

### Fiscal Estimate - 2023 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>23-5440/1</b>	<b>Introduction Number</b> <b>SB-0934</b>
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**Description**  
 prohibiting abusive work environments and creating a cause of action

**Fiscal Effect**

**State:**

- No State Fiscal Effect
- Indeterminate
  - Increase Existing Appropriations
  - Decrease Existing Appropriations
  - Create New Appropriations
- Increase Existing Revenues
- Decrease Existing Revenues
- Increase Costs - May be possible to absorb within agency's budget
  - Yes       No
- Decrease Costs

**Local:**

- No Local Government Costs
  - Indeterminate
    - 1.  Increase Costs       Permissive     Mandatory
    - 2.  Decrease Costs       Permissive     Mandatory
  - 3.  Increase Revenue       Permissive     Mandatory
  - 4.  Decrease Revenue       Permissive     Mandatory
5. Types of Local Government Units Affected
- Towns       Village       Cities
  - Counties       Others
  - School Districts       WTCS Districts

**Fund Sources Affected**      **Affected Ch. 20 Appropriations**

GPR     FED     PRO     PRS     SEG     SEGS

<b>Agency/Prepared By</b>	<b>Authorized Signature</b>	<b>Date</b>
DWD/ Andrew Evenson (608) 405-4472	Jennifer Sereno (608) 267-9692	2/20/2024

## Fiscal Estimate Narratives

DWD 2/20/2024

LRB Number	23-5440/1	Introduction Number	SB-0934	Estimate Type	Original
<b>Description</b> 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