



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2009 Wisconsin Act 290
[2009 Senate Bill 585]

Employer-Sponsored Meetings Relating to Religious or Political Matters

Under current law, discrimination is prohibited in employment on the basis of age, race, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, arrest record, conviction record, military service, or use or nonuse of a lawful product off the employer's premises during nonworking hours.

Wisconsin Act 290 prohibits discrimination against an employee who declines to attend an employer-sponsored meeting or to participate in any communication with the employer or with an agent, representative, or designee of the employer, the primary purpose of which is to communicate opinions about religious or political matters. Under the Act, discrimination on that basis includes discharging or otherwise discriminating against an employee because the employee declines to attend such a meeting or to participate in such a communication or threatening to discharge or otherwise discriminate against an employee as a means of requiring the employee to attend such a meeting or to participate in such a communication.

Wisconsin Act 290 provides that it is specifically *not* employment discrimination on that basis for an employer to refuse to hire or employ an individual, to suspend or terminate the employment of an individual, or to discriminate against an individual in promotion, in compensation, or in terms, conditions, or privileges of employment because the individual declines to attend such a meeting or to participate in such a communication, if *any* of the following applies:

1. The employer is a religious association not organized for private profit or an organization or corporation that is primarily owned or controlled by such a religious association and the primary purpose of the meeting or communication is to communicate the employer's religious beliefs, tenets, or practices.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

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2. The employer is a political organization, including a political party or any other organization that engages, in substantial part, in political activities and the primary purpose of the meeting or communication is to communicate the employer's political tenets or purposes.

3. The primary purpose of the meeting or communication is to communicate information about religious matters or political matters that the employer is required by law to communicate and no information is communicated about those matters other than what is legally required.

In addition, Wisconsin Act 290 *does not limit* any of the following:

1. The application of the law restricting political solicitation of public officers and employees who are engaged in official duties or while on state property.

2. The right of an employer's executive, managerial, or administrative personnel to discuss issues relating to the operation of the employer's program, business, or enterprise, including issues arising under the legislation.

3. The right of an employer to offer meetings or other communications about religious matters or political matters for which attendance or participation is strictly voluntary.

The Act contains the following definitions of terms used in the legislation:

1. "Religious matters" is defined to mean religious affiliation or the decision to join or not to join, or to support or not to support, any bona fide religious association.

2. "Political matters" is defined to mean political party affiliation, a political campaign, an attempt to influence legislation, or the decision to join or not to join, or to support or not to support, any lawful political group, constituent group, or political or constituent group activity.

3. "Constituent group" is defined to include a civic association, community group, social club, fraternal society, mutual benefit alliance, or labor organization.

Effective date: The Act takes effect on May 27, 2010. The Act first applies to an employee who is affected by a collective bargaining agreement that contains provisions inconsistent with this Act on the day on which the collective bargaining agreement expires or is extended, modified, or renewed, whichever occurs first.

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