

**Notes: Every contractor with the State of Wisconsin must post notices in conspicuous places which are available to employees and applicants for employment which explain Wisconsin's Contract Compliance Law (s. 16.765, Wis. Stat.)**

**All Wisconsin employers also are required to post copies of the Wisconsin Fair Employment Law. (s. 111.31, Wis. Stat.)**

Please tear off before posting.

Please Post

## ***WISCONSIN'S CONTRACT COMPLIANCE LAW***

Protects the rights of all employees and applicants for employment with entities that do business with the State of Wisconsin.

Requires these entities to conduct their employment programs free from unlawful discrimination to fully utilize their human resources.

### ***ORGANIZATIONS CONTRACTING WITH THE STATE OF WISCONSIN AGREE THAT:***

It is illegal for organizations under contract with state agencies to treat persons unequally or otherwise discriminate in employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability, sexual orientation or national origin.

Contractors agree not to discriminate against job applicants and employees in recruitment, promotion, training, apprenticeship, demotion or transfer, termination, and compensation.

Contractors agree to take affirmative action to develop a balanced workforce.

WISCONSIN DEPARTMENT OF ADMINISTRATION  
Office of Contract Compliance  
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**The Department of Administration interprets the  
Statutes in its administrative rules, Ch. Adm 50**

**Section 16.765 Wisconsin Statutes state:**

**Nondiscriminatory Contractors**

**16.765(1)** Contracting agencies, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, and the Bradley Center Sports and Entertainment Corporation shall include in all contracts executed by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s. 51.01 (5), sexual orientation as defined in s. 111.32 (13m) or national origin and, except with respect to sexual orientation, obligating the contractor to take affirmative action to ensure equal employment opportunities.

**(2)** Contracting agencies, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, and the Bradley Center Sports and Entertainment Corporation shall include the following provision in every contract executed by them: "In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s. 51.01 (5), sexual orientation or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Except with respect to sexual orientation, the contractor further agrees to take affirmative action to ensure equal employment opportunities. The contractor agrees to post in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause".

**(3)** Subsections (1) and (2) shall not apply to contracts to meet special requirements or emergencies, if approved by the department.

**Responsibilities**

**(4)** Contracting agencies, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, and the Bradley Center Sports and Entertainment Corporation shall take appropriate action to revise the standard government contract forms under this section.

**(5)** The head of each contracting agency and the boards of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, and the Bradley Center Sports and Entertainment Corporation shall be primarily responsible for obtaining compliance by any contractor with the nondiscrimination and affirmative action provisions prescribed by this section, according to procedures recommended by the department. The department shall make recommendations to the contracting agencies and the boards of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, and the Bradley Center Sports and Entertainment Corporation for improving and making more effective the nondiscrimination and affirmative action provisions of contracts. The department shall promulgate such rules as may be necessary for the performance of its functions under this section.

**Contract Violations**

**(6)** The department may receive complaints of alleged violations of the nondiscrimination provisions of such contracts. The department shall investigate and determine whether a violation of this section has occurred. The department may delegate this authority to the contracting agency, the University of Wisconsin Hospitals and

Clinics Authority, the Fox River Navigational System Authority, or the Bradley Center Sports and Entertainment Corporation for processing in accordance with the department's procedures.

**(7)** When a violation of this section has been determined by the department, the contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, or the Bradley Center Sports and Entertainment Corporation, the contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, or the Bradley Center Sports and Entertainment Corporation shall:

- (a) Immediately inform the violating party of the violation.
- (b) Direct the violating party to take action necessary to halt the violation.
- (c) Direct the violating party to take action necessary to correct, if possible, any injustice to any person adversely affected by the violation.
- (d) Direct the violating party to take immediate steps to prevent further violations of this section and to report its corrective action to the contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, or the Bradley center sports and entertainment corporation.

**Sanctions**

**(8)** If further violations of this section are committed during the term of the contract, the contracting agency, the Fox River Navigational System Authority, or the Bradley Center Sports and Entertainment Corporation may permit the violating party to complete the contract, after complying with this section, but thereafter the contracting agency, the Fox River Navigational System Authority, or the Bradley Center Sports and Entertainment Corporation shall request the department to place the name of the party on the ineligible list for state contracts, or the contracting agency, the Fox River Navigational System Authority, or the Bradley Center Sports and Entertainment Corporation may terminate the contract without liability for the uncompleted portion or any materials or services purchased or paid for by the contracting party for use in completing the contract.

**(9)** The names of parties who have had contracts terminated under this section shall be placed on an ineligible list for state contracts, maintained by the department. No state contract may be approved and let to any party on such list of ineligible contractors. The department may remove the name of any party from the ineligible list of contractors if the department determines that the contractor's employment practices comply with this section and provide adequate safeguards for its observance.

**(10)** The department shall refer any individual complaints of discrimination which are subject to investigation under subch. II of ch. 111 to the department of workforce development.

**(11)** A violation by a prime contractor shall not impute to a subcontractor nor shall a violation by a subcontractor impute to a contractor.

**Definitions**

**51.01(5)(a)** "Developmental disability" means a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or another neurological condition closely related to mental retardation or requiring treatment similar to that required for mental retardation, which has continued or can be expected to continue indefinitely and constitutes a substantial handicap to the afflicted individual. "Developmental disability" does not include senility which is primarily caused by the process of aging or the infirmities of aging.

**(b)** "Developmental disability," for purposes of involuntary commitment, does not include cerebral palsy or epilepsy.

**111.32(13m)** "Sexual orientation" means having preference for heterosexuality, homosexuality or bisexuality, having a history of such a preference or being identified with such a preference.

