SB 232
44

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 9/18/01

BILL NO. SB232
or
SUBJECT

Bill Smith
(NAME)

10 E. Doty St.
(Street Address or Route Number)

Madison, WI 53703
(City and Zip Code)

NFIB - WI
(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor:
but not speaking: ☐

Registering Against:
but not speaking: ☒

Speaking for information
only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.
Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 9-18-01

BILL NO. SB 232
or
SUBJECT

LEE FANSHAW
(NAME)

6000 AMERICAN PARKWAY
(Street Address or Route Number)

MADISON, WI 53783
(City and Zip Code)

AMERICAN FAMILY INSURANCE
(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor:
but not speaking: ☐

Registering Against:
but not speaking: ☒

Speaking for information
only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.
Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: Sept. 18, 2001

BILL NO. SB 232
or
SUBJECT

Misha Lee
(NAME)

44 E. Mifflin, Suite 305
(Street Address or Route Number)

Madison, WI 53703
(City and Zip Code)

Sentry Insurance
(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor:
but not speaking: ☐

Registering Against:
but not speaking: ☒

Speaking for information
only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.
Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: Sept. 18, 2001

BILL NO. SB 232

or

SUBJECT _____

Eric Englund

(NAME)

44 E. Mifflin, Suite 305

(Street Address or Route Number)

Madison, WI 53703

(City and Zip Code)

Wisconsin Insurance Alliance

(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: but not speaking: ☐

Registering Against: but not speaking: ☒

Speaking for information only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.

Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 9-18-01

BILL NO. SB 232

or

SUBJECT _____

JOHN D. EXNER

(NAME)

P.O. BOX 1297

(Street Address or Route Number)

MADISON, WI 53701

(City and Zip Code)

Midwest Food Processors Assn.

(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: but not speaking: ☐

Registering Against: but not speaking: ☒

Speaking for information only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.

Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 9/18/01

BILL NO. SB 232

or

SUBJECT employment discrimination

Nathan Elias

(NAME)

756 N. Milwaukee Street

(Street Address or Route Number)

Milwaukee, WI 53202

(City and Zip Code)

Metropolitan Milwaukee Association of Commerce

(Representing)

Speaking in Favor: ☐

Speaking Against: ☒

Registering in Favor: but not speaking: ☐

Registering Against: but not speaking: ☒

Speaking for information only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.

Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: Sept. 18, 2001

BILL NO. SB 232

or

SUBJECT Employment Descrimination / Wage Disparities

Rev. Sue Moline Larson

(NAME)

322 E. Washington

(Street Address or Route Number)

Madison, WI

(City and Zip Code)

Lutheran Office for Public Policy in WI

(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: but not speaking: ✓

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.

Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 09/18/01

BILL NO. SB 232

or

SUBJECT

MARTIN BEIL

(NAME)

8033 Excelsior Dr

(Street Address or Route Number)

MADISON, WI 53719

(City and Zip Code)

WI State Employees Union

(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: but not speaking: ☒

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.

Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 9-18-2001

BILL NO. SB 232

or

SUBJECT

Ruth Simpson

(NAME)

1151 Sherman Ave

(Street Address or Route Number)

Madison, 53703

(City and Zip Code)

Self

(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: but not speaking: ☒

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.

Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 9-18-01

BILL NO. SB 232
or
SUBJECT

JoAnne Ricca
(NAME)

(Street Address or Route Number)

(City and Zip Code)

AFL-CIO
(Representing)

Speaking in Favor:	
Speaking Against:	
Registering in Favor: but not speaking:	X
Registering Against: but not speaking:	
Speaking for information only; Neither for nor against:	

Please return this slip to a messenger PROMPTLY.

Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 9-18-01

BILL NO. SB 232
or
SUBJECT

Mark Reihl
(NAME)

(Street Address or Route Number)

(City and Zip Code)

WI State Council of Carpenters
(Representing)

Speaking in Favor:	
Speaking Against:	
Registering in Favor: but not speaking:	X
Registering Against: but not speaking:	
Speaking for information only; Neither for nor against:	

Please return this slip to a messenger PROMPTLY.

Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 9/18/01

BILL NO. SB232
or
SUBJECT

John Metcalf
(NAME)

501 E. Washington, Ave
(Street Address or Route Number)

Madison, WI 53703
(City and Zip Code)

WI Mfg. & Commerce
(Representing)

Speaking in Favor:	
Speaking Against:	X
Registering in Favor: but not speaking:	
Registering Against: but not speaking:	
Speaking for information only; Neither for nor against:	

Please return this slip to a messenger PROMPTLY.

Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 9-18-01

BILL NO. SB 232

or

SUBJECT

MICHAEL J. FREDRICH

(NAME)

W4754 Rienzi Rd.

(Street Address or Route Number)

Fond du Lac, WI 54935

(City and Zip Code)

M.J. FREDRICH COMPANY

(Representing)

Speaking in Favor: ☐

Speaking Against: ☒

Registering in Favor: but not speaking: ☐

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.

Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 9/18/2001

BILL NO. SB232

or

SUBJECT

Julie Buchanan

(NAME)

250 E. WISCONSIN AVE

(Street Address or Route Number)

MILW. WI 53202

(City and Zip Code)

METROPOLITAN MILW. ASSN. OF COMMERCE
INDEPENDENT BUSINESS ASSN OF WIS
HUMAN RESOURCES
MGT. ASSN OF S.E. WI.

(Representing)

Speaking in Favor: ☐

Speaking Against: ☒

Registering in Favor: but not speaking: ☐

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.

Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 9/18/01

BILL NO. SB 232

or

SUBJECT

MICHAEL JACOB

(NAME)

1180 OBSERVATORY DR #7122

(Street Address or Route Number)

MADISON, WI 53706

(City and Zip Code)

CENTER ON WISCONSIN STRATEGY
UW-MADISON

(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: but not speaking: ☐

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☒

Please return this slip to a messenger PROMPTLY.

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State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 9/18/01

BILL NO. SB232
or
SUBJECT

LeAnna Ware
(NAME)

PO Box 8928
(Street Address or Route Number)

Madison, WI 53708
(City and Zip Code)

DWD - Equal Rights Div.
(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor:
but not speaking: ☐

Registering Against:
but not speaking: ☐

Speaking for information
only; Neither for nor against: ☒

Please return this slip to a messenger PROMPTLY.
Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 9-18-01

BILL NO. SB232
or
SUBJECT

PAUL A. KINNE
(NAME)

131 W. WILSON, STE. 610
(Street Address or Route Number)

MADISON, WI 53562
(City and Zip Code)

WATL
(Representing)

Speaking in Favor: ☒

Speaking Against: ☐

Registering in Favor:
but not speaking: ☐

Registering Against:
but not speaking: ☐

Speaking for information
only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.
Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

MUST LEAVE BY 5:00 p.m.

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 9-18-01

BILL NO. SB 232
or
SUBJECT

Sen. Hansen
(NAME)

(Street Address or Route Number)

(City and Zip Code)

(Representing)

Speaking in Favor: ☒

Speaking Against: ☐

Registering in Favor:
but not speaking: ☐

Registering Against:
but not speaking: ☐

Speaking for information
only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.
Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 9-18-01

BILL NO. SB 232
or

SUBJECT

Rep. Sinicki
(NAME)

(Street Address or Route Number)

(City and Zip Code)

(Representing)

Speaking in Favor:	X
Speaking Against:	
Registering in Favor: but not speaking:	
Registering Against: but not speaking:	
Speaking for information only; Neither for nor against:	

Please return this slip to a messenger PROMPTLY.

Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 9/4/01

BILL NO. 232
or

SUBJECT

Michael Staab
(NAME)

3415 Bulkhorn Trace
(Street Address or Route Number)

Janesville WI
(City and Zip Code)

(Representing)

Speaking in Favor:	
Speaking Against:	
Registering in Favor: but not speaking:	✓
Registering Against: but not speaking:	
Speaking for information only; Neither for nor against:	

Please return this slip to a messenger PROMPTLY.

Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: Sept 4

BILL NO. 232
or

SUBJECT Pay Equity

Matt Brusky
(NAME)

3158 N. Humboldt Blvd.
(Street Address or Route Number)

Milwaukee, WI 53212
(City and Zip Code)

SEIU
(Representing)

Speaking in Favor:	
Speaking Against:	
Registering in Favor: but not speaking:	X
Registering Against: but not speaking:	
Speaking for information only; Neither for nor against:	

Please return this slip to a messenger PROMPTLY.

Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 9-4-01

BILL NO. 232
or
SUBJECT Pay Equity

Robert Kraig
(NAME)
[illegible] 8021 W. Tower
(Street Address or Route Number)
Milwaukee, 53223
(City and Zip Code)
SEIU Wisconsin State Council
(Representing)

Speaking in Favor: ☐
Speaking Against: ☐
Registering in Favor: but not speaking: ☒
Registering Against: but not speaking: ☐
Speaking for information only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.
Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: September 4, 2001

BILL NO. SB232
or
SUBJECT Pay Equity.

Stephanie Bloomingdale
(NAME)
1657 N. Franklin Pl.
(Street Address or Route Number)
Milwaukee, WI 53202
(City and Zip Code)
WI's. Federation of Nurses and
(Representing) Health Prof.

Speaking in Favor: ☐
Speaking Against: ☐
Registering in Favor: but not speaking: ☒
Registering Against: but not speaking: ☐
Speaking for information only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.
Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 9/4/01

BILL NO. SB-232
or
SUBJECT

[illegible]
(NAME)
2001 W. Beltline Hwy Suite 201
(Street Address or Route Number)
Madison Wis. 53713
(City and Zip Code)
SEIU Local 1199W/NP
(Representing)

Speaking in Favor: ☐
Speaking Against: ☐
Registering in Favor: but not speaking: ☒
Registering Against: but not speaking: ☐
Speaking for information only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.
Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 9/4/01

BILL NO. 232
or
SUBJECT

BONITA STRAUSS
(NAME)

2001 W. BELTLINE Hwy #201
(Street Address or Route Number)

MADISON WI 53713
(City and Zip Code)

SEIU DISTRICT 1199W/UP
(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor:
but not speaking: ☒

Registering Against:
but not speaking: ☐

Speaking for information
only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.

Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 9/4/01

BILL NO. SB 232
or
SUBJECT WFEA
Punitive Damages

John Metcalf
(NAME)

501 E Washington Ave
(Street Address or Route Number)

Madison, WI 53703
(City and Zip Code)

WI Mfg. & Commerce
(Representing)

Speaking in Favor: ☐

Speaking Against: ☒

Registering in Favor:
but not speaking: ☐

Registering Against:
but not speaking: ☐

Speaking for information
only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.

Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 9-4-01

BILL NO. 232
or
SUBJECT Equal Rights
Damages

Scott Schroeder
(NAME)

234 Hillside Court
(Street Address or Route Number)

Jonesville WI 53545
(City and Zip Code)

Wis. Academy of Trial Lawyers
(Representing)

Speaking in Favor: ☑

Speaking Against: ☐

Registering in Favor:
but not speaking: ☐

Registering Against:
but not speaking: ☐

Speaking for information
only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.

Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 9/4/01

BILL NO. _____

or

SUBJECT SB 232

_____

Sen. Hansen

(NAME)

_____

(Street Address or Route Number)

_____

(City and Zip Code)

_____

(Representing)

Speaking in Favor: [X]

Speaking Against: [ ]

Registering in Favor: but not speaking: [ ]

Registering Against: but not speaking: [ ]

Speaking for information only; Neither for nor against: [ ]

Please return this slip to a messenger PROMPTLY.

Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 10-2-01

BILL NO. SB 232

or

SUBJECT _____

_____

Susan Garot

(NAME)

816 Mandalay Ter.

(Street Address or Route Number)

DePere, WI 54115

(City and Zip Code)

Wis. Innkeepers Assn.

(Representing)

Speaking in Favor: [ ]

Speaking Against: [ ]

Registering in Favor: but not speaking: [ ]

Registering Against: but not speaking: [X]

Speaking for information only; Neither for nor against: [ ]

Please return this slip to a messenger PROMPTLY.

Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 10-01-01

BILL NO. 232

or

SUBJECT Equal Pay

_____

Rebecca Dorenne

(NAME)

817 N Chestnut Ave

(Street Address or Route Number)

Green Bay, WI 54303

(City and Zip Code)

_____

(Representing)

Speaking in Favor: [III]

Speaking Against: [ ]

Registering in Favor: but not speaking: [X]

Registering Against: but not speaking: [ ]

Speaking for information only; Neither for nor against: [ ]

Please return this slip to a messenger PROMPTLY.

Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 10-2-01

BILL NO. 232
or
SUBJECT EQUAL PAY FOR MEN & WOMEN

PHILIP LIOCE
(NAME)

817 N. CHESTNUT
(Street Address or Route Number)

GREEN BAY 54303
(City and Zip Code)

SELF
(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: but not speaking: ☒

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.

Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 10-2-01

BILL NO. 232
or
SUBJECT Pay Equity

Robert Kraig
(NAME)

3021 W. Tower
(Street Address or Route Number)

Milwaukee, WI 53223
(City and Zip Code)

SEIU Wisconsin State Council
(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: but not speaking: ☒

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.

Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: Oct. 2, 2001

BILL NO. 232
or
SUBJECT Pay Equity

Matt Brusky
(NAME)

3158 N. Humboldt Blvd.
(Street Address or Route Number)

Mil, WI 53212
(City and Zip Code)

SEIU
(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: but not speaking: ☑

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.

Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 10/2/01

BILL NO. SB 232
or
SUBJECT

Mary T. Lokensgard
(NAME)
200 E. College Ave
(Street Address or Route Number)
Appleton, WI 54911
(City and Zip Code)
Wisconsin Academy of Trial Lawyers
(Representing)

Speaking in Favor: [X]

Speaking Against: [ ]

Registering in Favor: but not speaking: [ ]

Registering Against: but not speaking: [ ]

Speaking for information only; Neither for nor against: [ ]

Please return this slip to a messenger PROMPTLY.
Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 10/2/01

BILL NO. 232
or
SUBJECT

Hannah Miyamoto
(NAME)
2585 Univ. Apt 5
(Street Address or Route Number)
Green Bay, WI 54311
(City and Zip Code)
National Foundation for the Intersexed
(Representing)

Speaking in Favor: [✓]

Speaking Against: [ ]

Registering in Favor: but not speaking: [ ]

Registering Against: but not speaking: [ ]

Speaking for information only; Neither for nor against: [ ]

Please return this slip to a messenger PROMPTLY.
Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 10-2-01

BILL NO. 232
or
SUBJECT

Sen Hansen
(NAME)
(Street Address or Route Number)
(City and Zip Code)
(Representing)

Speaking in Favor: [X]

Speaking Against: [ ]

Registering in Favor: but not speaking: [ ]

Registering Against: but not speaking: [ ]

Speaking for information only; Neither for nor against: [ ]

Please return this slip to a messenger PROMPTLY.
Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 10-2-1

BILL NO. 232 + 211
or
SUBJECT

RICHARD S. SALMON
(NAME)

1331 BELLEVUE ST LOT 9
(Street Address or Route Number)

GREEN BAY, WI 54302
(City and Zip Code)

NOW
(Representing)

Speaking in Favor: [X]

Speaking Against: [ ]

Registering in Favor: but not speaking: [ ]

Registering Against: but not speaking: [ ]

Speaking for information only; Neither for nor against: [ ]

Please return this slip to a messenger PROMPTLY.

Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 10/2/01

BILL NO. Both - Pay Equity +
or
SUBJECT Mandatory Overtime

DAVID C. NEWMAN
(NAME)

1294 Division Street
(Street Address or Route Number)

Green Bay WI 54303
(City and Zip Code)

Wisconsin Citizen Action
(Representing)

Speaking in Favor: [X]

Speaking Against: [ ]

Registering in Favor: but not speaking: [X]

Registering Against: but not speaking: [ ]

Speaking for information only; Neither for nor against: [ ]

Please return this slip to a messenger PROMPTLY.

