

**HUMAN RIGHTS BUREAU
EMPLOYMENT RELATIONS DIVISION
MONTANANAT DEPARTMENT OF LABOR AND INDUSTRY
PO BOX 1728 HELENA MT 59624**

DAMAGE SUMMARY WORKSHEET

Please read carefully and fill in the information as completely and accurately as possible. Then sign and return the completed form to the address above within ten (10) days. If you have any questions, please contact the conciliator assigned to your case.

DAMAGES

Damages in a discrimination claim are determined on the basis of making the injured person whole: in other words, restoring to them all that was lost as a result of the illegal discrimination. The law provides that the Bureau may require any reasonable measure to rectify the harm, monetary or otherwise, suffered by the injured person. Such measures might include:

- X Placement or reinstatement to the position in question. In some cases, front pay may be available in lieu of reinstatement (i.e., pay for a fixed period of time where reinstatement or employment is not offered or is impossible).
- X Back pay, defined as those earnings and other monetary benefits the individual would have received but for the employment decision taken. This remedy covers the period from the date the alleged discrimination began to the date of a court order, settlement or an unconditional offer of employment. (Back pay calculations might include overtime pay, premium pay, shift differentials, incentive pay, bonuses, commissions, and tips that might reasonably have been expected as a part of employment.)
- X Employer contributions to retirement and profit sharing plans, savings plans, paid leave plans, and out-of-pocket expenses incurred for premiums or medical costs that would have been covered by employer's health insurance plan.
- X Special fringe benefits including training, travel or business expense benefits, employee discounts, and lost promotional opportunities.
- X Miscellaneous expenses such as job-seeking expenses, moving costs, and any incidental costs incurred in pursuing this claim (telephone, travel, copying, and attorneys fees).
- X In appropriate instances such as sexual or racial harassment, the Commission has awarded damages for actual humiliation, embarrassment, or emotional distress.
- X Interest at the rate of 10% per annum may also be available.
- X Please note that the law specifically prohibits awarding the payment of punitive damages, defined as those intended simply to punish the wrongdoer for its discriminatory act.