

CITY OF MILWAUKEE

Form CA-43

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June 7, 2001

Honorable Common Council
City Hall, Room 205

RE: Common Council File No. 010231

Dear Council Members:

This file would amend § 100-54 of the Milwaukee Code of Ordinances ("MCO") to allow for non-renewal or revocation of a motor vehicle operator's permit if the individual has either been convicted, or have pending charges for any of the offenses listed in § 100-54-2(h)-1-5 of the MCO.


We note that § 111.335(1), Stats., provides that it is employment discrimination because of an arrest record to refuse to employ or license an individual because of an arrest. However, § 111.335(1)(b), Stats., states:

Notwithstanding s. 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. (Emphasis supplied).

In its findings, the Common Council determines that the circumstances of a pending criminal charge for conduct defined in § 100-54-2-h-1 through 5, MCO, do relate to the circumstances of the business or profession of public passenger vehicle operation. We believe that this is the kind of finding that the Milwaukee Common Council is competent to make and is consistent with the Wisconsin Fair Employment Act.

Accordingly, it is our opinion that File No. 010231 relating to including pending criminal charges if they substantially relate to the business or profession of passenger vehicle operation is legal and enforceable.

Sincerely,



GRANT E. LANGLEY
City Attorney



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