Senate Sergeant–At–Arms
State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 10-2-01

BILL NO. Bill 232, 211
or
SUBJECT

Trudi Beiter
(NAME)

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GB NOW
(Representing)

Speaking in Favor: [ ]

Speaking Against: [ ]

Registering in Favor: but not speaking: [X]

Registering Against: but not speaking: [ ]

Speaking for information only; Neither for nor against: [ ]

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Senate Sergeant–At–Arms
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Keeping Wisconsin Families Safe

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Testimony of Scott L. Schroeder
on behalf of the
Wisconsin Academy of Trial Lawyers
before the
Senate Labor and Agriculture Committee
Sen. Dave Hansen, Chair
on
2001 Senate Bill 232
September 4, 2001

Good morning, Senator Hansen and members of the Committee. My name is Scott L. Schroeder, a member of the Wisconsin Academy of Trial Lawyers (WATL). On behalf of WATL, I thank you for the opportunity to appear today to testify in favor of Senate Bill 232.

WATL, established as a voluntary trial bar, is a non-profit corporation with approximately 1,000 members located throughout the state. The objectives and goals of WATL are the preservation of the civil jury trial system, the improvement of the administration of justice, the provision of facts and information for legislative action, and the training of lawyers in all fields and phases of advocacy. WATL also has an Employment Law/Civil Rights Committee of which I am a member.

Discrimination is a pervasive problem in society. Numerous complaints are filed each year in Wisconsin alleging discrimination on the basis of race, sex, religion, national origin, physical disability, age and sexual orientation. Discriminatory practices include bias in hiring, promotion, job assignment, termination, compensation, and various types of harassment.

The main body of employment discrimination laws is composed of federal and state statutes. The United States Constitution and some state constitutions provide additional protection where the employer is a governmental body or the government has

taken significant steps to foster the discriminatory practice of the employer. Discrimination in the private sector is not directly constrained by the Constitution, but has become subject to a growing body of federal and state statutes.

Under federal anti-discrimination statutes, a person alleging discrimination is entitled to compensatory and punitive damages. A complaint is filed with the Equal Opportunity Employment Commission (EEOC), which interprets and enforces the Equal Payment Act, Age Discrimination in Employment Act, Title VII, Americans With Disabilities Act, and sections of the Rehabilitation Act.

After an investigation, the EEOC issues a notice of right to sue. This is an expensive and time-consuming proposition because the lawsuit must be brought in federal court. It may take two or three years before the case is heard and it will cost thousands of dollars to prosecute.

The State of Wisconsin and the EEOC have concurrent jurisdiction over discrimination complaints. In other words, discrimination complaints are shared between the state and federal agencies. A complainant must choose the state or federal track and once that decision is made, you cannot switch tracks.

Current state remedies for discrimination are very limited, which is why passage of SB 232 is very important. Right now a person alleging discrimination can only recover damages for lost wages and the right to be reinstated in the job. The lost wage damages may be very little because they are reduced by wages earned in a new job. In other words, if a person is earning $8 an hour and leaves because of discrimination and then finds a new job for $6 an hour, he or she can only recover the $2 an hour lost.

In addition, Wisconsin has no provision for providing damages if people has not lost their jobs, but are working in a "hostile work environment." Why should people lose their job before they can bring a claim for discrimination in Wisconsin?

Limited damages make it very difficult to bring discrimination cases. I turn down dozens of cases a week because damages are limited and most people cannot afford to pay an hourly fee.

Employers know the penalties for discrimination are very low in Wisconsin and that they can engage in discriminatory practices without being held accountable. Passage of SB 232 sends a very important message to employers that Wisconsin will no longer tolerate discrimination in the workplace.

Thank you for this opportunity to testify.

REPRESENTING WISCONSIN BUSINESS
Wisconsin Manufacturers & Commerce

Memo

TO: Members of Senate Labor and Agriculture Committee

FROM: John Metcalf, Director, Human Resources Policy

DATE: September 4, 2001

RE: Hearing on SB 232 - - Compensatory and Punitive Damage Award and Assessment Under the Wisconsin Fair Employment Act (WFEA)

BACKGROUND

Under the current WFEA, if the Department of Workforce Development (DWD) Equal Rights Division finds that a person has refused to hire an individual, terminated an individual's employment, or discriminated against an individual in promotion, compensation, or in terms, conditions, or privileges of employment on the basis of the individual's *age, race, creed, color, disability, marital status, sex, national origin, ancestry, arrest or conviction record, membership in the national guard or military reserves, or use or nonuse of a lawful product during nonwork hours*, DWD may order the person to take the remedial actions outlined below.

Remedies for a violation of the WFEA may include reinstating the employee and providing back pay for not more than two years before the filing of the complaint, costs, and attorney fees. Current law, however, does **not** authorize DWD to order the payment of compensatory or punitive damages or any other assessments or penalties in a case of employment discrimination. Nor does current law authorize imposing a penalty for filing a frivolous discrimination complaint.

SENATE BILL 232

SB 232 authorizes DWD to order a person who has discriminated against an individual in promotion, compensation, or in terms, conditions, or privileges of employment on the basis of the individual's *sex, race, color, national origin, or ancestry* to pay to the individual compensatory and punitive damages in an amount that DWD finds "appropriate" and to pay to DWD an assessment equal to 10% of the amount of compensatory and punitive damages ordered. DWD must use those assessments collected for the administration of the fair employment law.

The bill also directs the Secretary of DWD (secretary) to appoint a committee to study the issue of wage disparities between men and women and between minority group members and nonminority group members and to recommend solutions and policy alternatives, including proposed legislation, to eliminate and prevent those wage disparities.

The committee must consist of representatives of business and industry, organized labor, organizations whose objectives include the elimination of wage disparities, and employees of institutions of higher education or research institutions who have experience and expertise in the collection and analysis of data concerning wage disparities.

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The committee must report its findings, conclusions, and recommendations to the secretary by the first day of the 15th month beginning after publication of the bill, and the secretary must submit that report to the appropriate standing committees of the legislature and to the governor by the first day of the 16th month beginning after publication of the bill.

WMC POSITION - OPPOSE

WMC strongly opposes allowing punitive damages awards under the WFEA. This legislation will invite frivolous litigation under the WFEA, and does not contain a provision to create a penalty for frivolous complaints.

Further, the bill appears to create personal liability on the part of a decision maker who makes employment decisions. This will invite litigation of a personal nature that will likely prove corrosive in the workplace.

Finally, remedies for workplace discrimination beyond those currently available under the WFEA are available through the federal Title VII system. The federal remedies have checks and balances **not** currently available under state law. Also, it is important to remember that small businesses employing fewer than 15 people are not covered by Title VII. The WFEA covers **all** employees, and punitive damages will place an extraordinary burden on those employers.

For these reasons, Wisconsin Manufacturers & Commerce urges the Committee to **oppose** SB 232.

WISCONSIN
CITIZEN ACTION

Wisconsin's Public-Interest Watchdog

Hearing before the Senate Committee on Labor and Agriculture

Equal Pay Remedies and Enforcement Act SB 232/AB 294

Submitted by David Newman
September 11, 2001

Wisconsin Citizen Action is the state's largest public interest organization and represents 60,000 members and 250 affiliate groups that include labor, environmental, senior citizen, farm, women, and community organizations throughout Wisconsin.

Wisconsin Citizen Action supports the Equal Pay Remedies Bill because it is an issue of economic justice and would ensure that women and men are receiving equal compensation for their hard work.

Wisconsin citizens won't turn their backs on any extra dollars George W. Bush's tax cut might give them, but equal pay for equal work for working families would have a far greater impact. Ending wage differentials would put close to an extra $5,000 per year back into the pocketbooks for Wisconsin working families, as well as increase savings and pensions during retirement.

Closing the pay gaps between women and men and between white workers and those of color is what equal pay is all about. Compared to tax rate cuts, equal pay clearly provides more economic benefit to working families and has a better potential of increasing consumer spending.

