



General Assembly

Substitute Bill No. 7326

January Session, 2007

* HB07326APP 050107 *

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" means political party affiliation or the decision
13 to join or not join any lawful political or social group or activity;

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

16 (7) "Require" means order, direct or insist or threaten to insist, on

17 penalty of discharge or discipline or other adverse employment action;
18 and

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

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

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

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

49 such violation had not occurred. The court shall award a prevailing
50 employee treble damages, together with reasonable attorney's fees and
51 costs.

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

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

78 (g) If any provision of this section or its application to any person or
79 circumstance is held invalid, such invalidity shall not affect other
80 provisions or applications of this section that can be given effect
81 without the invalid provision or application, and to this end the

82 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

APP *Joint Favorable Subst.*