

Fiscal Estimate Narratives

DWD 5/26/2015

LRB Number	15-1142/2	Introduction Number	SB-145	Estimate Type	Original
Description Authorizing the circuit court to order a person who engages in discrimination in employment, unfair honesty testing, or unfair genetic testing to pay compensatory and punitive damages					

Assumptions Used in Arriving at Fiscal Estimate

Under current law dictating fair employment, individuals that allege employment discrimination, unfair honesty testing, or genetic testing can file a complaint with the Wisconsin Department of Workforce Development in an effort to regain employment, back pay, and costs and attorney fees. These laws prohibit additional compensatory or punitive damages to the complainant through the administrative process at DWD.

Senate Bill 145 would permit an individual alleged or found to have been discriminated against or subjected to unfair honesty or genetic testing to seek compensatory or punitive damages through a circuit court action. These damages would be in addition to back pay and any amount awarded at administrative proceedings. This bill would not allow actions for damages to be brought against local government units or employers that employ fewer than 15 persons.

Under SB 145, if a circuit court finds in favor of the person bringing the action, it must award compensatory and punitive damages. Damages paid by the defendant are capped at a range from \$50,000 to \$300,000 and determined by the number of employees the defendant employs. These amounts would be reviewed annually by DWD and increased based on the percentage change in the consumer price index.

Administratively, SB 145 would require a one-time Department of Workforce Development Division of Equal Rights expenditure of \$2,000 to revise existing fair employment publications. Additionally, existing Equal Rights staff time would need to be reallocated to revise the damage caps at a cost of up to \$1,000 annually. Once the damage caps are revised, an additional \$1,000 would be needed to update existing materials. All of these costs can be absorbed within DWD's current budget.

Long-Range Fiscal Implications