Despite federal and state laws banning discrimination in employment and pay, wage differentials persist between women and men and between minorities and non-minorities in the same jobs and in jobs that require equivalent skills and responsibilities. Many residents of Wisconsin are losing vital income to help support themselves and their families, and equal pay would help workers become economically secure.

Equal pay is also a nonpartisan concern that is strongly supported by women and men across party lines. According to the Center for Policy Alternatives, whether someone is Republican, Democrat or Independent, 75% of women and 62% of men say they believe that it is "very important" to adopt policies to address equal pay. For the past decade, equal pay has been a top priority that unites people across party lines. It is time to deliver on this critical issue for working families.

In America, people's wages should be based on the work to be done, not on the person who holds the job. That's the American way. But for many women and people of color, that American promise remains unfulfilled and families are paying the price. Research shows that women and people of color continue to suffer wage discrimination. Today, women continue to earn only $0.72 for every dollar earned by men, and African Americans earn $0.78 and Latinos only $0.67 for every dollar paid to their white counterparts.

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Tax cuts for Wisconsin citizens can provide short-term relief, but they come with no guarantees. Equal pay is a long-term local solution to reward hard work, to help families make ends meet and to open the way for American workers to realize their full economic potential.

I urge you to support SB 232 and help end the inequality between women and men's wages and to help ensure economic justice for Wisconsin's families. Thank you for your time and attention to this important issue.

Senate

Committee on Labor and Agriculture
Senator Dave Hansen, Chair

PAPER BALLOT

Date: **October 15, 2001**

Bill: **Senate Bill 232 -- Relating to: authorizing the department of workforce development to order a person who discriminates in promotion, compensation, or in terms, conditions, or privileges of employment on the basis of sex, race, color, national origin, or ancestry to pay compensatory and punitive damages and an assessment, directing the secretary of workforce development to appoint a committee to study wage disparities between men and women and between minority group members and nonminority group members, and making an appropriation.**

Motion: **Passage**

Moved by: **Hansen**

Seconded by: Decker

Aye: ✓ **No:**_____

Dave Hansen

Senator Dave Hansen

Please return to Senator Hansen's office (by messenger) by **5 pm Tuesday, October 16, 2001.**

Please call the Committee Clerk, Lisa Ellinger, at 266-5670 if you have any questions.

Senator Decker
323 South

Senate

Committee on Labor and Agriculture
Senator Dave Hansen, Chair

PAPER BALLOT

Date: **October 15, 2001**

Bill: **Senate Bill 232 -- Relating to: authorizing the department of workforce development to order a person who discriminates in promotion, compensation, or in terms, conditions, or privileges of employment on the basis of sex, race, color, national origin, or ancestry to pay compensatory and punitive damages and an assessment, directing the secretary of workforce development to appoint a committee to study wage disparities between men and women and between minority group members and nonminority group members, and making an appropriation.**

Motion: **Passage**

Moved by: **Hansen**

Seconded by: Decker

Aye: _____ **No:**_____

Russ Decker

Senator Russ Decker

Please return to Senator Hansen's office (by messenger) by **5 pm Tuesday, October 16, 2001.**

Please call the Committee Clerk, Lisa Ellinger, at 266-5670 if you have any questions.

Senator Baumgart
306 South

Senate

Committee on Labor and Agriculture
Senator Dave Hansen, Chair

PAPER BALLOT

Date: **October 15, 2001**

Bill: **Senate Bill 232 -- Relating to: authorizing the department of workforce development to order a person who discriminates in promotion, compensation, or in terms, conditions, or privileges of employment on the basis of sex, race, color, national origin, or ancestry to pay compensatory and punitive damages and an assessment, directing the secretary of workforce development to appoint a committee to study wage disparities between men and women and between minority group members and nonminority group members, and making an appropriation.**

Motion: **Passage**

Moved by: **Hansen**

Seconded by: Decker

Aye: X **No:**_____

Senator James Baumgart

Please return to Senator Hansen's office (by messenger) by **5 pm Tuesday, October 16, 2001.**

Please call the Committee Clerk, Lisa Ellinger, at 266-5670 if you have any questions.

Senator Harsdorf
3 South

Senate

Committee on Labor and Agriculture
Senator Dave Hansen, Chair

PAPER BALLOT

Date: **October 15, 2001**

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Motion: **Passage**

Moved by: **Hansen**

Seconded by: Decker

Aye: _____ **No:** ✓

Sheila Harsdorf.
Senator Sheila Harsdorf

Please return to Senator Hansen's office (by messenger) by **5 pm Tuesday, October 16, 2001.**

Please call the Committee Clerk, Lisa Ellinger, at 266-5670 if you have any questions.

Senator Lasee
109 South

Senate

Committee on Labor and Agriculture
Senator Dave Hansen, Chair

PAPER BALLOT

Date: **October 15, 2001**

Bill: **Senate Bill 232 -- Relating to: authorizing the department of workforce development to order a person who discriminates in promotion, compensation, or in terms, conditions, or privileges of employment on the basis of sex, race, color, national origin, or ancestry to pay compensatory and punitive damages and an assessment, directing the secretary of workforce development to appoint a committee to study wage disparities between men and women and between minority group members and nonminority group members, and making an appropriation.**

Motion: **Passage**

Moved by: **Hansen**

Seconded by: Decker

Aye: _____ **No:** X

Senator Alan Lasee

Please return to Senator Hansen's office (by messenger) by **5 pm Tuesday, October 16, 2001.**

Please call the Committee Clerk, Lisa Ellinger, at 266-5670 if you have any questions.

Scott McCallum
Governor

Jennifer Reinert
Secretary

State of Wisconsin
Department of Workforce Development

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Testimony on 2001 Senate Bill 232
September 18, 2001

Chairperson Hansen and Members of the Committee:

Thank you for the opportunity to provide information to the committee on Senate Bill 232.

As you may know, the current Wisconsin Fair Employment Law protects employees from discrimination based on age (40+), race, creed, color, disability, marital status, sexual orientation, sex, national origin, ancestry, arrest record, conviction record, membership in the military reserve or use of lawful products. An employee who believes an employer has unlawfully discriminated may file a complaint with the Equal Rights Division. Each year the division receives Fair Employment Law complaints from approximately 3,000 persons.

Current law authorizes Administrative Law Judges (ALJs) to award a make whole remedy to complainants after a hearing when discrimination is found. Such awards typically consist of back pay, interest on the back pay, reinstatement and attorney's fees. There is no provision for the award of compensatory or punitive damages under the current Fair Employment Law.

SB232 allows such damages for a sub-set of cases. Only those who prevail with allegations of discrimination because of sex, race, color, national origin or ancestry are eligible for compensatory or punitive damages under the bill. For example, if an individual files a complaint with the division alleging that she was paid less because of her sex, she would be eligible for compensatory and punitive damages. If that same person alleged that she was paid less because of her disability, she would not be eligible for such damages. The department is concerned about the confusion this would create for employers and employees, and also about creating a situation where disparate treatment occurs within the employment discrimination law.

If SB232 results in a significant increase in the amount of Fair Employment Law complaints received, the department would need additional financial support. SB 232 requires that an employer who violates the law pay the department an assessment of 10% of any damage award. While we appreciate that the bill addresses the department's financial needs, it should be pointed out that this particular mechanism could create the appearance of a bias towards findings of discrimination.

I would be glad to answer any questions about the current law or process that any members may have. Thank you again for the opportunity to provide information to the committee.

NFIB
The Voice of Small Business®

WISCONSIN

Memorandum

TO: **Members of the Senate Committee on Labor and Agriculture**

FROM: **Bill G. Smith**
State Director

DATE: **September 18, 2001**

RE: **Senate Bill 232**

On behalf of Wisconsin's small business employers, I want to convey our opposition to Senate Bill 232 which includes provisions that would authorize the Department of Workforce Development to order the payment of compensatory and punitive damages in employment-related discrimination cases.

