

Fiscal Estimate - 2009 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 09-1067/1	Introduction Number SB-020	
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"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs		
Local: <input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <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 DOJ/ Mark Rinehart (608) 264-9463	Authorized Signature Mark Rinehart (608) 264-9463	Date 3/11/2009

Fiscal Estimate Narratives
DOJ 3/11/2009

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Assumptions Used in Arriving at Fiscal Estimate

2009 Senate Bill 20 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 SB 20 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 SB 20 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