

THE
NATIONAL LAW REVIEW

Wisconsin, Racine “Bans The Box” On Civil Service Applications

Thursday, March 30, 2017

On March 21, 2017, the City of Racine passed an ordinance prohibiting the City of Racine from inquiring about an applicant’s criminal history on job applications for jobs with the City. The ordinance passed by a unanimous vote. Racine’s “ban the box” ordinance is the third to be passed in Wisconsin in the last year.

On Feb. 12, 2016, Scott Walker signed into law 2015 *Wisconsin Act 150* which, in part, prohibits the State from “request[ing] that] a person applying for a position in the civil service, on an application or otherwise, to supply information regarding the conviction record of the applicant, or otherwise inquire into or consider the conviction record of the applicant before the applicant has been certified for the position.”

In October 2016, the City of Milwaukee also formally passed an ordinance prohibiting the City from inquiring into a civil service applicant’s criminal history.

Proponents and supporters of the legislative changes cited a desire to help individuals with criminal histories re-enter the workforce and hope that private employers will follow suit.

Although the passage of these “ban the box” restrictions do not impact a private employer’s ability to inquire about an applicant’s criminal history, the Wisconsin Fair Employment Act (WFEA) does limit the information employers, both public and private, may seek from applicants for employment. Under the WFEA, employers may not discriminate against applicants and employees on the basis of an arrest or conviction record. Unlawful discrimination on the basis of arrest record includes (with limited exceptions) asking an applicant or employee to supply information regarding the individual’s arrest record. While employers may ask about pending charges, that information can only be used in limited circumstances to decline an applicant for employment. Similarly, a Wisconsin employer may not refuse to hire any individual on the basis of his or her conviction record, unless the convictions substantially relate to the circumstances of the job in question.

Copyright © 2019 Godfrey & Kahn S.C.

Source URL: <https://www.natlawreview.com/article/wisconsin-racine-bans-box-civil-service-applications>

GODFREY & KAHN S.C.

Article By [Godfrey & Kahn S.C.](#)
[Rebeca M. Lopez](#)
[All in a Day's Work™ - Insights on Labor & Employment Law](#)
[Labor & Employment Wisconsin](#)