According to federal law, punitive damages may be ordered when an employer is found guilty of discrimination in the workplace, however, small employers are exempt under federal law from punitive damages that cannot be assessed against smaller employers, and the damages are capped at $300,000.

Senate Bill 232 does not exempt small business and the damages are unlimited.

We believe current law provides adequate remedies and penalties for workplace discrimination, and therefore, request that members of the Committee **vote against recommending SB 232 for passage.**

Thank you for your consideration.

National Federation of Independent Business – WISCONSIN
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REPRESENTING WISCONSIN BUSINESS
Wisconsin Manufacturers & Commerce

Memo

TO: Members of Senate Labor and Agriculture Committee

FROM: John Metcalf, Director, Human Resources Policy

DATE: September 18, 2001

RE: Hearing on SB 232 - - Compensatory and Punitive Damage Award and Assessment Under the Wisconsin Fair Employment Act (WFEA)

BACKGROUND

Under the current WFEA, if the Department of Workforce Development (DWD) Equal Rights Division finds that a person has refused to hire an individual, terminated an individual's employment, or discriminated against an individual in promotion, compensation, or in terms, conditions, or privileges of employment on the basis of the individual's *age, race, creed, color, disability, marital status, sex, national origin, ancestry, arrest or conviction record, membership in the national guard or military reserves, or use or nonuse of a lawful product during nonwork hours*, DWD may order the person to take the remedial actions outlined below.

Remedies for a violation of the WFEA may include reinstating the employee and providing back pay for not more than two years before the filing of the complaint, costs, and attorney fees. Current law, however, does **not** authorize DWD to order the payment of compensatory or punitive damages or any other assessments or penalties in a case of employment discrimination. Nor does current law authorize imposing a penalty for filing a frivolous discrimination complaint.

SENATE BILL 232

SB 232 authorizes DWD to order a person who has discriminated against an individual in promotion, compensation, or in terms, conditions, or privileges of employment on the basis of the individual's *sex, race, color, national origin, or ancestry* to pay to the individual compensatory and punitive damages in an amount that DWD finds "appropriate" and to pay to DWD an assessment equal to 10% of the amount of compensatory and punitive damages ordered. DWD must use those assessments collected for the administration of the fair employment law.

The bill also directs the Secretary of DWD (secretary) to appoint a committee to study the issue of wage disparities between men and women and between minority group members and nonminority group members and to recommend solutions and policy alternatives, including proposed legislation, to eliminate and prevent those wage disparities.

The committee must consist of representatives of business and industry, organized labor, organizations whose objectives include the elimination of wage disparities, and employees of institutions of higher education or research institutions who have experience and expertise in the collection and analysis of data concerning wage disparities.

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WMC POSITION - OPPOSE

WMC strongly opposes allowing punitive damages awards under the WFEA. This legislation will invite frivolous litigation under the WFEA, and does not contain a provision to create a penalty for frivolous complaints.

Further, the bill appears to create personal liability on the part of a decision maker who makes employment decisions. This will invite litigation of a personal nature that will likely prove corrosive in the workplace.

Finally, remedies for workplace discrimination beyond those currently available under the WFEA are available through the federal Title VII system. The federal remedies have checks and balances **not** currently available under state law. Also, it is important to remember that small businesses employing fewer than 15 people are not covered by Title VII. The WFEA covers **all** employees, and punitive damages will place an extraordinary burden on those employers.

For these reasons, Wisconsin Manufacturers & Commerce urges the Committee to **oppose** SB 232.

Topic: SB 232--Equal Pay Enforcement Act

Dear honorable members:

The legislation proposed by SB 232 takes an already flawed process and makes it worse. Much worse. It is nothing short of legal plunder. Furthermore, the proposed legislation introduces the State as a third party to the settlement or award. What a tidy little plan to raise revenue.

The current system is bad enough. The only thing that separates an employer from a very expensive legal process, or, as an alternative, an extortion payment, is a 34-cent stamp. For the price of a stamp and the time needed to fill out a simple form a disgruntled employee can start a process which forces an employer to prove innocence.

Bad legislation is always camouflaged by noble goals. No one disagrees that, all other variables being equal, employees should receive equal pay for equal work. No one would countenance discrimination in employment based upon sex, race, color, ancestry, or any other in vogue diversification variable. Does discrimination exist? Yes. Is it prevalent? No. The system assumes that everyone is guilty until proven innocent. As difficult as it is to prove innocence, the vast majority of the cases are dismissed.

The proposed legislation is especially pernicious in that it closes the economic loop. It is well known that major contributors to the Democratic Party are the trial lawyers. By introducing punitive damage awards these legalized extortion specialists expand their list of extortion candidates. The administrative law judges, as adjudicators of the award, are in the business. Human nature, such as it is, dictates that individuals will do what is in their own best interest. Everyone likes to see his or her business and power expand. The participation of the State in the settlement proceeds is the most egregious aspect of SB 232. Here we have an entity that has spent well beyond its means and is searching for any new source of revenue it can find. Having already extorted the tobacco industry the State now has the power to focus on other legal businesses in Wisconsin. Raising taxes would be an alternative but we are already #3 in the country.

SB 232 is a bad law. It is legal plunder. It exposes all businesses to extortion. It makes operating a business in Wisconsin a very unattractive prospect. The thought of the State determining the appropriate level of compensation to eliminate and prevent wage disparities sounds very much like central planning. The free market will just fine if it is allowed to work.

Finally, when considering legislation such as SB 232 consider not only what *is* seen, but what *is not* seen. What is seen is the punishment of a few cases of blatant discrimination. What is not seen are the costs incurred by countless numbers of innocent companies which are forced to legally defend themselves of pay an extortion fee to make the problem go away because it is cheaper to pay than defend.

Michael J Fredrich
W 4754 Rienzi Road
Fond du Lac, WI 54935

Dear Senators

I understand there is a hearing on SB 232 today. I would appreciate your including this letter in the hearing

I am writing to oppose SB 232. I am an attorney who has represented both employees and employers in discrimination claims. I now primarily represent small businesses.

Certainly there are instances of illegal discrimination. Far more often, however, there are instances of employees terminated or disciplined for incompetence or misconduct who file baseless claims simply to harass or intimidate employers into giving them concessions they do not deserve. The present system is already weighted against small business simply because an employee can generate a "no cost" investigation against a business while the business must expend scarce dollars and personnel to respond. The system isn't perfect, but it works well enough. Please leave it alone.

As to studying, preventing and eliminating wage disparities, attempting to equalize wages by arbitrary classifications of human beings and the economic activities in which they engage is one of the most profoundly wrong-headed ideas one can possibly imagine. Discussion of this subject requires more than a short letter, but please read Thomas Sowell or any other competent economist who looks beyond arbitrary characteristics and actually analyzes the internals of the data. The apparent "disparities" have common sense, real world explanations that have nothing to do with illegal discrimination.

Last year, one of my best business clients left the state and will never return. He was one of the brightest, fairest, and most entrepreneurial people I have ever known. He simply got fed up with Wisconsin's high taxes and with Madison meddling in his business. Today he is in another state, creating jobs and contributing enormously to its tax base. Please don't chase more of my clients away.

My apologies for sounding frustrated. I believe you have the best of intentions, but small business people are not racist, sexist bigots. We are trying our best to create jobs and will hire the best people we can find. We don't care what they look like. It's as simple as that. Please leave us alone. Thank you very much.

Mike Dean
Dean & McKoy, S.C.
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9/18/01

Keeping Wisconsin Families Safe

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Testimony of Paul A. Kinne
on behalf of the
Wisconsin Academy of Trial Lawyers
before the
Senate Labor and Agriculture Committee
Sen. Dave Hansen, Chair
on
2001 Senate Bill 232
September 18, 2001

Good afternoon, Senator Hansen and members of the Committee. My name is Paul A. Kinne. I am a member in the law firm of Gingras, Cates & Luebke, Madison, Wisconsin. I am a member of the Wisconsin Academy of Trial Lawyers (WATL) and serve as Co-Chair of the Employment Law and Civil Rights Committee. I appear on behalf of the Academy in favor of SB 232. Thank you for this opportunity to testify.

