

Chapter 4 Interviewing and Reviewing Applicants

4.05 Arrest and Conviction Information

- **Policy Statement**

Pursuant to Wisconsin's Fair Employment Act (§ 111, Stats.), it is unlawful to discriminate based on arrest records or conviction records of applicants for employment.

- **Arrests**

Applicants cannot be excluded from consideration based on arrest record unless there are pending charges that are substantially related to the circumstances of the job.

- **Convictions**

Applicants cannot be excluded from consideration based on convictions unless the conviction is substantially related to the circumstances of the job.

Refer to [Appendix 4-B](#) for appropriate and inappropriate interview questions.

Note: For some positions, a criminal history record check may be required prior to making a hiring decision. If a criminal history check reveals a conviction or pending charge, the hiring authority must make a determination whether it is sufficiently related to the essential functions of the position to disqualify the candidate. Decision-makers must be very careful to be objective in the evaluation of this information and to separate actual essential functions of the position from any personal feelings regarding the criminal activity.