



## 2009 SENATE BILL 585

1     **AN ACT** *to amend* 111.31 (1), 111.31 (2), 111.31 (3), 111.321 and 111.322 (intro.);  
2           and *to create* 111.32 (2r), 111.32 (12j), 111.32 (12p) and 111.365 of the statutes;  
3           **relating to:** prohibiting discrimination against an employee who declines to  
4           attend an employer–sponsored meeting or to participate in any communication  
5           with the employer or with an agent, representative, or designee of the employer,  
6           the primary purpose of which is to communicate the opinion of the employer  
7           about religious or political matters.

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*Analysis by the Legislative Reference Bureau*

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

8           **SECTION 1.** 111.31 (1) of the statutes is amended to read:  
9           111.31 (1) The legislature finds that the practice of unfair discrimination in  
10          employment against properly qualified individuals by reason of their age, race,

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1 creed, color, disability, marital status, sex, national origin, ancestry, sexual  
2 orientation, arrest record, conviction record, military service, or use or nonuse of  
3 lawful products off the employer's premises during nonworking hours, or declining  
4 to attend a meeting or to participate in any communication about religious matters  
5 or political matters, substantially and adversely affects the general welfare of the  
6 state. Employers, labor organizations, employment agencies, and licensing agencies  
7 that deny employment opportunities and discriminate in employment against  
8 properly qualified individuals solely because of their age, race, creed, color, disability,  
9 marital status, sex, national origin, ancestry, sexual orientation, arrest record,  
10 conviction record, military service, or use or nonuse of lawful products off the  
11 employer's premises during nonworking hours, or declining to attend a meeting or  
12 to participate in any communication about religious matters or political matters,  
13 deprive those individuals of the earnings that are necessary to maintain a just and  
14 decent standard of living.

15 **SECTION 2.** 111.31 (2) of the statutes is amended to read:

16 111.31 (2) It is the intent of the legislature to protect by law the rights of all  
17 individuals to obtain gainful employment and to enjoy privileges free from  
18 employment discrimination because of age, race, creed, color, disability, marital  
19 status, sex, national origin, ancestry, sexual orientation, arrest record, conviction  
20 record, military service, or use or nonuse of lawful products off the employer's  
21 premises during nonworking hours, or declining to attend a meeting or to participate  
22 in any communication about religious matters or political matters, and to encourage  
23 the full, nondiscriminatory utilization of the productive resources of the state to the  
24 benefit of the state, the family, and all the people of the state. It is the intent of the  
25 legislature in promulgating this subchapter to encourage employers to evaluate an

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1 employee or applicant for employment based upon the ~~employee's or applicant's~~  
2 individual qualifications of the employee or applicant rather than upon a particular  
3 class to which the individual may belong.

4 **SECTION 3.** 111.31 (3) of the statutes is amended to read:

5 111.31 **(3)** In the interpretation and application of this subchapter, and  
6 otherwise, it is declared to be the public policy of the state to encourage and foster  
7 to the fullest extent practicable the employment of all properly qualified individuals  
8 regardless of age, race, creed, color, disability, marital status, sex, national origin,  
9 ancestry, sexual orientation, arrest record, conviction record, military service, ~~or~~ use  
10 or nonuse of lawful products off the employer's premises during nonworking hours,  
11 or declining to attend a meeting or to participate in any communication about  
12 religious matters or political matters. Nothing in this subsection requires an  
13 affirmative action program to correct an imbalance in the work force. This  
14 subchapter shall be liberally construed for the accomplishment of this purpose.

15 **SECTION 4.** 111.32 (2r) of the statutes is created to read:

16 111.32 **(2r)** "Constituent group" includes a civic association, community group,  
17 social club, fraternal society, mutual benefit alliance, or labor organization.

18 **SECTION 5.** 111.32 (12j) of the statutes is created to read:

19 111.32 **(12j)** "Political matters" means political party affiliation, a political  
20 campaign, an attempt to influence legislation, or the decision to join or not to join,  
21 or to support or not to support, any lawful political group, constituent group, or  
22 political or constituent group activity.

23 **SECTION 6.** 111.32 (12p) of the statutes is created to read:

24 111.32 **(12p)** "Religious matters" means religious affiliation or the decision to  
25 join or not to join, or to support or not to support, any bona fide religious association.

**SENATE BILL 585****SECTION 7**

1           **SECTION 7.** 111.321 of the statutes is amended to read:

2           **111.321 Prohibited bases of discrimination.** Subject to ss. 111.33 to ~~111.36~~  
3 111.365, no employer, labor organization, employment agency, licensing agency, or  
4 other person may engage in any act of employment discrimination as specified in s.  
5 111.322 against any individual on the basis of age, race, creed, color, disability,  
6 marital status, sex, national origin, ancestry, arrest record, conviction record,  
7 military service, ~~or~~ use or nonuse of lawful products off the employer's premises  
8 during nonworking hours, or declining to attend a meeting or to participate in any  
9 communication about religious matters or political matters.

10           **SECTION 8.** 111.322 (intro.) of the statutes is amended to read:

11           **111.322 Discriminatory actions prohibited.** (intro.) Subject to ss. 111.33  
12 to ~~111.36~~ 111.365, it is an act of employment discrimination to do any of the following:

13           **SECTION 9.** 111.365 of the statutes is created to read:

14           **111.365 Communication of opinions; exceptions and special cases. (1)**  
15 Employment discrimination because of declining to attend a meeting or to  
16 participate in any communication about religious matters or political matters  
17 includes all of the following:

18           (a) Discharging or otherwise discriminating against an employee because the  
19 employee declines to attend an employer-sponsored meeting or to participate in any  
20 communication with the employer or with an agent, representative, or designee of  
21 the employer, the primary purpose purpose of which is to communicate the opinion  
22 of the employer about religious matters or political matters.

23           (b) Threatening to discharge or otherwise discriminate against an employee as  
24 a means of requiring the employee to attend a meeting or participate in a  
25 communication described in par. (a).

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1           **(2)** Notwithstanding s. 111.322, it is not employment discrimination because  
2 of declining to attend a meeting or to participate in any communication about  
3 religious matters or political matters for an employer to refuse to hire or employ an  
4 individual, to suspend or terminate the employment of an individual, or to  
5 discriminate against an individual in promotion, in compensation, or in terms,  
6 conditions, or privileges of employment, because the individual declines to attend a  
7 meeting or to participate in a communication described in sub. (1) (a) if any of the  
8 following applies:

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

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

17           (c) The primary purpose of the meeting or communication is to communicate  
18 information about religious matters or political matters that the employer is  
19 required by law to communicate and no information is communicated about those  
20 matters beyond what is legally required.

21           **(3)** This section and s. 111.322 do not limit any of the following:

22           (a) The application of s. 11.36.

23           (b) The right of an employer's executive, managerial, or administrative  
24 personnel to discuss issues relating to the operation of the employer's program,  
25 business, or enterprise, including issues arising under this section.

