



1995 ASSEMBLY BILL 963

February 26, 1996 - Introduced by Representatives R. YOUNG, ZIEGELBAUER, BALDWIN, F. LASEE, TRAVIS, L. YOUNG, HASENOHRL, NOTESTEIN, PLOMBON, COGGS, BOYLE and BLACK, cosponsored by Senators BURKE and MOEN. Referred to Committee on Labor and Employment.

1 **AN ACT to amend** 895.65 (1) (a); and **to create** 895.65 (5) of the statutes; **relating**
2 **to:** treble damages in cases involving retaliatory action against public
3 employees.

Analysis by the Legislative Reference Bureau

Under current law, if a public employer or employer's agent retaliates against an employe by engaging in disciplinary action against the employe because the employe exercised his or her constitutional rights by lawfully disclosing information, the employe may bring an action for damages. If the employe succeeds in the action, current law authorizes the court to order the employer to take a number of actions, including placing the employe in his or her previous position, transferring the employe to an available position, expunging the employe's personnel file of adverse material related to the retaliatory action and paying the employe compensatory damages and reasonable attorney fees.

This bill allows the court to award the employe damages equal to \$50,000 or treble the compensatory damages, whichever is less, if the retaliatory action of the employer or employer's agent was wilful, malicious or an intentional disregard of the employe's rights.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 895.65 (1) (a) of the statutes is amended to read:

