

# ASK THE EXPERT

## Mandating donations to charity raises legal risks

*Our company is sponsoring a formal charity event.*

*Tickets are \$125 each. My boss said I was expected to sell six tickets, then noted that because I am required to attend with my husband, that I only need to sell four.*



**AMY L. LIEBERMAN**

Insight Employment Mediation

*The thing is, I'm a secretary and can't really afford this kind of evening.*

*Can the company really insist that attending this charity event is mandatory?*

Many employers ask employees to solicit customers for charitable donations. (For example, a grocery-store clerk may ask if you'd like to give \$1 to a charity).

Employers also encourage voluntary employee contributions, with offers to "match" donations or offers of paid time off to attend certain events.

Charitable donations are usually tax-deductible, so they benefit the giver and the receiver. If the request is for voluntary contributions, there's no prohibi-

tion.

However, requiring an employee to attend an event and pay for it creates legal risks.

If the employee is non-exempt and is forced to attend an event after normal work hours, the employer should be required to pay the employee for that time.

If a worker is forced to incur an expense to attend, the employer should be required to reimburse the employee.

Individual charitable giving is customarily viewed as a personal choice.

Although there is no direct legislation prohibiting forced contributions to charity, mandatory contributions could run afoul of the employee's constitutional rights to privacy, or even to freedom of speech or religion, depending on the circumstances.

What's more, if an employee is sanctioned for not contributing, this could be the basis for a claim of wrongful conduct.

— Compiled by Patricia Bathurst

*Have a question? Send it to Ask the Experts, The Arizona Republic, 200 E. Van Buren St., NM19, Phoenix, AZ 85004. E-mail to [asktheexperts1@gmail.com](mailto:asktheexperts1@gmail.com) or fax 602-444-8044.*