

No. 796, A.]

[Published October 15, 1959.]

#### CHAPTER 540

AN ACT to create 15.615 of the statutes, relating to nondiscrimination clauses in contracts entered into by state agencies and granting rule-making powers.

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

15.615 of the statutes is created to read:

15.615 NONDISCRIMINATORY CONTRACTS. (1) Contracting agencies of the state shall include in all contracts executed by them a provision obligating the contractor not to discriminate against any employe or applicant for employment because of race, religion, color or national origin.

(2) Contracting agencies of the state shall include the following provision in every contract executed by them:

In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employe or applicant for employment because of race, religion, color or national origin. The aforesaid provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available for employes and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.

(3) Subsections (1) and (2) shall not apply to contracts to meet special requirements or emergencies, if approved by the director of the fair employment division of the industrial commission.

(4) The contracting agencies of the state shall take appropriate action to revise the standard government contract forms in accordance with this section.

(5) The head of each contracting agency of the state shall be primarily responsible for obtaining compliance by any contractor with the nondiscrimination provisions prescribed by this section, according to procedures recommended by the fair employment division of the industrial commission. This division shall make recommendations to the contracting agencies for improving and making more effective the nondiscrimination provisions of such contracts. All contracting agencies of the state are directed to co-operate with the fair employment division, and, to the extent permitted by law, to furnish the division such information and assistance as it may require in the performance of its functions under this section. The fair employment division shall establish such rules as may be necessary for the performance of its functions under this section, and shall make annual reports on its progress to the governor.

(6) The fair employment division of the industrial commission may receive complaints of alleged violations of the nondiscrimination provisions of such contracts. Complaints received shall be transmitted by the division to the appropriate contracting agencies to be processed in accordance with the agencies' procedure for handling such complaints. Each contracting agency shall report to the division the action taken with respect to all complaints received by the agency, including those transmitted by the division. The division shall review and analyze the reports submitted to it by the contracting agencies.

(7) When a violation of this section has been determined by the industrial commission following investigation by the fair employment division the state agency shall be so advised and thereafter said state agency shall:

(a) Immediately inform the violating party of the violation.

(b) Direct the violating party to take action necessary to halt the violation.

(c) Direct the violating party to take action necessary to correct, if possible, any injustice to any person adversely affected by the violation.

(d) Direct the violating party to take immediate steps to prevent further violations of this section and to report its corrective action to the state agency involved.

(8) If further violations of this section are committed during the term of the contract the state agency involved may, in its discretion, permit the violating party to complete the contract, after complying with this section, but thereafter request the fair employment division to place the name of the party on the ineligible list for state contracts, or the state agency may terminate the contract without liability for the uncompleted portion or any materials or services purchased or paid for by the contracting party for use in completing the contract.

(9) The names of parties who have had contracts terminated under this section shall be placed on an ineligible list for state contracts, maintained by the fair employment division. No state contract shall be approved and let to any party on such list of ineligible contractors. The fair employment division may remove the name of any party from the ineligible list of contractors when, following investigation, the fair employment division determines the contractor's employment practices comply with this section and provide adequate safeguards for its observance.

(10) The fair employment division of the industrial commission shall encourage the furtherance of an educational program by employer, labor, civic, educational, religious and other voluntary nongovernmental groups in order to eliminate or reduce the basic causes and costs of discrimination in employment. It may establish and maintain co-operative relationships with agencies of local government, as well as with nongovernmental bodies, to assist in achieving the purposes of this section.

(11) A violation by a prime contractor shall not impute to a subcontractor nor shall a violation by a subcontractor impute to a contractor.

Approved October 13, 1959.

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