



General Assembly

January Session, 2005

Amendment

LCO No. 7004

HB0622507004HDO

Offered by:
REP. RYAN, 139th Dist.

To: Subst. House Bill No. 6225 File No. 287 Cal. No. 250

"AN ACT CONCERNING RECIPIENTS OF STATE FINANCIAL ASSISTANCE."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2005*) (a) As used in this
4 section:

5 (1) "Employer" means a person engaged in business who has
6 employees, including the state and any political subdivision of the
7 state;

8 (2) "Employee" means any person engaged in service to an employer
9 in a business of the employer, excluding any full-time student enrolled
10 at an accredited institution of higher education who provides services
11 to such institution;

12 (3) "Labor organization" means any organization that exists for the
13 purpose, in whole or in part, of collective bargaining or of dealing with

14 employers concerning grievances, terms or conditions of employment,
15 or of other mutual aid or protection in connection with employment;

16 (4) "Politics" means the activities or affairs engaged in by
17 government or a political party;

18 (5) "Political" means relative to, involving or characteristic of politics
19 or politicians; and

20 (6) "Political matters" includes political party affiliation or the
21 decision to join or not join any lawful, political, social or community
22 group or activity or any labor organization, but does not include
23 employee charitable giving campaigns conducted solely for the benefit
24 of organizations exempt from taxation under Section 501(c)(3) of the
25 Internal Revenue Code of 1986, or any subsequent corresponding
26 internal revenue code of the United States, as from time to time
27 amended.

28 (b) No employer or an employer's agent, representative or designee
29 may require its employees to attend an employer-sponsored meeting
30 or participate in any communications with the employer or its agents
31 or representatives, the primary purpose of which is to communicate
32 the employer's opinion about religious or political matters that
33 requires an employee to engage in a specific political act, except that an
34 employer or its agent, representative or designee may communicate to
35 employees information about religious or political matters that the
36 employer is required by law to communicate, but only to the extent of
37 such legal requirement.

38 (c) No employer or an employer's agent, representative or designee
39 shall discharge, discipline or otherwise penalize or threaten to
40 discharge, discipline or otherwise penalize any employee because the
41 employee, or a person acting on behalf of the employee, makes a good
42 faith report, verbally or in writing, of a violation or a suspected
43 violation of this section. The provisions of this subsection shall not be
44 applicable when the employee knows that such report is false.

45 (d) Any aggrieved employee may enforce the provisions of this
 46 section by means of a civil action brought no later than ninety days
 47 after the date of the alleged violation in the superior court for the
 48 judicial district where the violation is alleged to have occurred or
 49 where the employer has its principal office. The court may award a
 50 prevailing employee all appropriate relief, including rehiring or
 51 reinstatement of the employee to the employee's former position, back
 52 pay and reestablishment of any employee benefits to which the
 53 employee would otherwise have been eligible if such violation had not
 54 occurred. The court shall award a prevailing employee treble damages,
 55 together with reasonable attorneys' fees and costs.

56 (e) Nothing in this section shall be construed to limit an employee's
 57 right to bring a common law cause of action against an employer for
 58 wrongful termination or to diminish or impair the rights of a person
 59 under any collective bargaining agreement.

60 (f) Nothing in this section shall prohibit (1) a religious organization
 61 from requiring its employees to attend an employer-sponsored
 62 meeting or to participate in any communications with the employer or
 63 its agents or representatives, the primary purpose of which is to
 64 communicate the employer's religious beliefs, practices or tenets; (2) a
 65 political organization from requiring its employees to attend an
 66 employer-sponsored meeting or to participate in any communications
 67 with the employer or its agents or representatives, the primary
 68 purpose of which is to communicate the employer's political tenets or
 69 purposes; or (3) an institution of higher education, or any agent,
 70 representative or designee of such institution, from meeting with or
 71 participating in any communications with its employees about political
 72 or religious matters that are part of the regular coursework or any
 73 symposia or academic program at such institution."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	New section