

Legal Notes: September 2014

Governor Walker makes one of his frequent stops to your workplace to chat. Can you refuse to attend his meet and greet? Yes, under a new Wisconsin law that went into effect in April.

This law slipped in under the radar (even for me, an employment law attorney) recently. It is in the statute section discussing various types of employment discrimination, such as race, disability, etc.

If an employer has a meeting to discuss religious or political matters, an employee may refuse to attend without fear of retaliation, under the law. The retaliation prohibition takes the usual forms: cannot discharge, threaten to discharge, fail to promote or otherwise treat the employee differently simply because she refused to attend such meeting.

Wait for it.... The big "but" (or "notwithstanding" in lawyerese). If the employer is a religious organization, and the meeting is intended to convey the employer's religious beliefs and practices, then an employee cannot refuse to attend. Likewise, if the employer were a political organization, the employee would also likewise be required to attend. There is third exemption that does not make much sense. If the employer is required by law to convey such political or religious information, then the employee must attend. What religious, much less political, information does the law require to convey to its employees? Odd

Please note, the law does not forbid such meetings as long as they are "voluntary," in that employees are not required to attend. Of course, to forbid such meetings would trample on the First Amendment rights of corporations, a new no-no under the recent Hobby Lobby decision.