

WISCONSIN

§ 111.335 - Arrest or conviction record; exceptions and special cases

- (a) Employment discrimination because of arrest record includes, but is not limited to, requesting an applicant, employee, member, licensee or any other individual, on an application form or otherwise, to supply information regarding any arrest record of the individual except a record of a pending charge, except that it is not employment discrimination to request such information when employment depends on the bondability of the individual under a standard fidelity bond or when an equivalent bond is required by state or federal law, administrative regulation or established business practice of the employer and the individual may not be bondable due to an arrest record.
- (b) Notwithstanding § 111.322, it is not employment discrimination because of arrest record to refuse to employ or license, or to suspend from employment or licensing, any individual who is subject to a pending criminal charge if the circumstances of the charge substantially relate to the circumstances of the particular job or licensed activity.
- (c) Notwithstanding § 111.322, it is not employment discrimination because of conviction record to refuse to employ or license, or to bar or terminate from employment or licensing, any individual who:
 - 1. Has been convicted of any felony, misdemeanor or other offense the circumstances of which substantially relate to the circumstances of the particular job or licensed activity; or
 - 2. Is not bondable under a standard fidelity bond or an equivalent bond where such bondability is required by state or federal law, administrative regulation or established business practice of the employer.
- (cg)
 - 1. Notwithstanding § 111.322, it is not employment discrimination because of conviction record to deny or refuse to renew a license or permit under § 440.26 to a person who has been convicted of a felony and has not been pardoned for that felony.
 - 2. Notwithstanding § 111.322, it is not employment discrimination because of conviction record to revoke a license or permit under § 440.26(6)(b) if the person holding the license or permit has been convicted of a felony and has not been pardoned for that felony.
 - 3. Notwithstanding § 111.322, it is not employment discrimination because of conviction record to refuse to employ a person in a business licensed under § 440.26 or as an employee specified in § 440.26(5)(b) if the person has been convicted of a felony and has not been pardoned for that felony.

- (cm) Notwithstanding § 111.322, it is not employment discrimination because of conviction record to refuse to employ as an installer of burglar alarms a person who has been convicted of a felony and has not been pardoned.
- (cs) Notwithstanding § 111.322, it is not employment discrimination because of conviction record to revoke, suspend or refuse to renew a license or permit under ch. 125 if the person holding or applying for the license or permit has been convicted of one or more of the following:
1. Manufacturing, distributing or delivering a controlled substance or controlled substance analog under § 961.41(1)
 2. Possessing, with intent to manufacture, distribute or deliver, a controlled substance or controlled substance analog under § 961.41(1m)
 3. Possessing, with intent to manufacture, distribute or deliver, or manufacturing, distributing or delivering a controlled substance or controlled substance analog under a federal law that is substantially similar to § 961.41(1) or (1m)
 4. Possessing, with intent to manufacture, distribute or deliver, or manufacturing, distributing or delivering a controlled substance or controlled substance analog under the law of another state that is substantially similar to § 961.41(1) or (1m)
- (cv) Notwithstanding § 111.322, it is not employment discrimination because of conviction record to refuse to employ in a position in the classified service or in a position described in § 230.08(2)(k) a person who has been convicted under 50 USC, Appendix, section 462 for refusing to register with the selective service system and who has not been pardoned.