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Navigating Wisconsin Voting Leave and Employer Politicking Restrictions

Navigating the Wisconsin statutes governing employer restrictions around elections should be top of mind for all employers in the state. The relevant statutes, including, Wisconsin Statute § 12.07 (“Election Restrictions on Employers”) indicates that Wisconsin employers may not refuse time off for an employee who wishes to use that time to vote.

Wisconsin Statute § 6.76 (“Time off for Voting”) allows for an employee to miss up to three (3) successive hours from work to vote, provided that the employee notifies the employer of their intended absence prior to election day. Employers may choose whether that occurs at the beginning, middle, or end of the employee’s scheduled shift. In Wisconsin, employers are not required to pay their employees for any time lost due to voting. However, Wisconsin employers are expressly prohibited from imposing any penalty upon an employee for time spent voting under this statute. Therefore, it is imperative that Wisconsin employers do not count time spent voting under this statute negatively against that employee’s attendance record.

It is also worth mentioning that, unlike in some other states, Wisconsin employers may not distribute printed materials (letters, e-mails, flyers, etc.) to employees indicating that if a certain political party, candidate, referendum, etc. is elected/adopted/rejected, that employer’s business will cease in whole or part, or salaries/wages will be reduced, or any other “threat” intended to influence their employee’s voting¹.

For more detailed analysis or questions regarding your particular circumstances around employee leave or accommodation issues, please contact Erik Eisenmann or Robert Sanders at Husch Blackwell.

¹ Wis. Stat. § 12.07(3))