



General Assembly

Substitute Bill No. 7326

January Session, 2007

* HB07326JUD 040207 *

AN ACT CONCERNING FREEDOM IN THE WORKPLACE.

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

1 Section 1. (NEW) (*Effective October 1, 2007*) (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 such employer;

8 (3) "Politics" means the activities or affairs engaged in by
9 government or a political party;

10 (4) "Political" means relative to, involving or characteristic of politics
11 or politicians;

12 (5) "Political matters" includes political party affiliation or the
13 decision to join or not join any lawful political or social group or
14 activity;

15 (6) "Social group" includes, but is not limited to, civic associations,
16 community groups, religious groups and mutual benefit organizations;

17 (7) "Require" means order, direct or insist or threaten to insist, on
18 penalty of discharge or discipline or other adverse employment action;
19 and

20 (8) "Employer-sponsored meeting" means a meeting between the
21 employer, or one or more agents, representatives or designees of the
22 employer, and one or more employees that is held at the behest of the
23 employer or an agent, representative or designee of the employer.

24 (b) Except as provided in subsection (f) of this section, no employer,
25 and no agent, representative or designee of such employer, shall
26 require its employees to attend an employer-sponsored meeting with
27 the employer or its agent, representative or designee, the primary
28 purpose of which is to communicate the employer's opinion
29 concerning religious or political matters, except that an employer or its
30 agent, representative or designee may communicate to its employees
31 any information concerning religious or political matters that the
32 employer is required by law to communicate, but only to the extent of
33 such legal requirement.

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

41 (d) Any employee who is discharged, disciplined or otherwise
42 penalized in violation of the provisions of this section may bring a civil
43 action, not later than ninety days after the date of the alleged violation,
44 in the superior court for the judicial district where the violation is
45 alleged to have occurred or where the employer has its principal office.
46 The court may award a prevailing employee all appropriate relief,
47 including rehiring or reinstatement of the employee to the employee's
48 former position, back pay and reestablishment of any employee

49 benefits to which the employee would otherwise have been eligible if
50 such violation had not occurred. The court shall award a prevailing
51 employee treble damages, together with reasonable attorney's fees and
52 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 a meeting sponsored by such
59 religious organization or to participate in any communications with
60 such religious organization or its agent, representative or designee, the
61 primary purpose of which is to communicate such religious
62 organization's religious beliefs, practices or tenets; (2) a political or
63 other mission-driven organization from requiring its employees to
64 attend a meeting sponsored by such political or other mission-driven
65 organization or to participate in any communications with such
66 political or other mission-driven organization or its agent,
67 representative or designee, the primary purpose of which is to
68 communicate such political or other mission-driven organization's
69 political or mission-driven tenets or purposes; (3) an institution of
70 higher education, or any agent, representative or designee of such
71 institution, from meeting with or participating in any communications
72 with its employees concerning political or religious matters that are
73 part of the regular coursework or any symposia or academic program
74 at such institution; or (4) casual conversations between employees or
75 between an employee and an agent, representative or designee of an
76 employer, provided participation in such conversations is not required
77 and such conversations occur in the normal course of the employee's
78 duties.

79 (g) If any provision of this section or its application to any person or
80 circumstance is held invalid, such invalidity shall not affect other
81 provisions or applications of this section that can be given effect

82 without the invalid provision or application, and to this end the
83 provisions of this section are severable.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	New section

JUD *Joint Favorable Subst.*