

Fiscal Estimate Narratives

DOJ 3/18/2009

LRB Number	09-0157/1	Introduction Number	AB-0036	Estimate Type	Original
Description Liability of the state for a violation of the federal Family and Medical Leave Act of 1993, Fair Labor Standards Act, or Age Discrimination in Employment Act of 1967 or of Title I of the federal Americans with Disabilities Act of 1990					

Assumptions Used in Arriving at Fiscal Estimate

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.

2009 Assembly Bill 36 creates s. 103.10 (15), s. 109.115, and s. 111.40, providing that the state of Wisconsin may be sued in federal or state court for violations of the federal Family and Medical Leave Act, the federal Fair Labor Standards Act, the federal Age Discrimination in Employment Act, or the federal Americans with Disabilities Act.

If AB 36 becomes law, the Department of Justice will defend the state when it is sued as an employer for violations of the federal acts mentioned above. DOJ estimates that the Civil Litigation Unit will require two additional Assistant Attorneys General and two additional paralegals to handle the increased caseload resulting from the passage of AB 36. The total cost of salaries, fringe benefits, supplies, and equipment for two attorneys and two paralegals is approximately \$362,000 annually.

Long-Range Fiscal Implications