



## Fiscal Estimate Narratives

DWD 10/5/2011

LRB Number	11-2884/1	Introduction Number	AB-0289	Estimate Type	Original
<b>Description</b> Relating to: elimination of compensatory and punitive damages for acts of employment discrimination or unfair honesty or genetic testing					

### Assumptions Used in Arriving at Fiscal Estimate

The Wisconsin Fair Employment Act, secs. 111.31-111.397, was amended, effective July 1, 2009, to allow a complainant to bring an action in circuit court to recover compensatory and punitive damages if DWD issued a finding of discrimination following an administrative hearing. The amendment applied to cases where the alleged act of discrimination occurred on or after July 1, 2009. DWD is not aware of any cases where the Department has issued a finding of discrimination where the act of discrimination occurred on or after July 1, 2009.

Eliminating the provision that a complainant may go to circuit court to recover compensatory and punitive damages would not have any fiscal effect on the state. DWD would continue to hold hearings and order equitable remedies (such as back pay and reinstatement), where appropriate. A prevailing complainant would no longer be able to go to circuit court to seek additional damages after the administrative proceedings are concluded. However, this would have no fiscal effect on the state since the circuit courts are funded primarily by the counties in which the courts are located.

The fiscal effect on counties would be minimal. In calendar years 2009 and 2010, DWD issued an average of 37 findings of discrimination in cases filed under the Wisconsin Fair Employment Act. If all of the complainants in those 37 cases had been able to go to court to seek additional remedies, these cases would have been filed in any of the 72 counties in the state, since cases are filed in the county in which the alleged discrimination occurred. Only a few cases would be filed in any one county. Therefore, eliminating this provision would have minimal fiscal impact on either the state or local governments.

### Long-Range Fiscal Implications