



General Assembly

January Session, 2005

Amendment

LCO No. 7388

HB0622507388HDO

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;

10 (3) "Labor organization" means any organization that exists for the
11 purpose, in whole or in part, of collective bargaining or of dealing with
12 employers concerning grievances, terms or conditions of employment,
13 or of other mutual aid or protection in connection with employment;

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

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

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

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

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

42 (d) Any aggrieved employee may enforce the provisions of this
43 section by means of a civil action brought no later than ninety days
44 after the date of the alleged violation in the superior court for the
45 judicial district where the violation is alleged to have occurred or

46 where the employer has its principal office. The court may award a
 47 prevailing employee all appropriate relief, including rehiring or
 48 reinstatement of the employee to the employee's former position, back
 49 pay and reestablishment of any employee benefits to which the
 50 employee would otherwise have been eligible if such violation had not
 51 occurred. The court shall award a prevailing employee treble damages,
 52 together with reasonable attorneys' fees and costs.

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

57 (f) Nothing in this section shall prohibit (1) a religious organization
 58 from requiring its employees to attend an employer-sponsored
 59 meeting or to participate in any communications with the employer or
 60 its agents or representatives, the primary purpose of which is to
 61 communicate the employer's religious beliefs, practices or tenets; (2) a
 62 political organization from requiring its employees to attend an
 63 employer-sponsored meeting or to participate in any communications
 64 with the employer or its agents or representatives, the primary
 65 purpose of which is to communicate the employer's political tenets or
 66 purposes; (3) an institution of higher education, or any agent,
 67 representative or designee of such institution, from meeting with or
 68 participating in any communications with its employees about political
 69 or religious matters that are part of the regular coursework or any
 70 symposia or academic program at such institution; or (4) casual
 71 conversations between employees, including employees and agents of
 72 employers, provided participation in such conversations is not
 73 required, and they occur in the normal course of the employee's
 74 business."

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

