

State of Misconsin 2011 - 2012 LEGISLATURE



# **2011 ASSEMBLY BILL 436**

December 20, 2011 – Introduced by Representatives C. TAYLOR, ZAMARRIPA, POCAN, PASCH, ROYS, BERCEAU, FIELDS, HEBL and KESSLER, cosponsored by Senator TAYLOR. Referred to Committee on Criminal Justice and Corrections.

1 AN ACT *to create* 111.335 (1) (am) of the statutes; **relating to:** prohibiting 2 consideration of the conviction record of an applicant for employment before the 3 applicant has been selected for an interview.

## Analysis by the Legislative Reference Bureau

Current law, subject to certain exceptions, prohibits discrimination in employment based on conviction record. Current law specifies, however, that it is not employment discrimination because of conviction record to refuse to employ an individual who has been convicted of a felony, misdemeanor, or other offense, the circumstances of which substantially relate to the circumstances of the particular job.

This bill provides that employment discrimination because of conviction record includes requesting an applicant for employment, on an application form or otherwise, to supply information regarding the conviction record of the applicant, or otherwise inquiring into or considering the conviction record of an applicant for employment, before the applicant has been selected for an interview by the prospective employer.

The bill, however, does not prohibit an employer from notifying applicants for employment that an individual with a particular conviction record may be disqualified by law or the employer's policies from employment in particular positions.

### **ASSEMBLY BILL 436**

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

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

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

111.335 (1) (am) 1. Employment discrimination because of conviction record includes requesting an applicant for employment, on an application form or otherwise, to supply information regarding the conviction record of the applicant, or otherwise inquiring into or considering the conviction record of an applicant for employment, before the applicant has been selected for an interview by the prospective employer.

8 2. Subdivision 1. does not prohibit an employer from notifying applicants for 9 employment that, subject to this section and ss. 111.321 and 111.322, an individual 10 with a particular conviction record may be disqualified by law or under the 11 employer's policies from employment in particular positions.

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#### **SECTION 2. Initial applicability.**

(1) CONSIDERATION OF CONVICTION RECORD. This act first applies to an application
 for employment submitted to an employer on the effective date of this subsection.

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### SECTION 3. Effective date.

16 (1) CONSIDERATION OF CONVICTION RECORD. This act takes effect on the first day
17 of the 6th month beginning after publication.

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### (END)