

State of Wisconsin



2011 Senate Bill 202

Date of enactment:
Date of publication*:

2011 WISCONSIN ACT

AN ACT to repeal 111.39 (5) (d), 111.397 and 893.995; and **to amend** 111.39 (4) (d) and 814.04 (intro.) of the statutes; **relating to:** elimination of compensatory and punitive damages for acts of employment discrimination or unfair honesty or genetic testing.

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

SECTION 1. 111.39 (4) (d) of the statutes is amended to read:

111.39 (4) (d) The department shall serve a certified copy of the findings and order on the respondent, the order to have the same force as other orders of the department and be enforced as provided in s. 103.005. Any person aggrieved by noncompliance with the order may have the order enforced specifically by suit in equity. If the examiner finds that the respondent has not engaged in discrimination, unfair honesty testing, or unfair genetic testing as alleged in the complaint, the department shall serve a certified copy of the examiner's findings on the complainant, together with an order dismissing the complaint. ~~If the examiner finds that the respondent has engaged in discrimination, unfair honesty testing, or unfair genetic testing as alleged in the complaint, the department shall serve a certified copy of the examiner's findings on the complainant, together with a notice advising the complainant that after the completion of all administrative proceedings under this section he or she may bring an action as provided in s. 111.397 (1) (a) to recover compensatory and punitive damages as provided~~

~~in s. 111.397 (2) (a) and advising the complainant of the time under s. 111.397 (1) (b) within which the action must be commenced or be barred.~~

SECTION 2. 111.39 (5) (d) of the statutes is repealed.

SECTION 3. 111.397 of the statutes is repealed.

SECTION 4. 814.04 (intro.) of the statutes is amended to read:

814.04 Items of costs. (intro.) Except as provided in ss. 93.20, 100.195 (5m) (b), 100.30 (5m), 106.50 (6) (i) and (6m) (a), ~~111.397 (2) (a)~~, 115.80 (9), 281.36 (2) (b) 1., 767.553 (4) (d), 769.313, 802.05, 814.245, 895.035 (4), 895.443 (3), 895.444 (2), 895.445 (3), 895.446 (3), 895.506, 943.212 (2) (b), 943.245 (2) (d), 943.51 (2) (b), and 995.10 (3), when allowed costs shall be as follows:

SECTION 5. 893.995 of the statutes is repealed.

SECTION 6. Initial applicability.

(1) **ELIMINATION OF EMPLOYMENT DISCRIMINATION DAMAGES.** This act first applies to an administrative proceeding under section 111.39 of the statutes concerning a violation of section 111.321, 111.37, or 111.372 of the statutes in which a copy of the final decision under section 111.39 (4) (d) or (5) (d) of the statutes is mailed to the last-known address of the complainant on the effective date of this subsection.

* Section 991.11, WISCONSIN STATUTES 2009-10 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].