



2013 ASSEMBLY BILL 529

November 25, 2013 - Introduced by Representatives RIEMER, GENRICH, BARNES, BERCEAU, BILLINGS, CLARK, GOYKE, HESSELBEIN, HULSEY, JOHNSON, JORGENSEN, KAHL, KESSLER, MASON, OHNSTAD, PASCH, POPE, RINGHAND, SARGENT, SINICKI, C. TAYLOR, VRUWINK, WRIGHT, YOUNG, ZAMARRIPA and ZEPNICK, cosponsored by Senators HARRIS, C. LARSON, LEHMAN and RISSER. Referred to Committee on Labor.

1 **AN ACT to amend** 111.31 (1), 111.31 (2), 111.31 (3), 111.321 and 111.345; and **to**
2 **create** 111.32 (7g) of the statutes; **relating to:** employment discrimination on
3 the basis of family status.

Analysis by the Legislative Reference Bureau

Current law prohibits discrimination in employment on various bases, including the basis of marital status, which is defined as the status of being married, single, divorced, separated, or widowed. Current law provides, however, that it is not employment discrimination because of marital status to prohibit an individual from directly supervising or being directly supervised by his or her spouse.

This bill prohibits employment discrimination on the basis of family status, which is defined in the bill as: 1) having responsibility for the full-time or part-time care of a child, spouse, domestic partner, parent, or other relative; or 2) being married to or in a domestic partnership with a particular person or being a relative of a particular person. The bill provides, however, that it is not employment discrimination because of family status to prohibit an individual from directly supervising or being directly supervised by a relative or domestic partner.

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

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

ASSEMBLY BILL 529**SECTION 1**

1 **SECTION 1.** 111.31 (1) of the statutes is amended to read:

2 111.31 (1) The legislature finds that the practice of unfair discrimination in
3 employment against properly qualified individuals by reason of their age, race,
4 creed, color, disability, marital status, family status, sex, national origin, ancestry,
5 sexual orientation, arrest record, conviction record, military service, use or nonuse
6 of lawful products off the employer's premises during nonworking hours, or declining
7 to attend a meeting or to participate in any communication about religious matters
8 or political matters, substantially and adversely affects the general welfare of the
9 state. Employers, labor organizations, employment agencies, and licensing agencies
10 that deny employment opportunities and discriminate in employment against
11 properly qualified individuals solely because of their age, race, creed, color, disability,
12 marital status, family status, sex, national origin, ancestry, sexual orientation,
13 arrest record, conviction record, military service, use or nonuse of lawful products off
14 the employer's premises during nonworking hours, or declining to attend a meeting
15 or to participate in any communication about religious matters or political matters,
16 deprive those individuals of the earnings that are necessary to maintain a just and
17 decent standard of living.

18 **SECTION 2.** 111.31 (2) of the statutes is amended to read:

19 111.31 (2) It is the intent of the legislature to protect by law the rights of all
20 individuals to obtain gainful employment and to enjoy privileges free from
21 employment discrimination because of age, race, creed, color, disability, marital
22 status, family status, sex, national origin, ancestry, sexual orientation, arrest record,
23 conviction record, military service, use or nonuse of lawful products off the
24 employer's premises during nonworking hours, or declining to attend a meeting or
25 to participate in any communication about religious matters or political matters, and

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1 to encourage the full, nondiscriminatory utilization of the productive resources of the
2 state to the benefit of the state, the family, and all the people of the state. It is the
3 intent of the legislature in promulgating this subchapter to encourage employers to
4 evaluate an employee or applicant for employment based upon the individual
5 qualifications of the employee or applicant rather than upon a particular class to
6 which the individual may belong.

7 **SECTION 3.** 111.31 (3) of the statutes is amended to read:

8 111.31 (3) In the interpretation and application of this subchapter, and
9 otherwise, it is declared to be the public policy of the state to encourage and foster
10 to the fullest extent practicable the employment of all properly qualified individuals
11 regardless of age, race, creed, color, disability, marital status, family status, sex,
12 national origin, ancestry, sexual orientation, arrest record, conviction record,
13 military service, use or nonuse of lawful products off the employer's premises during
14 nonworking hours, or declining to attend a meeting or to participate in any
15 communication about religious matters or political matters. Nothing in this
16 subsection requires an affirmative action program to correct an imbalance in the
17 work force. This subchapter shall be liberally construed for the accomplishment of
18 this purpose.

19 **SECTION 4.** 111.32 (7g) of the statutes is created to read:

20 111.32 (7g) "Family status" means any of the following:

21 1. Having responsibility for the full-time or part-time care of a child, as defined
22 in s. 103.10 (1) (a), spouse, as defined in s. 103.10 (1) (h), domestic partner, as defined
23 in s. 103.10 (1) (ar), parent, as defined in s. 103.10 (1) (f), or other relative, as defined
24 in s. 106.50 (1m) (q).

