

Sen. Wanggaard: Republicans pass bill allowing employers to fire employees for theft

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Bill Reverses Recent WI Supreme Court Ruling

MADISON – The State Senate passed a bill allowing employers to terminate employees if the employee has been cited for stealing from the employer. All Democratic Senators except one voted against Senate Bill 431. The bill makes a needed change to the Wisconsin Fair Employment Act, Wis. Stat. §111.31 et. seq, following a recent Wisconsin Supreme Court case.

“It’s crazy that I even had to draft this bill. If an employee steals from you, you should be able to fire them. It’s common sense,” said author Senator Van Wanggaard (R-Racine). “Instead, the Wisconsin Supreme Court decided if the police determine that they did steal, you can’t fire them. And almost every Democrat agreed with them!”

In April, the Wisconsin Supreme Court issued its decision in *Cota v. Oconomowoc Area School District*, 2025 WI 11. In that case, two brothers were suspected of stealing from the school district. Police investigated, and cited the brothers for municipal theft. The school district then fired the employees. The Cota brothers sued under the Fair Employment Act, claiming they were discriminated against due to their “arrest” for theft. The Wisconsin Supreme Court overturned a Court of Appeals decision upholding the firing.

“The employer gave the employees the benefit of the doubt, and had police investigate. The police determined that they did steal from their employer and now they can’t be fired,” said Wanggaard. “In what world does that make sense? The

Oconomowoc School District would have been better off just firing the employees and not involving the police at all.”