

Fiscal Estimate - 2023 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 23-5181/1	Introduction Number AB-1006	
Description prohibiting abusive work environments and creating a cause of action		
Fiscal Effect		
State:		
<input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate		
<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs	
Local:		
<input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate		
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	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
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		
Fund Sources Affected		
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		
Affected Ch. 20 Appropriations		
Agency/Prepared By	Authorized Signature	Date
DWD/ Andrew Evenson (608) 405-4472	Jennifer Sereno (608) 267-9692	2/20/2024

Fiscal Estimate Narratives

DWD 2/20/2024

LRB Number	23-5181/1	Introduction Number	AB-1006	Estimate Type	Original
Description prohibiting abusive work environments and creating a cause of action					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, worker's compensation is generally the exclusive remedy of an employee against their employer, a co-employee, or the employer's worker's compensation insurer for an injury sustained while performing services growing out of and incidental to employment. This bill amends language in Chapter 102, Worker's Compensation, to create an exception to the exclusive remedy provision under s. 102.03 (2) to allow an individual who has been subjected to an abusive work environment to bring a civil action in circuit court against the employer or employee who allegedly engaged in the abuse.

The bill creates language in Chapter 103, Employment Regulations that defines an abusive work environment and its prohibition. The existing statutory powers, duties, and jurisdiction in this chapter, concerning the Department of Workforce Development (DWD), apply to this provision.

The department's estimate for the fiscal impact of the bill is indeterminate at this time.

While the state of Wisconsin has policies in place to prevent abusive work environments including required staff trainings, the state as an employer could be found liable for damages under the bill. While these costs would be incurred at the Department of Administration (DOA), it is possible DOA could assess the department for all or a portion of costs. However, the potential liability of the state and costs charged to the department are indeterminate at this time.

Additionally, the bill does not identify specific responsibilities or roles for the department's Equal Rights and Worker's Compensation Divisions to enforce the provisions of this legislation, so the department cannot predict the bill's administrative requirements and potential costs. Therefore, the fiscal impact of the bill is indeterminate.

Long-Range Fiscal Implications