

# Wisconsin Department of Workforce Development

## Equal Rights Division

Effective July 2, 2009

### ***Summary of 2009 Wisconsin Act 20***

- This act amends the Wisconsin Fair Employment law to allow Complainants, who have received findings of discrimination from an Administrative Law Judge (ALJ), to file an action in circuit court to obtain additional damages that ALJs do not have the authority to award.
- The types of damages that may be awarded by the circuit court include compensatory damages and punitive damages. Awards of compensatory damages can include damages for future economic loss, pain and suffering, emotional distress, mental anguish, loss of enjoyment of life, and other non-economic losses. In addition, the court can award reasonable attorney's fees and costs related to the court action.
- The total amount of compensatory and punitive damages the court can award is limited, according to how many employees the employer has:

100 or fewer employee's	\$50,000 maximum award
101-200 employees	\$100,000 maximum award
210-500 employees	\$200,000 maximum award
Over 500 employee's	\$300,000 maximum award
- The act provides that the Department of Workforce Development (DWD) adjust these amounts each year, based upon the consumer price index. DWD will publish the new amounts in the Administrative Register every year.
- When an ALJ issues a decision finding a violation of the law, the Equal Rights Division will send a notice of appeal rights advising the Complainant of the right to file an action for damages in circuit court within 60 days. If LIRC affirms the finding of discrimination, they will also send notice of the right to file a civil action for damages.
- A Complainant may not file an action for damages against any employer employing fewer than 15 individuals or any local government unit.
- If the Complainant files an action for damages, and there is also a petition for review of the LIRC decision, the court will combine the action for damages (which can be decided either by the judge or by a jury) with the regular petition for review procedure.
- This new law applies to cases where the act of discrimination occurred on or after the effective date of the law which is July 2, 2009.

This summary is for general informational purposes only and does not constitute legal advice. Individuals who wish to obtain legal advice in a particular matter should consult an attorney.

Link to Act 20:

<http://www.legis.state.wi.us/2009/data/acts/09Act20.pdf>