



General Assembly

Amendment

February Session, 2018

LCO No. 4579



Offered by:

REP. TONG, 147th Dist.
REP. STAFSTROM, 129th Dist.
REP. PORTER, 94th Dist.

To: Subst. House Bill No. 5473

File No. 566

Cal. No. 378

"AN ACT CONCERNING CAPTIVE AUDIENCE MEETINGS."

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

3 "Section 1. (NEW) (*Effective October 1, 2018*) (a) As used in this
4 section:

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

8 (2) "Employee" means any person engaged in service to an employer
9 in a business of such employer;

10 (3) "Threatening or coercive employer conduct" means intimidating
11 statements or actions made or undertaken by an employer to suggest
12 injury or imply quid-pro-quo injury to an employee or an employee's

13 rights in order to force compliance by duress with the employer's
14 directives. Threatening or coercive employer conduct includes, but is
15 not limited to, making false promises, providing misleading
16 information, employee isolation, assignment changes, demotion,
17 denial of promotion, suspension, termination or other forms of
18 discipline undertaken without just cause.

19 (b) No employer, or agent, representative or designee of such
20 employer, shall engage in threatening or coercive employer conduct as
21 defined in this section.

22 (c) No employer, or agent, representative or designee of such
23 employer, shall discharge, discipline or penalize, or threaten to
24 discharge, discipline or penalize, any employee because the employee,
25 or a person acting on behalf of the employee, makes a good-faith
26 report, orally or in writing, of a violation or a suspected violation of
27 the provisions of this section. The provisions of this subsection shall
28 not apply when the employee knows that such report is false.

29 (d) Any employee who is discharged, disciplined or penalized in
30 violation of the provisions of this section may bring an administrative
31 complaint to the State Board of Labor Relations, not later than ninety
32 days after the date of the alleged violation. The State Board of Labor
33 Relations may award a prevailing employee all appropriate relief,
34 including rehiring or reinstatement of the employee to the employee's
35 former position, back pay and reestablishment of any employee
36 benefits to which the employee would otherwise have been eligible if
37 such violation had not occurred. The board shall award an employee
38 treble damages, together with reasonable attorney's fees and costs.

39 (e) Any employee who is discharged, disciplined or penalized in
40 violation of the provisions of this section may appeal to the State Board
41 of Labor Relations' decision, not later than ninety days after the
42 decision to the superior court for the judicial district where the
43 violation is alleged to have occurred or where the employer has its
44 principal office. The court may award a prevailing employee all

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018</i>	New section