

**1973 Assembly Bill 499**

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**CHAPTER 268, Laws of 1973**

AN ACT to amend 111.36 (3) of the statutes, relating to enforcement of the fair employment law.

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

111.36 (3) of the statutes is amended to read:

111.36 (3) (a) If the department finds probable cause to believe that any discrimination as ~~defined in this subchapter~~ has been or is being committed, it shall immediately endeavor to eliminate the practice by conference, conciliation or persuasion. In case of failure so to eliminate the discrimination, the department shall issue and serve a written notice of hearing, specifying the nature of the discrimination which appears to have been committed, and requiring the person named, hereinafter called the "respondent", to answer the complaint at a hearing before the department. The notice shall specify a time of hearing not less than ~~10~~ 30 days after service of the complaint, and a place of hearing within either the county of the respondent's residence or the county in which the discrimination appears to have occurred. The testimony at the hearing shall be recorded or taken down by a reporter appointed by the department.

(b) If, after hearing, the department finds that the respondent has engaged in discrimination, ~~the department~~ it shall make written findings and ~~recommend~~ order such action by the respondent as will effectuate the purpose of this subchapter ~~and, with or without back pay. Back pay liability shall not accrue from a date more than 2 years prior to the filing of a complaint with the department. Interim earnings or amounts earnable with reasonable diligence by the person discriminated against shall operate to reduce back pay otherwise allowable. Amounts received by the person discriminated against as unemployment benefits or welfare payments shall not reduce the back pay otherwise allowable, but shall be withheld from the person discriminated against and immediately paid to the unemployment reserve fund or, in the case of a welfare payment, to the welfare agency making such payment.~~

(c) ~~The department shall serve a certified copy of the findings and recommendations on the respondent together with an order requiring the respondent to comply with the recommendations order on the respondent, the order to have the same force as other orders of the department and be enforced as provided in ch. 101. Any person aggrieved by noncompliance with the order shall be entitled to~~ may have the same enforced specifically by suit in equity. If the department finds that the respondent has not engaged in discrimination as alleged in the complaint, it shall serve a certified copy of its findings on the complainant together with an order dismissing the complaint.

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