WATL, established as a voluntary trial bar, is a non-profit corporation with approximately 1,000 members located throughout the state. The objectives and goals of WATL are the preservation of the civil jury trial system, the improvement of the administration of justice, the provision of facts and information for legislative action, and the training of lawyers in all fields and phases of advocacy.

Discrimination is a pervasive problem in society. Numerous complaints are filed each year in Wisconsin alleging discrimination on the basis of race, sex, religion, national origin, physical disability, age and sexual orientation. Discriminatory practices include bias in hiring, promotion, job assignment, termination, compensation, and various types of harassment.

The main body of employment discrimination laws is composed of federal and state statutes. The United States Constitution and some state

constitutions provide additional protection where the employer is a governmental body or the government has taken significant steps to foster the discriminatory practice of the employer. Discrimination in the private sector is not directly constrained by the Constitution, but has become subject to a growing body of federal and state statutes.

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After an investigation, the EEOC issues a notice of right to sue. This is an expensive and time-consuming proposition because the lawsuit must be brought in federal court. It may take two or three years before the case is heard and it will cost thousands of dollars to prosecute.

The State of Wisconsin and the EEOC have concurrent jurisdiction over discrimination complaints. In other words, discrimination complaints are shared between the state and federal agencies. State and federal agencies can investigate complaints and a complainant can start at the federal level and move to the state level or start at the federal level and move to the state level. However, once a complainant is filed in court, he or she cannot switch tracks.

Current state remedies for discrimination are very limited, which is why passage of SB 232 is very important. Right now a person alleging discrimination can only recover damages for lost wages and the right to be reinstated in the job. The lost wage damages may be very little because they are reduced by wages earned in a new job. In other words, if a person is earning $8 an hour and leaves because of discrimination and then finds a new job for $6 an hour, he or she can only recover the $2 an hour lost.

In addition, Wisconsin has no provision for providing damages if people has not lost their jobs, but are working in a "hostile work environment." Why should people lose their job before they can bring a claim for discrimination in Wisconsin?

Limited damages make it very difficult to bring discrimination cases. Attorneys turn down dozens of cases because damages are limited and most people cannot afford to pay an hourly fee.

Employers know the penalties for discrimination are very low in Wisconsin and that they can engage in discriminatory practices without being held accountable. Passage of SB 232 sends a very important message to employers that Wisconsin will no longer tolerate discrimination in the workplace.

Thank you for this opportunity to testify.

STATEMENT TO THE SENATE LABOR AND AGRICULTURAL COMMITTEE ON BEHALF OF THE INDEPENDENT BUSINESS ASSOCIATION OF WISCONSIN, THE METROPOLITAN MILWAUKEE ASSOCIATION OF COMMERCE, AND THE HUMAN RESOURCE MANAGEMENT ASSOCIATION OF SOUTHEASTERN WISCONSIN, INC. IN OPPOSITION TO SB 232

September 18, 2001

Julie M. Buchanan
Buchanan & Barry, S.C.

I am here in opposition to SB 232 on behalf of the Independent Business Association of Wisconsin, the Metropolitan Milwaukee Association of Commerce and the Human Resource Management Association of Southeastern Wisconsin. I am not a paid lobbyist. I am not being compensated by anyone for my appearance here, and I am not employed by any of the organizations I am appearing on behalf of. I am here out of concern for the thousands of Wisconsin small businesses and employers that will be affected by this bill. As an attorney who represents businesses and other employers throughout Wisconsin, I am quite familiar with the issues surrounding SB232.

Expanded Damages

SB 232 dramatically expands current state employment discrimination laws in that it subjects even the smallest employer – for example a person with a home office and one part-time employee – to unlimited damages for certain discrimination claims. This law is, in effect, a "tortification" of the Wisconsin Fair Employment Act.

Frivolous claims

It is a sad reality that a growing number of frivolous employment discrimination claims are being brought by disgruntled ex-employees. When this happens, a small business in particular is in an extremely difficult situation. Many of these cases are settled simply because the employer cannot afford the cost of defending such claims even if they would have a successful defense. While employees can recover attorneys fees against employers if they win, there is no remedy whatsoever for employers at the discovery, hearing and agency appeal stages, the most expensive parts of the claims process. In fact, plaintiffs are entitled to a hearing even if the Department (DWD ERD) determines there is no probable cause to believe the employer violated the law.

Many lawsuits are filed solely for the purpose of extorting settlement from employers. These include, for example, cases where the individual is legitimately fired for misconduct, absenteeism, dismal performance, or is not hired because he or she has no relevant experience whatsoever or lied on the job application. Others are filed when the employer makes a painful but legitimate downsizing decision, and the unhappy employee claims discrimination. There

are also frivolous harassment suits, as well as actions where a complainant flat out perpetuates a fraud in order to obtain a settlement check.

Take the case of Melvin Reed. Mr. Reed applied for a job at an employment agency in the Milwaukee area. His job application was not complete, it did not even list the dates of employment, and he had no relevant experience. He admitted he lied on his job application. Yet he filed a discrimination claim for failure to hire. He did not participate in the government's investigation of his claim. The ERD found that there was no probable cause to believe the employer violated the law, but Mr. Reed excercised his statutory right to a hearing. He conducted harassing discovery and depositions, filed meritless motions and appeals, did not cooperate at deposition, and even admitted he had no evidence to support his claim. Mr. Reed had, in fact, filed 11 previous state discrimination claims and 11 previous federal discrimination claims against other employers. In a number of those suits he successfully collected extortion settlement checks. Unfortunately, the owner of the employment agency as well was forced to write Mr. Reed a check rather than continue to spend time, effort and expense proceeding with the claim as Mr. Reed threatened to drag the litigation on endlessly. There was and is no remedy against the likes of Melvin Reed.

Mr. Reed is what's known in our trade as a "serial suer." The availability of unlimited damages in effect turns our agency system into a lottery. It is an invitation to unscrupulous individuals and those with questionable claims to bring meritless suits. With no penalties for bringing such claims, they will be brought with increasing frequency and impunity. This legislature has no business whatsoever creating a tort system out of our state's employment discrimination laws, particularly where there are no remedies for employers when frivolous claims, where there is no summary judgment (early dismissal) process, and where there is a right to a hearing even where there is a no probable cause decision.

Expenses Employers Already Face

Although we recognize that there are legitimate claims, we must not forget the remedies already available and how incredibly expensive it already is for an employer facing one of these lawsuits. The damages and remedies already available include back pay, lost wages, attorneys fees, front pay, lost fringe benefits, reinstatement orders, orders to transfer or promote, workplace injury awards, including worker compensation awards for mental injuries, injunctions, anti-retaliation orders, intentional tort claims against co-workers, and directives and orders for companies to abide by certain conditions and change certain workplace practices. The legal fees alone in defending one claim can jeopardize the very existence of a small business, in turn jeopardizing the job security of coworkers who depend upon that employer. Few small employers can risk spending months and years and fortunes on hearings and appeals proving their innocence.

The cost of defending can be staggering. In addition to responding to charges, employers are often required to participate in extensive discovery and lengthy hearings. The attorney's fees, down time for employer witnesses, and deposition and other costs, can result in one claim

(excluding any judgments or awards) costing literally tens of thousands of dollars, even if the employer prevails. When the claim that is brought is frivolous, a grave injustice has occurred. I have met with more than a few small business owners who have wondered how they will even begin to pay the cost of defending these claims. They are forced to think about such things as not purchasing equipment, not instituting raises, and who to lay off.

Expanded Hearings and Procedural Issues

These expanded and limitless remedies will, by definition, greatly expand the scope, length and expense of discovery that the parties conduct as well as the hearings that administrative law judges conduct. The employer's financial records and condition will now be relevant in all cases where such damages are sought. Claims can be brought to force settlement from employers who do not wish to reveal such sensitive information. It goes without saying that those bringing nuisance claims will have an even greater field day harassing employers with discovery requests for such information. The expanded damages will in some instances also make relevant a complainant's medical and psychological records, and hearings on these evidentiary and discovery side issues are certain to occur. Expanded hearings will only create greater delays for those seeking to have their cases resolved. What's more, DWD's administrative law judges do not have the experience, training and expertise in conducting such expanded hearings and in making such awards. If expanded compensatory and punitive damage awards assist in filling our state coffers with the proposed 10% penalty, won't judges, as a matter of course, always make such awards?

