format solely for his or her own educational purposes.

2. That the student will not copy or distribute the instructional material in alternative format for use by others.

(3) PROVISION OF INSTRUCTIONAL MATERIAL IN ALTERNATIVE OR ELECTRONIC FORMAT. (a) In response to a request under sub. (2) (a), on behalf of a student with a disability, for instructional material in alternative format or electronic format, a publisher shall do one of the following:

1. Provide to the requester a copy of the instructional material in alternative format by delivering a computer disk or file.

2. Provide to the requester access to the instructional material in alternative format by providing an Internet password or by providing that access in any other appropriate matter.

3. Provide to the requester a copy of the instructional material in electronic format.

4. At its option, grant to the institution of higher education permission to convert the instructional material into the particular alternative format needed by the student with a disability.

5. If the publisher believes that it is unable to act under subd. 1. to 4. because the publisher does not own or control some or all of the copyright in the instructional material, provide to the requester the name of the person that, to the best of the publisher's knowledge, is able to fulfill the request.

(b) Within 7 days after receipt of a request under sub. (2) (a), a publisher shall respond to the request by providing to the requester one of the following notices in writing:

1. A notice advising the requester as to which of the actions under par. (a) 1. to 3. the publisher intends to take.

2. If the request indicates that the institution of higher education has in its possession a copy of the instructional material in electronic format and that the copy is capable of serving as an alternative format suitable for the needs of the student with a disability or of being converted into the particular alternative format needed by the student, a notice advising the requester that the publisher intends to take none of the actions under par. (a) 1. to 3. If this subdivision applies, the publisher may grant permission to convert the instructional material into alternative format as provided in par. (a) 4.

3. If the publisher does not possess a copy of the instructional material in alternative format or electronic format or if the publisher does not possess technology that will maintain the structural integrity of the instructional material, a notice advising the requester that the publisher intends to take none of the actions under par. (a) 1. to 3. If this subdivision applies, the publisher may grant permission to convert the instructional material into alternative format as provided in par. (a) 4.

4. If the publisher believes that it is unable to act under par. (a) 1. to 4. because the publisher does not own or control some or all of the copyright in the instructional material, notice of the name of the person that, to the best of the publisher's knowledge, is able to fulfill the request.

(c) 1. If the publisher provides notice under par. (b) 1. that the publisher intends to provide a copy of the instructional material in electronic format as provided in par. (a) 3., the publisher shall provide the material in that format no later than 7 days after providing that notice.

2. If the publisher provides notice under par. (b) 1. that the publisher intends to provide a copy of the instructional material in alternative format as provided in par. (a) 1. or to provide access to the instructional material in alternative format as provided in par. (a) 2., the publisher shall provide the material in that format or provide that access no later than 14 days after providing that notice.

(d) Instructional material provided by a publisher in alternative format or electronic format shall meet all of the following requirements:

1. To the extent possible, maintain the structural integrity of the original instructional material, except that this requirement does not apply to nontextual instructional material unless the publisher possesses technology that will maintain the structural integrity of the nontextual instructional material. If the publisher does not have technology that will maintain the structural integrity of the original instructional material, the publisher shall so notify the institution of higher education under par. (b) 3. and may grant permission to the institution of higher education to convert the instructional material into alternative format as provided in par. (a) 4.

2. Be compatible with an assistive technology that is suitable for the needs of the student with a disability or, if the student needs an embossed Braille version of the instructional material, be compatible with commonly used Braille translation software.

3. Include corrections and revisions that have been generally published with respect to the instructional material.

(e) 1. Subject to subd. 2., an institution of higher education may create an alternative format of instructional material for which a request has been made under sub. (2) if any of the following apply:

a. The publisher provides a copy of the instructional material in electronic format under par. (a) 3.

b. The publisher grants permission to convert the instructional material into alternative format as provided in par. (a) 4.

c. The publisher responds to the request as provided in par. (b) 2.

d. The publisher does not respond to the request as required under par. (b).

e. The publisher does not fulfill the request as provided in par. (c) 1. or 2.

