

No. 95-0298

STATE OF WISCONSIN

IN COURT OF APPEALS
DISTRICT IV

FRED J. PERRI,

Plaintiff-Appellant,

v.

ERRATA SHEET

DIOCESE OF LA CROSSE,

Defendant-Respondent.

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PLEASE TAKE NOTICE that the attached page 9 is to be substituted for page 9 in the above-captioned opinion which was released on November 30, 1995.

Dated this 28th day of December, 2006.

concluded, in order to protect the free exercise of religion,¹ which prevailed over the compelling governmental interest to eradicate discrimination. *Id.* at ___, 538 N.W.2d at 596.

In *Jocz*, we adopted this test for determining if an employment position is ministerial or ecclesiastical:

As a general rule, if the employee's primary duties consist of teaching, spreading the faith, church governance, supervision of a religious order, or supervision or participation in religious ritual and worship, he or she should be considered "ministerial or ecclesiastical." While this test is not meant to provide the exclusive definition of "ministerial" or "ecclesiastical" functions, it should provide a basic framework for reviewing agencies or courts to follow when addressing the prima facie question of whether a position is entitled to constitutional protection from state interference.

Id. at ___, 538 N.W.2d at 598 (citation omitted).

We concluded that Jocz's position with the Sacred Heart School of Theology was a ministerial or ecclesiastical position. The Sacred Heart School of Theology educated priest-candidates for the Roman Catholic Church. The Field Education program, which Jocz directed, was governed by church norms, religious

¹ In *Jocz v. LIRC*, ___ Wis.2d ___, 538 N.W.2d 588 (Ct. App. 1995), we looked to the federal religion-clause cases in interpreting both the First Amendment and article I, section 18 of the state constitution, following *King v. Village of Waunakee*, 185 Wis.2d 25, 55, 517 N.W.2d 671, 684 (1994).