Hearings will also be made more complicated by the fact that only some of the categories of discrimination are those in which these expanded damages can be sought. There is no logic to allowing individuals in only some of the categories of discrimination to seek these damages. Many claims state multiple bases of discrimination. Which portion of the award will be due to, for example, sex (covered) but not disability (not covered) discrimination? Or race (covered) but not sexual orientation (not covered)? Will individuals allege a basis covered by the expanded damages simply to conduct expanded discovery? The many procedural and evidentiary issues that will have to be decided will create a bonanza for one group: lawyers.

Pay Equity Study

No one disputes that equal pay for equal work is, and should be, the law of the land. However, there exists a legitimate question as to whether yet another study is needed in light of the many studies, both from academia and elsewhere, as well as statistics and other information, that are already available. Any studies that are undertaken or used must be done responsibly and must be free of the junk science, faulty logic and other inaccuracies that are present in some of these undertakings. Appropriately qualified individuals should conduct or review any such studies. There is also great concern that this bill is being touted as one that claims to have a goal of eliminating pay disparities without defining what that means. Many pay disparities exist, and are legal and justified. Bosses make more than their assistants. Fire fighters make more than secretaries. Also, the fact that disparities exist does not necessarily mean that a number of other factors and not discrimination caused them: seniority, experience, time away from the work force, choice of occupation, or the marketplace. If this study is a platform to reintroduce the

thoroughly discredited theory of comparable worth – equal pay for different work – a theory that has been rejected by courts across the land, it will be a waste of time as it will be struck down by the courts, and it does a disservice to those seeking to remedy unlawful discrimination.

The **Independent Business Association of Wisconsin** (IBAW) is a non-profit organization of several hundred small to medium-sized independent businesses located across Wisconsin. The purpose and mission of IBAW is to maintain a network of independent businesses that will assist individual members through education and discussion of common business issues.

The **Metropolitan Association of Commerce** (MMAC) is a non-profit 2,200-member business association. For 140 years, MMAC has represented the business perspective in attempts to keep the Milwaukee and Wisconsin economy strong and vibrant. Eighty-eight percent of MMAC's members are small businesses. Many of these companies are large enough to be subject to various employment laws but small enough to have difficulty dealing with the complexities and inconsistencies of these laws.

The **Human Resource Management Association of Southeastern Wisconsin, Inc.** ("HRMA") is a professional organization composed of human resource management professionals, with membership of nearly 800 individuals representing over 350 employers. HRMA is one of the ten largest organizations affiliated with the Society for Human Resource Management, formerly the American Society for Personnel Administration. HRMA members represent employers ranging in size from less than 100 to over 5,000 employees. (The opinions of HRMA presented before the legislature do not necessarily reflect those of the individual companies that employ HRMA members.)

Julie M. Buchanan is an attorney and shareholder with the Milwaukee firm of Buchanan & Barry, S.C. She and the other attorneys in her firm represent business and other employers in labor and employment law matters, including state and federal employment discrimination lawsuits. She is the chair of the Labor and Employment Relations Committee for the Independent Business Association of Wisconsin, and is a board member of the Metropolitan Milwaukee Association of Commerce. She was an appointed public member and employer representative of the Wisconsin Legislative Council Special Committee on Sexual Harassment, and is a member of the Employer Advisory Council for the Milwaukee Equal Employment Opportunity Commission (EEOC)

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WISCONSIN INNKEEPERS ASSOCIATION
W I A

Serving the
Lodging Industry
for Over 100 Years

October 1, 2001

To: The Senate Committee On Labor and Agriculture
From: Trisha Pugal, CAE,
President, CEO
RE: SB232 - Damages Relating to Employment Discrimination

The Wisconsin Innkeepers Association, representing over 1200 hotels, motels, resorts, inns, and Bed & Breakfasts throughout Wisconsin, respectfully asks the Committee to oppose SB232 as a bill which increases liability for businesses, especially small businesses, without establishing a reasonable ceiling for penalties, and with imposing an unfair incentive for the DWD to set penalties high.

Current state law does not allow for the DWD to assess compensatory and punitive judgements for employment discrimination. This bill creates a new financial liability for businesses, at the sole discretion of the Department of Workforce Development, which sets the judgement cost. At the same time, this bill adds an incentive to DWD to set high judgements, as they receive an added assessment of 10% of the judgement, which goes directly to DWD. In what other situation is the judge allowed to directly benefit by finding a defendant guilty, and to benefit even more by penalizing them more?

While a goal of eliminating employment discrimination is admirable, this method would try to correct a wrongful action with another wrongful action.

Please do not pass SB232 unless this portion is removed. Thank-you for your consideration.

Cc: WIA Executive Committee
Barbara Linton, Lobbyist
WIA Legislative/Tourism Committee Chairman

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National Foundation for the Intersexed

...to improve the lives of intersexed and androgynous people.

2585 University Avenue, No. 5
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(920) 391-0314
hsmiyamoto@msn.com

October 2, 2001

Honorable Senators:

As executive director of the National Foundation for the Intersexed, the only organization in the nation focused on funding research to help intersexed persons, I rise to support S.B. 232/A.B. 294 with reservation solely as to its scope.

The National Foundation for the Intersexed was founded this year as the U.S. affiliate of the International Foundation for Androgynous Studies, based in Australia. While the Foundation hopes future research will clarify the issue, it currently entertains a belief that abnormal chromosomal and hormonal conditions are altering the physical appearance and behavior of millions of Americans to conflict with societal expectations. An ever-growing mass of studies by medical and environmental science researchers supports this hypothesis. As a graduate student in the environmental science and policy program at the University of Wisconsin-Green Bay, my thesis shall investigate the possibility that pesticides and other pollutants are altering the behavioral traits of humans directly and as a result of interaction with others.

What I have learned in my research convinces me that perceptions of non-conformity to social expectations of sexual orientation and gender identity are far more significant than actual variance. Therefore, acts of discrimination called "homophobia" by some and defense of family values by other are <u>not</u> sanctions against homosexuality, but against mere perceived homosexuality—an appearance that may not be either accurate or voluntary.

As evidence of this theory I present myself. In spite of my voice, my mannerisms and the overall appearance of my body, it will probably surprise you to learn that I was born male. My appearance is very non-male because my mother was prescribed diethystillbestrol, or DES, when she carried me. I have not been surgically altered and do not take supplementary hormones, mostly because I do not desire to be female—my sex (defined as it may) is something I endure more than desire. My research and public speaking is simply the best option I have for making my personal tragedy eventually benefit others.

The reasoning behind my decision to adopt female gender is not as relevant here as the fact that through my teenage years and early adulthood, others regularly perceived that I was homosexual. That presumption persisted even though I wanted a girlfriend as much as any heterosexual high school boy ever did. In fact, I was so focused on girls that I did not understand what I was being accused of. For years I thought "faggot" was just a nasty thing you called someone—since I knew I wasn't gay, I was simply unaware why anyone would think I was. But most important, I suffered abuse and threats of violence constantly from young men with hatred for homosexuals.

While no one should be subjected to homophobic discrimination and violence, biological males who do not virilize into normal men are especially vulnerable to such violence because they are physically weak and often largely friendless. Even more importantly, they tend to attract violence like lightning to a lightning rod simply because their physical abnormality is unavoidably obvious. That many non-virilized males should eventually develop into gay or bisexual men, or even male-to-female transsexuals is understandable given the extreme stress placed upon them.

Despite the relief in stress non-virilized males experience by social adjustment, I have discovered that most people like me suffer grievous permanent emotional trauma that is often physically and mentally debilitating. Intersexed biological males often exhibit stress-related diseases seen much more often in women than men, including chronic fatigue syndrome, fibromyalgia, environmental sensitivity and multiple sclerosis.

