



General Assembly

February Session, 2006

Substitute Bill No. 5030

* HB05030LABJUD030806 *

AN ACT CONCERNING CAPTIVE AUDIENCE MEETINGS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2006*) (a) As used in this
2 section:

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

6 (2) "Employee" means any person engaged in service to an employer
7 in a business of the employer;

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

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

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

16 (6) "Political matters" includes political party affiliation or the

17 decision to join or not join any lawful, political, social or community
18 group or activity or any labor organization.

19 (b) Subject to subsection (f) of this section, no employer or an
20 employer's agent, representative or designee may require its
21 employees to attend an employer-sponsored meeting with the
22 employer or its agents or representatives, the primary purpose of
23 which is to communicate the employer's opinion about religious or
24 political matters, except that an employer or its agent, representative or
25 designee may communicate to employees information about religious
26 or political matters that the employer is required by law to
27 communicate, but only to the extent of such legal requirement.

28 (c) No employer or an employer's agent, representative or designee
29 shall discharge, discipline or otherwise penalize or threaten to
30 discharge, discipline or otherwise penalize any employee because the
31 employee, or a person acting on behalf of the employee, makes a good
32 faith report, verbally or in writing, of a violation or a suspected
33 violation of this section. The provisions of this subsection shall not be
34 applicable when the employee knows that such report is false.

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

46 (e) Nothing in this section shall be construed to limit an employee's
47 right to bring a common law cause of action against an employer for
48 wrongful termination or to diminish or impair the rights of a person

49 under any collective bargaining agreement.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	New section

LAB

Joint Favorable Subst. C/R

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