

Fiscal Estimate Narratives

DWD 1/28/2014

LRB Number	13-1818/1	Introduction Number	AB-0604	Estimate Type	Original
Description Authorizing the circuit court to order a person who engages in discrimination in employment on the basis of military service to pay compensatory and punitive damages					

Assumptions Used in Arriving at Fiscal Estimate

Current law prohibits employment discrimination on the basis of military service in the U.S. armed forces, the state defense force, the national guard of any state, or any other reserve component of the U.S. armed forces. Current law also provides that it is not discrimination on the basis of military service to refuse to hire, employ, or license an individual or to bar or terminate an individual from employment or licensure because the individual has been less than honorably discharged from military service and the circumstances of the discharge substantially relate to the circumstances of the particular job or licensed activity.

Under current law, a person alleging discrimination in employment on basis of military service may file a complaint with the Department of Workforce Development (DWD) seeking action that will effectuate the purpose of the employment discrimination law, including reinstating the complainant, providing back pay, and paying costs and attorney fees. Current law, however, does not authorize DWD to award compensatory or punitive damages to a complainant. This bill permits DWD or a person who has been discriminated against on the basis of military service to bring an action in circuit court to recover compensatory and punitive damages caused by the act of discrimination, plus reasonable costs and attorney fees incurred in the action, after the completion of all administrative proceedings before DWD and the Labor and Industry Review Commission concerning the violation. Those damages are in addition to any back pay or other amounts awarded in the administrative proceeding.

Under this bill if the circuit court finds that the defendant has discriminated on the basis of military service, the circuit court must order the defendant to pay to the person discriminated against compensatory and punitive damages as the court deems appropriate subject to limitations outlined in the bill. The bill does not permit an action for damages against any local governmental unit or any employer employing fewer than 15 individuals.

Long-Range Fiscal Implications

There are no expected long-range fiscal implications for the Department.

Fiscal Estimate Worksheet - 2013 Session

Detailed Estimate of Annual Fiscal Effect

Original
 Updated
 Corrected
 Supplemental

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I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect): There is an estimated one-time cost of approximately \$2,000 for the printing of informational materials.			
II. Annualized Costs:		Annualized Fiscal Impact on funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
	State Operations - Salaries and Fringes	\$0	\$0
	(FTE Position Changes)		
	State Operations - Other Costs		
	Local Assistance		
	Aids to Individuals or Organizations		
	TOTAL State Costs by Category	\$0	\$0
B. State Costs by Source of Funds			
	GPR	0	0
	FED		
	PRO/PRS		
	SEG/SEG-S		
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)			
		Increased Rev	Decreased Rev
	GPR Taxes	\$0	\$0
	GPR Earned		
	FED		
	PRO/PRS		
	SEG/SEG-S		
	TOTAL State Revenues	\$0	\$0
NET ANNUALIZED FISCAL IMPACT			
		<u>State</u>	<u>Local</u>
NET CHANGE IN COSTS		\$0	\$0
NET CHANGE IN REVENUE		\$0	\$0
Agency/Prepared By		Authorized Signature	Date
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