



2011 SENATE BILL 202

1 **AN ACT** *to repeal* 111.39 (5) (d), 111.397 and 893.995; and *to amend* 111.39 (4)
2 (d) and 814.04 (intro.) of the statutes; **relating to:** elimination of compensatory
3 and punitive damages for acts of employment discrimination or unfair honesty
4 or genetic testing.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 **SECTION 1.** 111.39 (4) (d) of the statutes is amended to read:
6 111.39 (4) (d) The department shall serve a certified copy of the findings and
7 order on the respondent, the order to have the same force as other orders of the
8 department and be enforced as provided in s. 103.005. Any person aggrieved by
9 noncompliance with the order may have the order enforced specifically by suit in
10 equity. If the examiner finds that the respondent has not engaged in discrimination,

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1 unfair honesty testing, or unfair genetic testing as alleged in the complaint, the
2 department shall serve a certified copy of the examiner's findings on the
3 complainant, together with an order dismissing the complaint. ~~If the examiner finds~~
4 ~~that the respondent has engaged in discrimination, unfair honesty testing, or unfair~~
5 ~~genetic testing as alleged in the complaint, the department shall serve a certified~~
6 ~~copy of the examiner's findings on the complainant, together with a notice advising~~
7 ~~the complainant that after the completion of all administrative proceedings under~~
8 ~~this section he or she may bring an action as provided in s. 111.397 (1) (a) to recover~~
9 ~~compensatory and punitive damages as provided in s. 111.397 (2) (a) and advising the~~
10 ~~complainant of the time under s. 111.397 (1) (b) within which the action must be~~
11 ~~commenced or be barred.~~

12 **SECTION 2.** 111.39 (5) (d) of the statutes is repealed.

13 **SECTION 3.** 111.397 of the statutes is repealed.

14 **SECTION 4.** 814.04 (intro.) of the statutes is amended to read:

15 **814.04 Items of costs.** (intro.) Except as provided in ss. 93.20, 100.195 (5m)
16 (b), 100.30 (5m), 106.50 (6) (i) and (6m) (a), ~~111.397 (2) (a)~~, 115.80 (9), 281.36 (2) (b)
17 1., 767.553 (4) (d), 769.313, 802.05, 814.245, 895.035 (4), 895.443 (3), 895.444 (2),
18 895.445 (3), 895.446 (3), 895.506, 943.212 (2) (b), 943.245 (2) (d), 943.51 (2) (b), and
19 995.10 (3), when allowed costs shall be as follows:

20 **SECTION 5.** 893.995 of the statutes is repealed.

21 **SECTION 6. Initial applicability.**

22 (1) **ELIMINATION OF EMPLOYMENT DISCRIMINATION DAMAGES.** This act first applies
23 to an administrative proceeding under section 111.39 of the statutes concerning a
24 violation of section 111.321, 111.37, or 111.372 of the statutes in which a copy of the

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1 final decision under section 111.39 (4) (d) or (5) (d) of the statutes is mailed to the
2 last-known address of the complainant on the effective date of this subsection.

3 (END)