

State of Misconsin 1995 - 1996 LEGISLATURE

## **1995 ASSEMBLY BILL 963**

February 26, 1996 – Introduced by Representatives R. YOUNG, ZIEGELBAUER, BALDWIN, F. LASEE, TRAVIS, L. YOUNG, HASENOHRL, NOTESTEIN, PLOMBON, COGGS, BOYLE and BLACK, cosponsored by Senators BURKE and MOEN. Referred to Committee on Labor and Employment.

1 AN ACT to amend 895.65 (1) (a); and to create 895.65 (5) of the statutes; relating

2 to: treble damages in cases involving retaliatory action against public

3 employes.

## Analysis by the Legislative Reference Bureau

Under current law, if a public employer or employer's agent retaliates against an employe by engaging in disciplinary action against the employe because the employe exercised his or her constitutional rights by lawfully disclosing information, the employe may bring an action for damages. If the employe succeeds in the action, current law authorizes the court to order the employer to take a number of actions, including placing the employe in his or her previous position, transferring the employe to an available position, expunging the employe's personnel file of adverse material related to the retaliatory action and paying the employe compensatory damages and reasonable attorney fees.

This bill allows the court to award the employe damages equal to \$50,000 or treble the compensatory damages, whichever is less, if the retaliatory action of the employer or employer's agent was wilful, malicious or an intentional disregard of the employe's rights.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

**SECTION 1.** 895.65 (1) (a) of the statutes is amended to read:

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1	895.65 (1) (a) "Disciplinary action" means any action taken with respect to an
2	employe which has the effect, in whole or in part, of a penalty has the meaning given
3	<u>in s. 230.80 (2)</u> .
4	<b>SECTION 2.</b> 895.65 (5) of the statutes is created to read:
5	895.65 (5) In addition to any action taken under sub. (4), if the court or jury
6	finds that the retaliatory action of the employer or employer's agent was wilful,
7	malicious or an intentional disregard of the employe's rights, the court or jury may
8	award the employe damages equal to treble the compensatory damages ordered
9	under sub. (4) (cm) or \$50,000, whichever is less.
10	SECTION 3. Initial applicability.
11	(1) This act first applies to actions commenced in court on the effective date of
12	this subsection.

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(END)