2. An institution of higher education may not create an alternative format of instructional material if the instructional material in the particular alternative format needed by a student with a disability is commercially available from the publisher of the material.

(f) A publisher that sells instructional materials for use by students enrolled in institutions of higher education shall provide the name and contact information of its office or employee who is designated to handle requests under sub. (2) (a) to the persons specified in sub. (2) (b) for those institutions. A publisher may provide that information either by posting that information on its Internet site or by providing that information in writing to those persons. If a publisher fails to provide that information, a person specified in sub. (2) (b) may request that information, or may request instructional material under sub. (2) (a), by sending the request to the publisher at the address of the publisher's principal place of business, directed to the attention of the publisher's rights and permissions department.

(g) Nothing in this subsection may be construed to require a publisher to incur an investment that the publisher cannot reasonably recoup. If a publisher has not previously produced a digital version of fully typeset and edited instructional material, including instructional material produced through a method that does not require the creation of a digital file, the publisher may condition its provision of the instructional material in alternative format or electronic format on payment of reasonable compensation for the expense of creating that format.

(4) USE OF INSTRUCTIONAL MATERIALS IN ALTERNATIVE OR ELECTRONIC FORMAT. (a) 1. Subject to subds. 2. and 3., if an institution of higher education has in its possession a copy of instructional material in alternative format or electronic format that has been provided by a publisher under sub. (3) (c) or an alternative format of instructional material that has been created by the institution of higher education under sub. (3) (e), the institution of higher education shall satisfy all subsequent requests for instructional material in that format from its own students without requesting the publisher to provide that material and may, if requested, provide instructional material in that format to another institution of higher education for use by a student of that other institution.

2. An institution of higher education that satisfies a request for or provides instructional material under subd. 1. shall, for each student for whom the instructional material is provided, provide to the publisher the information specified in sub. (2) (b) 1. to 4. and the statement specified in sub. (2) (c).

3. An institution of higher education may not satisfy a request for or provide instructional material under subd. 1. if the institution receives notice that an alternative format or an electronic format of the instructional material in the same specifications is commercially available from the publisher of the material.

(b) An institution of higher education in possession of a copy of instructional material in alternative format or electronic format that has been provided by a publisher under sub. (3) (c) or an alternative format of instructional material that has been created by the institution of higher education under sub. (3) (e) shall take reasonable precautions to ensure that the format is not distributed to any 3rd parties, except as permitted under par. (a) 1. or (c), and shall, to the extent possible, maintain in effect all copy-protection measures embedded in the alternative format or electronic format by the publisher.

(c) An institution of higher education may contract with a 3rd party to assist the institution in creating an alternative format of instructional material as permitted under sub. (3) (e) or as otherwise permitted by the publisher. If an institution of higher education contracts with a 3rd party under this paragraph, the contract shall provide all of the following:

1. That the electronic format from which the alternative format is created may not be further distributed by the 3rd party.

2. That any alternative format made from the electronic format may be provided only to the institution.

3. That all files provided by the institution to the 3rd party shall be returned to the institution.

4. That the 3rd party may not retain, and must destroy, any copies of its work product, including any interim work files.

5. That both the institution and the publisher shall have the power to enforce the contractual provisions specified in subds. 1. to 4.

(d) If an institution of higher education permits a student with a disability to directly use an electronic format version of instructional material, the disc or file of the electronic format version shall be copy protected, or the institution of higher education shall take reasonable precautions to ensure that the student does not copy or distribute the electronic format version in violation of the federal Copyright Act, 17 USC 101 to 1332.

(e) Nothing in this section shall be construed to authorize any use of instructional materials that would constitute an infringement of copyright under the federal Copyright Act, 17 USC 101 to 1332.

History: 2011 a. 124.

106.58 Discrimination in education prohibited. No child may be excluded from or discriminated against in admission to any public school or in obtaining the advantages, privileges and courses of study of such public school on account of sex, race, religion or national origin.

History: 1975 c. 94; 1995 a. 27 s. 3691; Stats. 1995 s. 106.08; 1999 a. 82 s. 100; Stats. 1999 s. 106.58.