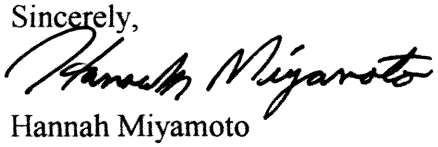
Returning to Senate Bill 232, my point in raising the issues of people like me is not to ask for sympathy but to illustrate why the bill cannot be complete until it is amended to protect persons who fail to conform to the gender stereotypes of another. In general, the bill must be amended to cover perceptions of difference in addition to actual difference on the grounds of race, sex, religion, ethnicity, national origin, marital status, current and future pregnancy, conformance to gendered expectations, public assistance status, and disability. Such an amendment will not only protect intersexed persons like myself, it will also give real protection to women whose non-conformity to social expectations includes their assertiveness and self-determination.

Regarding the provision in S.B. 232/A.B. 294 against sex discrimination: The current bill invites any employer to evade the law by claiming that its acts were actually motivated by discrimination upon some ground not covered, such as sexual orientation.* Consequently, no woman may safely compete against a man for promotion and advancement so long as she may be fired under the perception that she is lesbian. Likewise, injustice of heroic proportions shall continue to be perpetuated against the most vulnerable of men, until employers are put on notice that sex discrimination laws cover not just the gender conformity of women, but also men.

In conclusion, S.B. 232/A.B. 294 creates merely a mirage of protection for Wisconsin female and male workers, a law with a greater potential as a trap than a shield for workers. At a minimum, the bill must be amended to cover perceptions of difference, as well as actual difference. Furthermore, the bill must cover discrimination on the basis of gender stereotypes as well as sex. With those changes, Wisconsin will have created one of the best laws in any state for guaranteeing justice for workers.

I would be happy to assist you in modifying the bill, and in providing evidence and testimony to convince your fellow legislators of the need for a bill such as I have suggested here today. I am entirely at your service. Thank you.

Sincerely,



Hannah Miyamoto
Executive Director

* See note attached.

PERSONAL NOTE

Re: Discrimination against women on the basis of perceived sexual orientation

Please review the 1990 decision of the U.S. Supreme Court in Hopkins v. Price-Waterhouse. Hopkins involved a female accountant who, despite her remarkable ability, was considered by her male colleagues to be excessively aggressive for a woman. Testimony established that men regularly challenged her femininity, that she was told she should be more deferential to men, encouraged to wear makeup and jewelry, even a suggestion that she enroll in "charm school." By a heavy majority, the Supreme Court established that sex discrimination encompasses more than direct demands for sex, and maintenance of a hostile environment for women on the basis of their sex, but also maintenance of a hostile environment for women who do not conform to the behavioral expectations others have for women. In short, women must not just be free to be women, but to also be themselves.

While nothing in Hopkins suggests that Ms. Hopkins was believed to be lesbian, one may presume the thought crossed more than one man's mind. "Lesbian" describes more than a sexual practice—it is the modern equivalent of the word "witch." Just as "witch" was once a charge flung at any woman who dared to defy a man, so "lesbian" encompasses the same improvable and indefensible charge. The experience of assertive women as far back as Susan B. Anthony establishes that women will never compete equally against men for employment, pay and advancement until they are protected from discrimination on the ground of sexual orientation.

Hannah Miyamoto

The foregoing not submitted on behalf of the National Foundation for the Intersexed.

10/2/2001

Dear Members of the Committee on Labor and Agriculture:

I support Senate Bill 232.

Americans like to believe that this is the land of opportunity, and that discrimination based on sex, race, color, national origin or ancestry does not happen regularly. However, per data from the US Census Bureau the wage gap between women and men is now at 73 cents, with women making $.73 cents for each male dollar. A survey of public-relations professionals showed that women with less than five years of experience make $29,726 while men with the same amount of experience make $48,162.

This statistic is personal for me. Because I am friends with a former co-worker, I found out that I was paid less than him for the same position, although I have a college education and he doesn't. Everyone doesn't have the same opportunities, and equal pay for equal work is necessary for this to happen.

I would also like to see that this bill adopt language that includes gender stereotypes and also the words 'employer-provided benefits' in place of 'privileges of employment'. Thank-you for your work in addressing inequities in the workplace.

Sincerely,

Rebecca Derenne

Rebecca Derenne
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Wisconsin Academy of Trial Lawyers

Keeping Wisconsin Families Safe

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Testimony of Mary Taylor Lokensgard
on behalf of the
Wisconsin Academy of Trial Lawyers
before the
Senate Labor and Agriculture Committee
Sen. Dave Hansen, Chair
on
2001 Senate Bill 232

October 2, 2001

Good afternoon, Senator Hansen and members of the Committee. My name is Mary Taylor Lokensgard. I am a member of the law firm of Robinson, Peterson, Berk & Cross, which has offices in Appleton and Green Bay. I currently serve as a member of the Board of Directors of the Wisconsin Academy of Trial Lawyers (WATL). I appear on behalf of the Academy in favor of SB 232. Thank you for this opportunity to testify.

WATL, established as a voluntary trial bar, is a non-profit corporation with approximately 1,000 members located throughout the state. The objectives and goals of WATL are the preservation of the civil jury trial system, the improvement of the administration of justice, the provision of facts and information for legislative action, and the training of lawyers in all fields and phases of advocacy. Among its committees is the Employment Law/Civil Rights Committee.

Under federal anti-discrimination statutes, a person alleging discrimination is entitled to compensatory and punitive damages. A complaint is filed with the Equal Opportunity Employment Commission (EEOC), which interprets and enforces federal employment laws including the Equal Pay Act, Age Discrimination in Employment Act, Title VII, Americans with Disabilities Act, and sections of the Rehabilitation Act.

After an investigation, the EEOC may issue a notice of right to sue. This is an expensive and time-consuming proposition because the lawsuit must be brought in federal court. It may take two or three years before the case is heard, and it will cost thousands of dollars to prosecute.

The State of Wisconsin and the EEOC have concurrent jurisdiction over discrimination complaints. In other words, discrimination complaints are shared between the state and federal agencies. A complainant must choose the state track or the federal track and once that decision is made, he or she cannot switch tracks.

Passage of SB 232 is important because current remedies available under Wisconsin law are too limited to allow adequate enforcement of Wisconsin's anti-discrimination in employment policies. Right now, a person alleging discrimination can either be reinstated to a job he or she has lost because of discrimination, or recover lost wages. Lost wage damages are frequently low because they are reduced by wages earned in a new job. If a person is able to find a job that pays the same wages as the job he or she lost, damages are limited to that time he or she was without work altogether. If damages cannot be assessed, there are no consequences for the employer who has discriminated, even if that discrimination is blatant.

In addition, Wisconsin has no provision for assessing damages if the employee has not lost his or her job, but instead is being harassed and working in a "hostile work environment." Harassment disrupts production. It can seriously affect employee morale. It may increase absenteeism and employee turnover. Nevertheless, a Wisconsin employee who experiences this situation, and wants to change it, but also wants to keep the job, has no claim for damages under Wisconsin law.

Limited damages make it difficult for employees to find lawyers to represent them in discrimination cases brought under Wisconsin law. Frequently, employees who have been discriminated against will have lost a job, or are otherwise in a position where they cannot afford to pay attorney fees to prosecute the case. When damages are severely limited, attorneys cannot offer employees a contingent fee arrangement. As a result, even though discrimination is illegal in our state, many victims of discrimination have no recourse in our courts.

When employees cannot hold their employers accountable for discriminatory practices, discrimination continues unchecked. Employers realize the penalties for discrimination are minimal in Wisconsin, and can take simple steps to avoid even those minimal penalties. Lack of real consequences provides no incentive for employers to end discriminatory practices in their workplaces. Passage of SB 232 gives teeth to Wisconsin's anti-discrimination laws, and sends the important message that Wisconsin does not tolerate discrimination in the workplace.

Thank you for this opportunity to testify.