

Fiscal Estimate - 2017 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 17-2181/2	Introduction Number SB-140
-----------------------------	-----------------------------------

Description
 actions in circuit court alleging discrimination in employment, unfair honesty testing, or unfair genetic testing

Fiscal Effect

State:

<input type="checkbox"/> No State Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Decrease Existing Appropriations		
<input type="checkbox"/> Create New Appropriations		

Local:

<input type="checkbox"/> No Local Government Costs	3. <input type="checkbox"/> Increase Revenue	5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
<input type="checkbox"/> Indeterminate	4. <input type="checkbox"/> Decrease Revenue	
1. <input type="checkbox"/> Increase Costs	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

Fund Sources Affected	Affected Ch. 20 Appropriations
<input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS 20.445(1)(a)	

Agency/Prepared By DWD/ Joe Dvorak (608) 267-6969	Authorized Signature Georgia Maxwell (608) 267-3200	Date 4/10/2017
---	---	--------------------------

Fiscal Estimate Narratives

DWD 4/10/2017

LRB Number	17-2181/2	Introduction Number	SB-140	Estimate Type	Original
Description actions in circuit court alleging discrimination in employment, unfair honesty testing, or unfair genetic testing					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a person alleging discrimination in employment or unfair honesty or genetic testing may file a complaint with the Department of Workforce Development (DWD) seeking action to effectuate the purpose of the fair employment law. This may include reinstating the employee, providing back pay, and paying costs and attorney fees. The fair employment law however does not authorize DWD to award compensatory or punitive damages to a complainant.

This bill would permit an individual who is alleged or was found to have been discriminated against or subjected to unfair honesty or genetic testing to bring an action in civil court in lieu of, or in addition to, filing an administrative complaint with DWD. The bill does not permit an action for damages to be brought against local government units, or employers employing fewer than 15 individuals.

Under the bill, if a circuit court finds a defendant committed an act of discrimination or unfair honesty or genetic testing, the court may award back pay, in addition to any relief that could have been awarded through administrative proceedings. The bill also states the courts must order the defendant to pay the person discriminated against compensatory and punitive damages equal to a level deemed appropriate by the court. The punitive damage limits set in the bill vary in amount by the number of employees employed by the defendant. This bill also requires DWD to annually review these caps and revise them upward if a positive change in the consumer price index has occurred.

This bill creates a one-time cost to DWD's Division of Equal Rights of \$5,000 to revise existing fair employment publications. Additionally, Equal Rights staff time would need to be reallocated annually to revise the damage caps at a cost of up to \$1,000. Once the caps are revised, an additional \$5,000 annual cost is needed to update fair employment materials. The total annual long-term cost of this bill is \$6,000.

Long-Range Fiscal Implications

Fiscal Estimate Worksheet - 2017 Session

Detailed Estimate of Annual Fiscal Effect

Original
 Updated
 Corrected
 Supplemental

LRB Number 17-2181/2	Introduction Number SB-140	
Description actions in circuit court alleging discrimination in employment, unfair honesty testing, or unfair genetic testing		
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect): One-time costs of \$5,000 are needed to revise existing fair employment publications.		
II. Annualized Costs:	Annualized Fiscal Impact on funds from:	
	Increased Costs Decreased Costs	
A. State Costs by Category		
State Operations - Salaries and Fringes (FTE Position Changes)	\$1,000	\$
State Operations - Other Costs	5,000	
Local Assistance		
Aids to Individuals or Organizations		
TOTAL State Costs by Category	\$6,000	\$
B. State Costs by Source of Funds		
GPR	6,000	
FED		
PRO/PRS		
SEG/SEG-S		
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)		
	Increased Rev	Decreased Rev
GPR Taxes	\$	\$
GPR Earned		
FED		
PRO/PRS		
SEG/SEG-S		
TOTAL State Revenues	\$	\$
NET ANNUALIZED FISCAL IMPACT		
	<u>State</u>	<u>Local</u>
NET CHANGE IN COSTS	\$6,000	\$
NET CHANGE IN REVENUE	\$	\$
Agency/Prepared By		
Authorized Signature		Date
DWD/ Joe Dvorak (608) 267-6969		Georgia Maxwell (608) 267-3200
		4/10/2017