

Fiscal Estimate - 2009 Session

Original Updated Corrected Supplemental

LRB Number 09-0909/1		Introduction Number AB-0031	
Description Authorizing the circuit court to order a person who engages in discrimination in employment to pay compensatory and punitive damages and a surcharge and making an appropriation			
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 checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
		<input type="checkbox"/> Decrease Costs	
Local:			
<input type="checkbox"/> No Local Government Costs <input checked="" 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		Affected Ch. 20 Appropriations	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS			
Agency/Prepared By	Authorized Signature	Date	
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Fiscal Estimate Narratives

DOJ 4/3/2009

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Description Authorizing the circuit court to order a person who engages in discrimination in employment to pay compensatory and punitive damages and a surcharge and making an appropriation					

Assumptions Used in Arriving at Fiscal Estimate

2009 Assembly Bill 31 creates s. 111.397, providing that a person discriminated against, or the Department of Workforce Development, may bring an action in circuit court against an employer for a violation of s. 111.321, relating to employment discrimination.

The Department of Justice has a Civil Litigation Unit in its Division of Legal Services. Among other things, the Civil Litigation Unit represents state agencies and the University of Wisconsin in a variety of employment law matters. This unit provides the defense to the state when it is sued as an employer under state or federal law. It also enforces state labor standards laws upon referral from the Wisconsin Department of Workforce Development, advises and represents the Department of Employee Trust Funds on retirement and benefit matters, and represents administrative agencies when their employment-related decisions are challenged in court.

If AB 31 becomes law, the Department of Justice will defend the state when it is sued as an employer for violations of s.111.321. DOJ estimates that the Civil Litigation Unit will require one additional Assistant Attorney General and one additional paralegal to handle the increased caseload resulting from these new legal defense responsibilities. The total cost of salaries, fringe benefits, supplies, and equipment for one assistant attorney general and one paralegal is approximately \$181,000 annually.

Also, since AB 31 authorizes DWD to bring circuit court actions against employers for violations of s. 111.321, DOJ may provide legal services to DWD in cases where DWD is the plaintiff. If the number of cases in which DOJ prosecutes, rather than defends, violations of s. 111.321 is significant, DOJ will require further additional resources.

Long-Range Fiscal Implications